

ABSTUDY Policy Manual - 2004

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Foreword

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 incomes 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.

Interpretation of ABSTUDY Policy

Interpretation of the ABSTUDY policy involves consideration of the fact that it is a beneficial scheme. This is because the ABSTUDY Scheme provides allowance to people in recognition of their 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 of ABSTUDY, set out in this manual known as the ABSTUDY Policy Manual, has the approval of the Minister for Education, Science and Training. The ABSTUDY manual is approved by the Programme Manager.

Updates to the Policy Manual

Updates to the Policy Manual will be advised by DEST to Centrelink that will then advise its network. These may reflect:

- changes to ABSTUDY policy; and
- clarifications of existing policy.

Table of Amendments

This table of amendments takes effect from 1 December 2003

No.	Release Date	Version No.	Description and Scope of Changes	Authorised by
1	1 December, 2003	0.9	<ul style="list-style-type: none">• Interim draft pending final approval• Rewrite and reformat of 2003 ABSTUDY Policy Manual• Major structure and content changes• Changes driven by change from adobe pdf format to online html format	

Part I

ABSTUDY Policy Framework

Part 1 Content

This part contains the following chapters:

[Chapter 1 Introduction to ABSTUDY Policy](#)

[Chapter 2 Administration](#)

[Chapter 3 Freedom of Information and Privac](#)

Chapter 1 Introduction to ABSTUDY Policy

This chapter provides an overview of the objectives of ABSTUDY and the types of assistance available.

Chapter Content

This chapter contains the following topic:



[Policy Outcome](#)



[Supporting Allowances and Benefits](#)



[Alignment of ABSTUDY Allowances with other Government assistance](#)



[Customer Obligations](#)



[Failure to advise Centrelink of prescribed events](#)



[False or misleading information](#)



[Debt Recovery and Compliance](#)

1.1 Policy outcome

ABSTUDY is intended to target benefits to those students most in need of assistance, and to address particular educational disadvantages faced by these Indigenous students. 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.



1.2 Supporting allowances and benefits

The full range of study awards and related allowances that students may be eligible for under the ABSTUDY scheme are listed in [Table 14](#).

1.3 Alignment of ABSTUDY Allowances with other Government assistance

ABSTUDY Living Allowance payments are aligned with those payable under the Youth Allowance for 16-20 year old students.

Indigenous students aged 21 years and over are eligible for the Newstart rate of payment. The Pensioner Education Supplement is aligned with that payable under the *Social Security Act 1991*.

All eligible Indigenous students have access to the additional benefits payable under the Youth Allowance of Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance, where applicable. ABSTUDY recipients are also eligible for a range of supplementary benefits targeted to address particular disadvantages faced by Indigenous students.

1.4 Customer Obligations

1.4.1 Notification of changes

Under Regulation 48 of the *Student Assistance Act 1973*, applicants and/or students must advise Centrelink within fourteen days of the occurrence of any "prescribed events"

An occurrence of one of these "prescribed events" 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:

(a) the student to whom the amount relates:

(i) does not enrol in the course to which the amount relates by the end of the enrolment period, or

(ii) does not begin the course within the first 3 weeks of the first day it is offered, or


(iii) cancels his or her enrolment in the course to which the amount relates, or

(iv) has his or her enrolment cancelled by the education institution, or

- (v) discontinues the course to which the amount relates, or
 - (vi) discontinues full-time study in the course to which the amount relates, or
 - (vii) reduces his or her approved 25%, or two-thirds, concessional study load mentioned in [54.3](#) of the ABSTUDY Policy Manual, or
 - (viii) 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
 - (ix) begins to receive a pension or payment under the *Veterans' Entitlement Act 1986*, or
 - (x) begins a full-time apprenticeship or traineeship, or
 - (xi) ceases to receive an ABSTUDY Pensioner Education Supplement qualifying payment of the kind mentioned in [Part 7G](#) of the ABSTUDY Policy Manual, or
 - (xii) ceases to qualify for an independent or away from home living allowance, as mentioned in [Part 7F](#) of the ABSTUDY Policy Manual, or
 - (xiii) stops living permanently with his or her partner, or
 - (xiv) is taken into lawful custody, or
 - (xv) changes the address of his or her place of residence or permanent home, or
 - (xvi) earns an amount of income that exceeds the last estimate of income given to Centrelink, or
 - (xvii) becomes aware that his or her assets have increased in value beyond the maximum value mentioned in the Guide to Commonwealth Payments, or
 - (xviii) becomes aware of circumstances that may affect his or her entitlement to rent assistance under the *Social Security Act 1991*, or
 - (xix) ceases to be an Australian citizen, or
 - (xx) 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.
- (b) a person:
- (i) becomes a partner, parent or spouse of the student to whom the amount relates, or
 - (ii) ceases to be the partner, parent or spouse of the student to whom the amount relates, or
 - (iii) becomes the partner of the parent of the student to whom the amount relates, or
 - (iv) ceases to be the partner of the parent of the student to whom the amount relates, or
- (c) the partner of the student to whom the amount relates:

- (i) dies, or
 - (ii) earns an amount or income that exceeds the last estimate of income given to Centrelink, or
 - (iii) begins to receive ABSTUDY payments, or
 - (iv) begins to receive a pension or payment under the *Veterans ' Entitlement Act 1986*, or
 - (v) becomes aware that the value of his or her assets for a period has increased in value above the maximum value, mentioned in the Guide to Commonwealth Payments, for that period; or
- (d) the parent of a dependant student to whom the amount relates:
- (i) becomes aware that the value of his or her assets for a period has increased in value above the maximum value, mentioned in the Guide to Commonwealth Payments, for that period, or
 - (ii) becomes a designated parent, or
 - (iii) has a reduction in the number of dependant children for which the parent is responsible since the ABSTUDY application form was lodged, or the last notification of the number of dependant children was given to Centrelink, or
 - (iv) earns income for the current tax year that is at least 25% greater than the estimate of income given to Centrelink in the ABSTUDY application form for the year of study.
- (2) For sub regulation (1), an event mentioned in subparagraph (1) (b) (iii), (1) (b) (iv), (1) (d) (i), (1) (d) (ii), or (1) (d) (iv) is a prescribed event in relation to a student who is receiving, or entitled to receive, an amount under the ABSTUDY Scheme only if the student:

- (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 student's knowledge.*

For example, the student may not know that a person has become the partner of the student's parent until after the person becomes the partner. The event would become a prescribed event under subparagraph (1) (b) (iii) only when the student knows, or ought reasonably to know, that the person has become the partner.



1.5 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.

1.6 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.

1.7 Debt Recovery and Compliance

The *Student Assistance Act 1973* and *Data-Matching Programme (Assistance and Tax) Act 1990* gives Centrelink the power to check information relevant to ABSTUDY eligibility with:

- education institutions;
 - employers; and
 - other Government agencies, such as the Australian Taxation Office.
-

Chapter 2 Administration

This chapter provides information on the administrative aspects of the ABSTUDY scheme.

Chapter Content

This chapter contains the following topics:



[Authority for the ABSTUDY Scheme](#)



[Financial Administration](#)



[Suspension and cancellation of ABSTUDY payments](#)

2.1 Authority for the ABSTUDY Scheme

2.1.1 Portfolio responsibility

ABSTUDY policy remains the responsibility of the Minister for Education, Science and Training.

2.1.2 Policy interpretation and application

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

2.1.3 Who Administers ABSTUDY?

ABSTUDY is administered and delivered by Centrelink.



2.2 Financial Administration

2.2.1 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.

2.2.2 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*.

2.3 Suspension and cancellation of ABSTUDY payments

Where an applicant has not notified Centrelink of a prescribed event, Centrelink may suspend an applicant's ABSTUDY payment pending the provision of additional information from the customer.

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](#) ).

Chapter 3 Freedom of Information and Privacy

This chapter provides information on obtaining documents under `Freedom of Information` and the application of the Privacy Act in relation to ABSTUDY.

Chapter Content

This chapter contains the following topics:



[Freedom of information](#)



[Privacy](#)

3.1 Freedom of information

The public may request access under the *Freedom of Information Act 1982* to all documents related or held by Centrelink or DEST for the purposes of managing the ABSTUDY Policy Manual. The Act contains several provisions which exempt certain categories of documents from release.

3.2 Privacy

DEST 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) which 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.

 **Note:** For more information refer www.privacy.gov.au  or call 1300 363 99.

Part II

Applying for ABSTUDY

Claims, Eligibility & Financial Assistance

Part 2 Content

This Part contains the following chapters:

[Chapter 4 Overview of Applying for ABSTUDY](#)

[Chapter 5 Applying for ABSTUDY](#)

[Chapter 6 Evidence and Supporting Documentation](#)

[Chapter 7 Aboriginality or Torres Strait Islander Eligibility](#)

[Chapter 8 Government Financial Assistance](#)

[Chapter 9 Other financial assistance](#)

Chapter 4 Overview of Applying for ABSTUDY

This chapter introduces ABSTUDY eligibility requirements.

Chapter Content

This chapter contains the following topics:



[Policy Outcome](#)



[Primary Eligibility Criteria](#)



[Approved study](#)



[Other eligibility factors](#)

4.1 Policy Outcome

ABSTUDY focuses on addressing the particular educational disadvantages faced by Aboriginal and Torres Strait Islander people by encouraging them to take full advantage of the educational opportunities available. Policy outcomes are to improve educational participation opportunities of Indigenous students so that they become commensurate with the rest of the population.

Means tested benefits are targeted to those most in need.



4.2 Primary Eligibility Criteria

The primary ABSTUDY eligibility criteria are:



the student is an Australian citizen



the student is an [Australian Aboriginal or Torres Strait Islander person](#)



the student is enrolled in an approved course, and



the student is not receiving or will not receive any other government assistance to study.



Note: Enrolment must be for the current academic year.



Note: Unlike Youth Allowance there are no residency requirements.

4.3 Approved study

A student must be studying:

- at an approved education institution; and
- in an approved course.

See [Chapter 47](#) for detailed explanation on approved and non approved courses.



Note: For all awards other than Part-time Awards, Student in Lawful Custody Awards and Testing and Assessment Awards, the approved course must also be taken on a full-time basis, although there are study load concessions for certain groups of students (see [Chapter 54](#)).

4.4 Other eligibility factors

Except for some pensioners, students are not eligible for ABSTUDY assistance if they receive [other government assistance](#) for education, training or study, whether paid directly to the student or as a wage subsidy to an employer.

If, however, a student receives income support to undertake full-time study in the nature of a wage, salary or Living Allowance from a **non-governmental** employer during the period of study, the financial support received is treated as income for [income testing purposes](#).

Chapter 5 Applying for ABSTUDY

Applications for ABSTUDY are made by either the student, a parent/guardian or an interim applicant. Interim applications may only be accepted in [limited circumstances](#). This chapter provides details relating to claims for ABSTUDY.

Chapter content

This chapter contains the following topics:



[Who can apply for ABSTUDY?](#)



[Lodging claims](#)



[Approval](#)



[Interim claims](#)



[Lodgement dates](#)



5.1 Who can apply for ABSTUDY?

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

- [students](#);
- [parents or guardians](#);
- [institutions](#); and
- [interim applicants](#).

5.1.1 Students

The student may apply for ABSTUDY assistance if they are:

- a school student and are 16 years of age or over
- a school student and meets one of the [independent status](#) criteria
- enrolled in or intending to enrol for tertiary or postgraduate study, or
- receiving a Commonwealth Government pension.

5.1.2 Parent/Guardian Applicant

For school students other than those specified in [5.1.1](#), an ABSTUDY claim form is to be completed 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 natural or adoptive parents, where the student lives with the natural or adoptive parents;
- the natural or adoptive parent with whom the student lives, where the student's natural or adoptive 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 appropriate responsible officer of the relevant State/Territory authority, where the student is in government care and is living in an institution; 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 official of that institution.

5.1.3 Institutions

Institutions may be considered applicants for the purposes of:

- Away-from-base submissions;
- hostels under a 'Hostels Agreement'; and
- interim claims for boarding school students.

5.1.4 Interim applicant

Refer [5.4](#).



5.2 Lodging claims

An ABSTUDY claim form may either be lodged in person or by mail.

A completed ABSTUDY claim form (approved by DEST), signed by an applicant, is the document by which ABSTUDY benefits may be approved unless an interim claim is lodged.

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

5.3 Approval

No benefits may be approved for a student:


- in respect of a year for which there is no ABSTUDY claim form (but see [5.5](#)), or
- before the claim form has been approved by a delegated officer.


5.4 Interim claims

An interim claim on behalf of a student 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 interim claim 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 an interim claim it is not following the wishes of the student or parent/long-term guardian in respect of the student's schooling.

 **Note:** Interim claims can only be accepted when the interim applicant has the student in their care temporarily. Interim claims will not be accepted from a school or school official, except in the circumstances outlined in [5.4.1](#).

 **Note:** This information does not apply to Boarding Schools making claims on behalf of applicants. Refer to [5.4.1](#) in these circumstances.

5.4.1 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 student's parent/guardian, and
- the institution accepts responsibility for the student's boarding and tuition fees where a complete claim is not subsequently lodged by the student's parent/guardian, and
- Centrelink has no reason to believe that by accepting an interim claim it is not following the wishes of the student or parent/long-term guardian in respect of the student's schooling.


5.4.1.1 Fares allowance

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 student's parent/guardian has not been received by the student's second term, no further Fares Allowance is to be approved.



5.5 Lodgement dates

Students may advise Centrelink that they have an intent to lodge an application. Intent of lodgement of the ABSTUDY claim form must meet the closing date specified in [5.5.1](#).

This includes an ABSTUDY claim being accepted where an incorrect or inappropriate claim for another payment was lodged on time, eg FACS PES, Youth Allowance, Austudy payment or Assistance for Isolated Children. For more details refer to www.centrelink.gov.au .

5.5.1 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.
Testing and Assessment	two weeks prior to the start of the activity.

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

Table 2 - Lodgement of 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 commencement of the course
Testing and Assessment	two weeks prior to the start of the activity.

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

5.5.2 Closing date for additional information

There is no closing date for acceptance of additional information.

5.5.3 Late lodgement

Where the delegate considers that the 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.

5.5.3.1 Explanation of late lodgement

The applicant must provide a written statement explaining the reason for late lodgement of the claim. Other evidence to the delegate's satisfaction may also be requested.

Chapter 6 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.

Chapter content

This chapter covers the following topics:



[Forms of supporting documentation](#)



[Proof of Enrolment](#)



[Proof of Age](#)



[Proof of Australian Citizenship](#)

6.1 Forms of supporting documentation

This supporting documentation may include:

- [proof of enrolment](#)
- [proof of age](#)
- [proof of income](#)
- a [Health Care Card](#), and/or
- [proof of Australian citizenship](#).



6.2 Proof of Enrolment

Students must provide proof of enrolment if they are studying at an institution other than a secondary school.

6.2.1 Period of grace

If acceptable proof of enrolment is not provided with an ABSTUDY claim as required, the documentation must be provided within two weeks of the nominated date of commencement of the course.

Subject to the normal eligibility criteria being met, payments may commence in the interim for up to two weeks from the date nominated by the student as the date s/he would commence the course.

If proof of enrolment documents are not provided within the two week period of grace, payments are to be stopped and an overpayment raised.

6.3 Proof of Age

6.3.1 Who should provide proof of age?

Students must provide proof of age with their ABSTUDY claims or within the period of grace if they:

- are not eligible for one of the ABSTUDY proof of age exemptions (see [6.3.2](#)), and
- will be turning 16 years old during the year of study, or
- will be 16 years or older in the year of study.



Note: See below for explanations of period of grace and exemptions to proof of age.

6.3.2 Exemptions

Proof of age is not required for students who:

- are continuing students turning 17 years or older in the year of study and have previously provided acceptable proof of age, or
- will be under 16 years throughout the year of study.

6.3.3 Period of grace

Students turning 16 years old during the year of study who do not provide acceptable proof of age documents with their ABSTUDY claim as required, must provide documentation within four weeks (28 days) from the date of initial assessment or by the 16th birthday, whichever is later.

6.3.4 Payments

Subject to the normal eligibility criteria being met, payments may commence in the interim for up to four weeks (28 days) from the date of initial assessment, or up to the student's 16th birthday, whichever is later.

6.3.5 Proof of age not provided

If proof of age documentation is not provided within four weeks (28 days) from the date of initial assessment (or by a student's 16th birthday), payments are to be stopped and an overpayment raised.

6.3.6 Proof of Identity

ABSTUDY applicants will need to provide suitable proof of identity as specified by Centrelink.

6.4 Section Superseded

6.5 Proof of Australian Citizenship

ABSTUDY customers are only required to provide proof of Australian citizenship where there were born outside of Australia and its external territories AND they have not previously provided such proof to Centrelink.

Chapter 7 Aboriginality or Torres Strait Islander Eligibility

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.

Chapter content

This chapter contains the following topics:



[Evidence Requirements](#)

7.1 Evidence Requirements

7.1.1 Aboriginality on application

Centrelink will normally accept completion of the declaration on the application form as sufficient evidence to assess a student as Indigenous.

7.1.2 Evidence of Aboriginality or Torres Strait Islander status

Where uncertainty exists as to the Aboriginality or Torres Strait Islander status of the student, 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 [ABSTUDY definition](#).



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

7.1.3 Acceptable evidence

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

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

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.

7.1.4 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 8 Government Financial Assistance

In general, students will not be eligible for ABSTUDY allowances if they are receiving financial assistance from another government department or authority. There are however, some exceptions such as students receiving pensions. This chapter covers the eligibility or ineligibility of students in receipt of one or more of these other sources of government financial assistance.

Chapter content

This chapter contains the following topics:



[Approved Study](#)



[Government assistance causing ABSTUDY ineligibility](#)



[Date of ineligibility for ABSTUDY](#)



[Government assistance not affecting ABSTUDY eligibility](#)



[Date of commencement of other government assistance](#)

8.1 Approved Study

To be eligible for ABSTUDY assistance an applicant must be enrolled in and undertaking an approved course at an approved education institution (see [Chapter 45](#)).




8.2 Government assistance causing ABSTUDY ineligibility


Students are generally ineligible for ABSTUDY assistance if they receive another form of Commonwealth Government assistance to study, such as:

- Youth Allowance
- Austudy payment
- Assistance for Isolated Children (AIC)
- Veterans' Children Education Scheme (VCES), or
- Apprenticeships/Traineeships that are full time (excluding [NAAP participants](#)), and
- Community Development Employment Projects (CDEP) for study or training.

8.2.1 Training assistance and wage subsidies

Persons who are receiving training assistance for formal study or who are assisted through a Commonwealth or State/Territory government wage subsidy by an employer, are ineligible for ABSTUDY. This includes training schemes, scholarships, bursaries, cadetships and any similar assistance. Full-time apprentices and trainees are not eligible for ABSTUDY assistance.

 **Note:** *Students may receive assistance through either ABSTUDY or the training programme, but not both.*

 **Note:** *This does not apply to students in receipt of Aboriginal School Based Traineeships (ASBTs).*

8.2.2 Full-time apprentices or trainees

A student cannot get ABSTUDY if s/he is:

- employed as an apprentice or trainee under a training agreement, regardless of whether or not the agreement is under the former award-based system or under the New Apprenticeship; and
- engaged in the apprenticeship or traineeship on a full-time basis, ie her/his hours of employment, including the training component, are not less than the usual hours of employment for a full-time apprenticeship or trainee in the industry or occupation involved.

8.3 Date of ineligibility for ABSTUDY

Students receiving study assistance from Commonwealth or State/Territory governments are ineligible for ABSTUDY assistance, including Fares Allowance, from the date that assistance commences or an agreement is signed whichever is the earlier.



8.4 Government assistance not affecting ABSTUDY eligibility

In the following circumstances students are eligible for ABSTUDY assistance even though they receive another form of Commonwealth Government assistance.

8.4.1 Eligibility for other government income support

Student may not receive ABSTUDY Living Allowance and income support from another government source concurrently.

However, a student who is receiving assistance under a Commonwealth Government income support such as Youth Allowance or Newstart Allowance may meet the eligibility criteria for some ABSTUDY ancillary assistance.

8.4.2 Benefits not duplicated


Where a student is receiving other government assistance to study under a CDEP programme, cadetship, traineeship or scholarship, ABSTUDY may be payable where the student is undertaking additional studies not related to the course for which the student is receiving other government assistance to study. That is, if the studies are in addition to the studies required under the traineeship CDEP etc, the student may be eligible for some ABSTUDY entitlements after meeting the usual ABSTUDY requirements.

8.4.3 New Apprenticeships Access Programme

Full-time New Apprenticeships Access Programme participants are **not** excluded from ABSTUDY assistance because the programme is mostly pre-vocational training, however they are not eligible for Incidentals Allowance, as participants are not required to meet any course fees or charges.

8.4.4 Scholarships

Students holding 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 will, however, be counted as income when assessing the student's Living Allowance entitlement. Tuition fees and HECS paid on a student's behalf direct to an education provider are not counted as income. If they are paid direct to the student however, they are counted as income.

 **Note 1:** Whilst the receipt of the scholarship will not preclude the scholarship holder from receiving some ABSTUDY benefits, all scholarship funds received by the scholarship holder will be considered as income for ABSTUDY purposes. This includes the Neville Bonner Scholarship, the Rural Australia Medical Undergraduate Scholarship, the Rotary Foundation Ambassadorial Scholarship, and the Long Tan Bursary, and the Commonwealth Remote & Rural Nursing Scholarship.



Note2: This does not apply to secondary students awarded an approved independent boarding school scholarship. An exception to this is the Commonwealth Learning Scholarships which do not count towards the student income test.

8.4.5 CDEP

Students receiving Community Development Employment Projects (CDEP) assistance for employment may receive ABSTUDY Living Allowance and supplementary benefits whilst receiving CDEP if the CDEP payment is solely for employment and not for education and training. Full-time independent students in receipt of a CDEP wage for employment are income assessed for ABSTUDY eligibility.

8.4.6 Part-time award

Family and Community Services (FaCS) income support payment recipients may be eligible for ABSTUDY part-time entitlements if they are studying, provided that this study does not make up part or all of their activity test requirements for the FaCS payment

8.4.7 Transferring from FaCS payment to ABSTUDY

See [95.2.3](#) for information about when ABSTUDY commences for clients transferring from a FaCS income support benefit or allowance.

8.4.8 Pensioner education supplement

Pensioners studying full-time may retain their pension but are not entitled to ABSTUDY Living Allowance. They may, however, qualify for a [Pensioner Education Supplement](#).

Some part-time pensioner students may also be eligible for the Pensioner Education Supplement if the [study load concession](#) applies.

8.5 Date of commencement of other government assistance

The assistance should be taken as commencing at the point at which the student begins study under the programme or the date the agreement commences, whichever is the earlier.

For School Based Traineeships/Apprenticeships see [50.5.3](#).

Chapter 9 Other financial assistance

All eligible Indigenous students have access to the additional benefits payable under the Youth Allowance of Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance, where applicable. ABSTUDY recipients are also eligible for a range of supplementary benefits targeted to address particular disadvantages faced by Indigenous students.

Chapter content

This chapter contains the following topics:



[Pharmaceutical Allowance](#)



[Remote Area Allowance](#)



[Rent Assistance](#)



[Aboriginal Tutorial Assistance Scheme \(ATAS\)](#)

9.1 Pharmaceutical Allowance

The Pharmaceutical Allowance (PhA) is a payment to assist with the cost of pharmaceutical prescriptions under the Pharmaceutical Benefits Scheme.

Eligibility conditions and payment arrangements for this allowance are found at <http://www.centrelink.gov.au/internet/internet.nsf/payments/pharmaceutical.htm>



9.2 Remote Area Allowance

The Remote Area Allowance (RAA) helps to meet additional costs associated with residence in remote areas. RAA makes a contribution towards some of the higher costs associated with living in particularly remote areas.

Eligibility conditions and payment arrangements for this allowance are found at http://www.centrelink.gov.au/internet/internet.nsf/payments/remote_area.htm

9.3 Rent Assistance

Students may apply for Rent Assistance if they are living in private rental accommodation and are receiving the ABSTUDY Living Allowance.

Eligibility conditions and payment arrangements for this allowance are found at http://www.centrelink.gov.au/internet/internet.nsf/payments/rent_assistance.htm

9.4 Aboriginal Tutorial Assistance Scheme (ATAS)

The Aboriginal Tutorial Assistance Scheme (ATAS) provides supplementary tutorial assistance to Indigenous students in primary/secondary school, TAFE, university and formal training programmes. Other types of study assistance, such as Homework Centres, are made available to school students.

The objective of ATAS is to assist Indigenous students to achieve educational outcomes equal to those of other Australians.

Eligibility conditions and payment arrangements for this assistance are found on the DEST web site at <http://www.dest.gov.au/schools/indigenous/ieda.htm#ATAS>

Part III

Student Status

Part 3 Content

This Part contains the following sections:



[Introduction to Student Status](#)



[Pt 3 A - Dependent Status](#)



[Pt 3 B - Independent Status](#)



[Pt 3 C - State Care Status](#)



[Pt 3 D - Homeless Status](#)



[Pt 3 E - Pensioner Status](#)



[Pt 3 F - Lawful Custody](#)

Chapter 10 Introduction to Student Status

This chapter provides an overview of the different categories of student status, including related allowances and key features of each category.

Chapter Content

This chapter contains the following topics:



[Student status categories](#)



[What does student status determine?](#)

10.1 Student status categories

Students are categorised as being either:

- [dependent](#)
- [independent](#)
- [pensioner](#)
- in [State care](#), or
- in [lawful custody](#).



Note: Students can belong to only one category at any one time.

10.2 What does student status determine?

The status of a student is a factor which determines:

- the benefits to which a student is entitled;
- the means tests to be applied; and/or
- the rate of entitlement for certain allowances

Chapter 11 Introduction to Dependent Status

This topic provides an overview about dependent status, including allowances and benefits available to dependent students.

Chapter Content

This chapter covers the following topics:



[Student type](#)



[Allowances and Benefits](#)

11.1 Student type

There are two types of dependent students:

- those students who [live at home to study](#); and
- those students who are eligible for assistance to [live away from the permanent home](#) to study.

11.2 Allowances and Benefits

The type of entitlements listed below may be available for dependent students if they meet the relevant criteria:

- School Term Allowance;
- Living Allowance at the standard and away rates;
- Incidentals Allowance;
- School Fees Allowance;
- Fares Allowance;
- Away-from-base assistance;
- Rent Assistance;
- Remote Area Allowance; and

- Pharmaceutical Allowance.

Living Allowance for dependent students is subject to an income test on parental and student (16 years or older) income, and family means tests.

Chapter 12 Living at Home

This chapter covers the details of the criteria to be met for a student to qualify for Living Allowance as a dependent student living at home.

Chapter content

This chapter covers the following topics:



[Circumstances qualifying as Living at Home](#)



[Rate of living allowance](#)



[Group 2 School Fees Allowance](#)

12.1 Circumstances qualifying as Living at Home

For the purpose of assessing ABSTUDY benefits the following are regarded as students living at home:

- students who live at the permanent home;
- students who live away from the permanent home to study but do not meet the criteria for the away rate;
- students who are eligible for the away rate but who choose not to live away from home to study; and
- students in State care whose foster parents are receiving a foster care allowance.



Note: The conditions under which a student may be approved to [live away from home to study](#) are detailed at [13.3](#).

12.1.1 Permanent home

The permanent home for dependent students is the place where they normally reside during the period when they are not studying in school or in a secondary or tertiary institution. This is usually with parent(s) or guardian(s).

For dependent Schooling students, the home of the eligible applicant will be considered as the permanent home of the student.

If a dependent student lives on a permanent basis with a person who assumes the role of a guardian, even where the parent(s) provide some degree of financial support, the permanent

home is considered to be that of the guardian for the purposes of determining whether the student should be approved as living at home or away from home.

12.2 Rate of living allowance

The standard rate of living allowance is available to students who do not meet the provisions of the independent or away from home rates.

12.2.1 State care arrangements

Students in State Care arrangements, whose foster parents receive a 'foster students in care allowance', are not subject to the student and parental income tests. They receive the maximum applicable standard rate.

12.3 Group 2 School Fees Allowance

In some circumstances, students who are not eligible for the away rate may be eligible for Group 2 School Fees Allowance. This may be approved where there is no local government school (or the local government school does not provide the appropriate level of schooling) but the student lives at home and attends a local non-government school.

Chapter 13 Living Away from Home

This chapter covers the provisions for the approval of Living Allowance at the *living away from home rate* for dependent students.

Chapter content

This chapter covers the following topics:



[Rate of living allowance](#)



[Eligibility criteria for Living away from home](#)



[Initial boarding school approval](#)



[Evidence supporting claims](#)



[Circumstances not considered to be 'living away from home'](#)

13.1 Rate of living allowance

The away from home rate is available to students who must live away from their parental home to study but do not meet one of the provisions for [independent status](#). The rate is not available simply because a student chooses to live away from home.

Students eligible for the 'away' rate are subject to the student and parental income, assets tests and family actual means tests.

13.1.1 State care arrangements

Students under State care arrangements, whose foster parents do not receive a foster care allowance, can receive the maximum applicable away rate. The student and parental income tests are not applied.



13.2 Section Superseded


13.3 Eligibility criteria for Living away from home

Different criteria apply for secondary and tertiary level students to be eligible for the *away rate* of Living Allowance.


13.3.1 Secondary School Students Only

To be eligible for the *away rate* a student's circumstance must be one of the following where they:

- are studying an approved special secondary course at a government school;
- do not have their academic needs met by local secondary facilities;
- have disabilities;
- are from an itinerant family;
- have been excluded from attending local schools;
- have been subjected to racial discrimination of a serious and continuing nature at the local school(s);
- have previously been approved to live away from home and it would be unreasonable for the student to break continuity of study;
- are receiving an independent school scholarship under the provisions detailed in [Chapter 23](#).

 **Note1:** *Fares allowance for secondary students who choose to study interstate will not be approved, except where:*

- the student lives near a State/Territory border and will attend a school at a nearby interstate location; or
- where interstate travel is more cost effective than intrastate; or
- there are no available boarding places at boarding schools in the student's State/Territory.

 **Note2:** *A student must undertake a majority of mainstream subjects at the boarding location to be approved for away from home entitlements except for students from remote areas.*

13.3.2 Secondary and Tertiary Students

To be eligible for the *away rate* a student's circumstance must be one of the following where:

- travelling time and access between the permanent home and the education institution make daily travel impossible or unreasonable;

- home conditions are a serious impediment to educational progress;
- they are in State care and a foster parent is not receiving a foster care allowance.



13.4 Initial boarding school approval

Where students are taking up a new boarding placement, boarding schools must confirm students will be undertaking a majority of mainstream secondary subjects. Students from remote areas who would initially be unable to undertake the majority of mainstream subjects may be approved for board on the condition that the school provides a remedial programme which would enable the student to undertake a majority of mainstream secondary subjects in later years.

Schools must have a documented assessment that first year secondary students are capable of undertaking mainstream secondary studies or, in the case of students from remote communities, approved secondary studies, before approval for away from home entitlements can be given.

13.5 Evidence supporting claims

Evidence may be required to support claims for the living away rate.

13.6 Circumstances not considered to be 'living away from home'

13.6.1 Non approval of the away rate - living with either parent

A student cannot be considered to be living away from the permanent home when they are living with either parent. For example if they move on a permanent basis from the home of one parent to the home of the other parent.

In such cases, the student will be deemed to be in the care and custody of the parent with whom they are living at the time on a permanent basis, and assessed on the income, assets and actual means of that parent.

13.6.2 Non approval of the away rate - other parental circumstances

A student cannot be considered to be living away from the permanent home when:

- their parents maintain two homes and the student lives with one of the parents in the second home while studying, or
- a student is temporarily not living with their parent(s)/guardian(s)
- for example, because they have taken an extended trip or vacation; or
- a student is studying by distance education/correspondence, except if s/he meets the home conditions, disability or itinerancy provisions and is not living at the parental home.

Chapter 14 Travel Time and Access

Unreasonable travelling time and distance between the student's home and place of study is grounds for living away from home and receiving the *away rate* of living allowance.

Chapter content

This chapter contains the following topics:



[Reasonable Daily Access](#)



[Approval Criteria](#)



[Cancellation of approval](#)



[Distance education/correspondence studies](#)

14.1 Reasonable Daily Access

Students may be approved to live a way from home where one of the conditions of daily access in relation to the nearest appropriate government school are met as per the conditions outlined below.

- The distance between the principal family home and the nearest appropriate government school is at least 56 kilometres via the shortest practical route; or
 - The distance between the principal family home and the nearest appropriate government school (via the shortest practical route) is at least 16 kilometres AND the distance between the principal family home and the nearest available transport service to the nearest appropriate government school is at least 4.5 kilometres vial the shortest practical route; or
 - The student does not have reasonable access to an appropriate government school for at least 20 days of the school year, not necessarily consecutive, because of adverse travel conditions, eg impassable roads, flooding or unreliable transport (a case for this provision would be made with reference to applicable conditions in previous years); or
 - Travelling 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.
- eg, impassable roads, flooding or unreliable transport.



14.2 Approval Criteria

14.2.1 Secondary Students

Students may be approved for the away from home rate if their permanent home is not within reasonable daily access to:

- government schools which provides tuition in the year of schooling in which the student is qualified to enrol; or
- TAFE colleges or senior matriculation colleges for students who are 18 or older at 1 January in the year of claim.

14.2.2 Tertiary Students


- Students may be approved for the away from home rate if their permanent home is not within a reasonable travelling time of the approved education institution offering the approved course; or
- it is a compulsory requirement of the course to reside at the education institution while studying.

14.3 Cancellation of approval

14.4.1 Change of permanent home

Living away from home approval must be cancelled if students reduce their daily travelling time/distance by moving to live in a permanent home within reasonable daily access to the education institution (see [24.4](#) regarding continuation of School Fees Allowance), unless the student continues to board, and continuity of study rules can be applied (see [24.2.2](#)).

14.5 Distance education/correspondence studies

 *Dependent schooling and tertiary students studying by distance education / correspondence are not eligible for the away from home rate under the Travel Time/Distance provision.*

Chapter 15 Unreasonable Living Conditions

Students may experience severely detrimental conditions that prevent them from studying such as violence or a lack of basic living necessities. These circumstances are grounds for living away from home and receiving the *away rate* of living allowance.

Chapter content

This chapter contains the following topics:



[Serious impediment to educational progress](#)




[Claims](#)

15.1 Serious impediment to educational progress

A student may be approved for the away from home rate of living allowance if their living conditions represent a serious impediment to the student's educational progress. Such conditions are those that:

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

 *Note: The first two conditions may qualify students as independent on the grounds of being homeless if they are 15 years or older.*

15.2 Claims

15.2.1 Documentation and verification

A claim for the away from home rate under this provision must include:

- a written statement from the applicant outlining the circumstances; and
 - where necessary, describing the dwelling and providing details on the number and ages of occupants who normally live there; and
 - one or more supporting statement(s) from an independent authority.
-

Chapter 16 Disability

A student may have disabilities that local schools cannot cater for, requiring the student to attend a school away from home and receive the *away rate* of living allowance.

Chapter content

This chapter contains the following topics:



[Eligibility for Living Allowance](#)



[Approval criteria](#)



[Boarding at a special education institution](#)



[Access to special facilities](#)



[Access to regular medical treatment](#)



[Access to a different climate](#)

16.1 Eligibility for Living Allowance

A student with a disability may qualify for Living Allowance at the away rate where they are required:

- to board at a [special education institution](#); or
- to have access to [special facilities](#); or
- to avoid [lengthy daily travel](#); or
- to have access to [regular medical treatment](#); or

- to have access to a [different climate](#).



16.2 Approval criteria

The away from home rate may be approved if a government school within [reasonable daily access](#) is unable to cater for a secondary student's educational needs because of their disability, and the student then needs to attend a school away from home.

16.2.1 Medical certificate

A medical certificate must be provided which specifies the nature of the disability and affirms that the student could not be expected to live at home and travel daily to the nearest suitable government school (unless [16.4.1](#) applies).

16.3 Boarding at a special education institution

A special education institution is an institution located in Australia that is conducted primarily for students with a disability and is;

- 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.

16.4 Access to special facilities

Special facilities include a special centre for disabilities or special educational or physical facilities for the disabled within normal schools.



16.4.1 Documentation not required

If acceptance at the special education institution/facility indicates that a professional assessment has been made of the student's physical, emotional or psychological requirements, further documentation is not required.

16.5 Access to regular medical treatment

If the disruption to the student's schooling because of her/his need to seek medical treatment amounts to the equivalent of at least 20 school days a year, not necessarily consecutive, the student is eligible for assistance at the away-from-home rate to board near the treatment centre.

However, the student's need to receive regular medical treatment should be supported by a:

- statement from an appropriate medical authority at the treatment centre, and
- statement from the applicant giving full details of the travel required if the student were living at home.

16.6 Access to a different climate

A medical certificate is required specifying the student's condition and indicating that:

- the local climate or other circumstance, if the student were to live at home during the school terms, would be likely to cause the student severe illness resulting in a total of at least four weeks absence during the school term; 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 17 Itinerant Family

Students whose parents are itinerant workers may experience disrupted education due to not having a fixed residence and therefore qualify for the *away rate* of living allowance.

Chapter content

This chapter contains the following topics:



[Eligibility](#)



[Family movements and approval of living allowance](#)



[Assessment of claims](#)



[Demonstration of itinerancy](#)



[Circumstances where living allowance is not payable](#)


17.1 Section Superseded



17.2 Eligibility

The away from home rate may be approved 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.*

17.2.1 Significant amount of time

A significant amount of time would be 40 week-nights during the year.

17.2.2 Impact of family movements during school year

Eligibility is determined in the light of [family movements](#) during the course of the school year, as follows in [17.3](#) and [17.5](#).

17.3 Family movements and approval of living allowance

17.3.1 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, the away from home rate 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 meets the travel time and access criteria set out in [Chapter 14](#).

17.3.2 Temporary movement for employment

Families who are not normally itinerant but who 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, may apply for the away from home rate to enable their children to avoid frequent changes of school.

17.3.3 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, or
- 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.

17.3.4 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 the away from home rate up to that point, remains eligible for the remainder of the year providing continuity of study rules are met.



17.4 Assessment of claims

17.4.1 Documentation

A statement of the family's projected itinerancy for the forthcoming year and itinerancy over the previous twelve months is required to accompany the claim.

17.4.1.1 Evidence that family has moved

Any claim that the student's family has moved to a new locality must be supported by some form of documentation.

17.5 Demonstration of itinerancy

17.5.1 Two moves in first term

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

17.5.1.1 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 Living Allowance at the away rate 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 and further payments made accordingly, or
- if no move occurs during any of the remaining terms, the student remains ineligible for Living Allowance assistance at the away rate after first term.

17.5.2 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 may be regarded as itinerant for the full year.

17.5.3 Four moves over two terms

Where the family undertakes four moves in the year spread over at least two terms, the family may be accepted as itinerant for the full year and Living Allowance at the away rate paid accordingly.

17.5.4 Continued demonstration of itinerancy

If an applicant can demonstrate having met and provided evidence of itinerancy conditions in the previous year, the away rate may be approved if conditions are continuing in the current year and the other allowance eligibility conditions are met.

17.6 Circumstances where living allowance is not payable

A student cannot be approved for the away from home rate if:

- her/his 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 18 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.

Chapter content

This chapter contains the following topics:




[Eligibility for living allowance](#)



[Approval and evidence](#)

18.1 Eligibility for living allowance

Secondary students may be approved for the away from home rate where there is evidence that they have been subjected to racial discrimination of a serious and continuing nature at the local government school(s).

 *Dependent schooling students studying by distance education/ correspondence are not eligible for the away from home rate under the racial discrimination provision.*

18.2 Approval and evidence

Approval for living allowance 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.

18.2.1 Substantiation

A student's eligibility on the basis of racial discrimination cannot be established without supporting documentation from a source such as local school authorities, local IECB members and / or local ASSPA committees.

Chapter 19 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.

Chapter content

This chapter contains the following topics:



[Approval Criteria](#)



[Indigenous studies](#)



[Prerequisite to post-secondary course](#)



[Formal specialising qualification](#)



[Agricultural Courses](#)




[Specialist courses in the arts, sport, technology](#)

19.1 Approval Criteria

The away from home rate may be approved if government schools within reasonable travelling time are unable to cater for a secondary student's educational needs because of their special course requirements and the student needs to attend a school away from home.

Students may not be approved for away from home entitlements where an applicable special course is available within [reasonable travelling time](#).


 *Dependent schooling students studying by distance education/ correspondence are not eligible for the away from home rate under the Special Course provision.*




19.2 Indigenous studies


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

- 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.

 **Note 1:** *Students cannot be approved for away from home entitlements solely on the basis of the chosen school being an Indigenous school.*

 **Note 2:** *Students cannot by-pass a government school (within reasonable travelling time) that provides Indigenous studies incorporated in the overall curriculum to attend a school where discrete subjects in Indigenous studies are offered.*

19.2.1 Accreditation for Years 8-10 Queensland only

 **Note:** 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 [19.2](#), 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:

Group Manager
Indigenous & Transitions Group
DEST
Location 161
GPO Box 9880 CANBERRA ACT 2601

- 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.

19.2.2 DEST approvals

DEST 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 are offered as an integral part of the curriculum.



19.3 Prerequisite to post-secondary course

A special course can be a secondary course which is an essential criteria for entry to a specific post-secondary course.

The student should be in one of the final two years of secondary school and have clearly decided to enter the chosen tertiary course if accepted. There must be no similar tertiary course which could be regarded as an available alternative and there must be satisfactory evidence from the school which the student has been attending that the student has the potential to gain admission to the nominated course.

19.4 Formal specialising qualification

A special course can be 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.

State or Territory education authorities must recognise:

- the course as a specialisation not generally available at secondary schools, and
- the completion certificate as a formal qualification.

19.4.1 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.



19.5 Agricultural Courses

A special course can be a secondary course which contains two agricultural subjects or, under special conditions, one agricultural subject.

19.5.1 Attendance basis

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.

19.5.2 Course components

The agricultural course should:

- 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
- 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.

19.5.3 One agricultural subject

A student in either of the final two years of secondary schooling who is studying only one agricultural subject, may be eligible for Living Allowance at the away rate if:

- the student has studied at least two agriculture subjects in each of the junior secondary years after the first year
- 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.

19.6 Specialist courses in the arts, sport, technology

A special course can be any specialist secondary course in drama, music, art, ballet, sport or technology at a government school which has been approved by the State/Territory education authority. Students should be selected by the appropriate education authority to enter government schools with specialist curricula.



Note: This provision is aimed at students who have an exceptional ability.

Chapter 20 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 find a suitable school.

Chapter content

This chapter contains the following topics:



[Local School Facilities/Programme](#)



[Approval Criteria](#)



[Retention of eligibility](#)



[Payment of living allowance](#)



[When living allowance is not payable](#)

20.1 Local School Facilities/Programme

Where the State/Territory education authority lists the school as a “limited programme school”, ABSTUDY policy allows a school to be bypassed for the purposes of assessing the Away from Home rate.

20.1.1 “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.

20.1.2 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 16, be regarded as an appropriate school irrespective of any claims about the adequacy of the programme.



20.2 Approval Criteria

The away from home rate of living allowance may be approved if government schools within [reasonable daily access](#) are unable to provide appropriate schooling for a secondary student, due to limited local school programmes.

Dependent schooling students studying by distance education/ correspondence are not eligible for the away from home rate under the Limited Local School Facilities provision.

20.3 Retention of eligibility

Students who are eligible for Living Allowance at the away from home rate, under this provision, will retain their eligibility for the whole of that year and for subsequent years, unless there is a significant change in circumstances.

20.4 Payment of living allowance

20.4.1 Automatic approval of living allowance

The living away from home allowance will be automatically paid to enable students to bypass a South Australian Rural School or an Aboriginal/Anangu School in order to attend a larger secondary school.

20.5 When living allowance is not payable

Living Allowance at the away rate will not be paid:

- to assist the student to bypass a nearby school to attend another school of their choice;
- simply because particular subjects which the student wishes to study are unavailable at the nearby school (this does not include special courses of the types listed in [Chapter 19](#), or courses to meet the special needs of students with disabilities defined in [Chapter 16](#));
- where there is another government school within [reasonable daily access](#);
- specifically to enable a student to attend a non-government school;
- for a primary student who is otherwise eligible for ABSTUDY benefits;
- if the State or Territory education authority objects to the bypassing of the particular school or type of school involved; or
- where the student would undertake a similar course as is available in the home community.

Note: Students cannot bypass a Catholic school in their remote area to attend a Catholic school in a metropolitan area.

Chapter 21 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.

Chapter content

This chapter contains the following topics:





[Eligibility for living allowance](#)


21.1 Eligibility for living allowance

A secondary student is eligible for Living Allowance at the away rate if:

- during a year s/he has been excluded by school authorities from all available local schooling; and
- there are no other schools within [reasonable daily access](#);
- distance education/correspondence studies are not appropriate; and
- a satisfactory boarding placement is found.

 **Note1:** *The student remains eligible in subsequent years if the student remains excluded from local schooling.*

 **Note2:** [Continuity of study](#) rules may apply where appropriate.

 *Dependent schooling students studying by distance education/ correspondence are not eligible for the away from home rate under the Exclusion from Local Schooling provision.*

Chapter 22 Compulsory Residence

Some tertiary courses have a compulsory residential element.

Chapter content

This chapter contains the following topics:



[Eligibility for living allowance](#)



[Approval and evidence](#)

22.1 Eligibility for living allowance

Students may be approved for the away from home rate for the period that they must, as a compulsory requirement of the approved tertiary course, reside at the education institution while studying.

22.2 Approval and evidence

Approval may be given only if residence is compulsory for all students studying the course or stage of the course.

Additional supporting documentation may be requested where required.

Chapter 23 Independent Boarding School Scholarship

Where a student has been awarded a scholarship to an independent boarding school they may be eligible for the away rate of living allowance. The purpose of ABSTUDY assistance for students awarded such scholarships is to substantially extend the educational access and outcomes of Indigenous students.

Chapter content

This chapter contains the following topics:



[Eligibility](#)



[Income testing](#)



[Documentary evidence](#)

23.1 Eligibility

A secondary student may be approved for the away-from-home rate on the basis of being offered a scholarship by an approved independent boarding school (see [50.1](#) for Schooling and [51.1](#) for Tertiary) offering an accredited course providing:

- the school has an SES funding score for Commonwealth General Recurrent Grants of 100 or greater (The State Grants (Primary and Secondary) Assistance Act 2000), and
- the scholarship being offered by the school contributes a minimum of 15 per cent of the total tuition and boarding fees while ABSTUDY pays for the remainder up to the maximum level of entitlement, and
- The local IECB, or their nominee, will provide advice on the scholarship's establishment and ongoing guidance, as required.
- In the absence of an IECB an independent representative from the local Indigenous community with an education background should be involved.

23.2 Income testing

Scholarship awardees will automatically qualify for non-income tested living away from home benefits (fares allowance and non-income tested component of Group 2 school fees) but they will still need to pass the income, assets and family actual means tests to be eligible for the means-tested Living Allowance and income tested component of Group 2 school fees.

23.3 Documentary evidence

The School is required to provide the following documentation to Centrelink in the first year a student receives a scholarship.

- the school must provide written evidence that they meet the criteria at [23.1](#) and that the scholarship has been granted to the student.

The school is required to provide the following documents to Centrelink in the second and following years a student receives a scholarship:

- evidence that the student is continuing in the scholarship, and

- details of any local IECB, nominee or independent representative involvement in monitoring the progress.

Chapter 24 Continuity of Study

Chapter content

This chapter contains the following topics:



[Unreasonable to break continuity of study](#)



[Eligibility for living allowance](#)



[Special Concessions for Yr 12 Students](#)



[School fees allowance](#)



[Documentary evidence](#)

24.1 Unreasonable to break continuity of study

In relation to students covered under [24.2](#), 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.



Note: Students must be enrolled in accredited secondary school studies.




24.2 Eligibility for living allowance

24.2.1 Students previously approved for away rate

Students may be eligible for the Living Allowance at the away rate if they:

- have been previously approved for this rate, and

- no longer meet a condition for approval for this rate due to a change in circumstances, and
- continue attending at the same education institution, and
- it would be [unreasonable to break continuity of study](#).

 **Note:** *Students who were eligible for the away from home rate 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.*

24.2.2 Students not previously approved for away rate.

Students may also be eligible if:

- they have not previously been approved for the away from home rate; and
- they remain 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, they will soon, ie, in less than 12 months, be eligible for the away from home rate.

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.



24.3 Special Concessions for Yr 12 Students

Special continuity of study concessions apply to Year 12 students who were receiving Living Allowance at the away 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 rate until the end of the year or until s/he discontinues study in that year, if the student:

- is undertaking Year 12, and
- was receiving Living Allowance at the away rate until the end of the previous year; and
- continues attending at the same school, and
- the student would become ineligible for Living Allowance due to not passing the parental income test.

24.4 School fees allowance

Where the conditions of travelling time between the permanent home and the approved education institution are no longer met and the student becomes a day student at the same school, School Fees Allowance may continue to be paid up to the limit of the entitlement for a student approved for Living Allowance at the away rate.

24.5 Documentary evidence

Where documentation is required to support a continuity of study claim, it should be in the form of a statement from the applicant and verified by an appropriate independent authority.

Chapter 25 Change of dependent status

A student's change from dependent status may affect entitlement to living allowance.

Chapter content

This chapter contains the following topics:



[Cessation of dependent status](#)



[Cessation of away rate](#)



[Temporary return home for study](#)



[Temporary return home for vacation](#)

25.1 Cessation of dependent status

Students cease to be dependent students with effect from the first day on which they qualify for assessment as independent students, pensioner students or students in lawful custody.



25.2 Cessation of away rate

A student ceases to qualify for the Living Allowance at the away rate from the date that s/he permanently returns home to live during the academic or school year.

25.3 Temporary return home for study

If students 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 eg, for a period of practical training, they remain entitled to the away 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 will be regarded as residing permanently at home from the start of the period, including any vacations.

25.4 Temporary return home for vacation

A visit or temporary return home during a vacation or at the beginning and end of the academic or school year does not constitute a change of status and the student remains entitled to away from home benefits.

Part III B

Student Status

Independent Status

Part 3B Content

This part contains the following chapters:



[Overview of Independent Status](#)



[Permanent Independent Status](#)



[Reviewable Independent Status](#)



[Change of Independent Status](#)

Chapter 26 Overview of Independent Status

Students are considered to be independent for the purposes of ABSTUDY if they meet one or more of the provisions for independence detailed in this chapter. This chapter covers details of the criteria required for a student to qualify for Living Allowance as an independent student.

Chapter Content

This chapter contains the following topics:



[Types of Independent Status](#)



[Permanent independent status](#)



[Reviewable independent status](#)



[Allowances and benefits](#)



[Income and Assets Tests](#)

26.1 Types of Independent Status

There are two types of independent status:

- [permanent independent status](#), and
- [reviewable independent status](#).



26.2 Permanent independent status

Permanent independent status is granted on the basis of a condition which cannot change.

To meet conditions for permanent independent status the student must:

- meet the age criteria (see [27.1](#)); or
- be married or have been married (see [27.2](#)); or
- have or have had a dependent child (see [27.3](#)); or
- meet certain workforce criteria (see [27.4](#)); or
- have been in lawful custody for a cumulative period of six months or more (see [27.5](#)); or
- be an orphan, (see [27.6](#)); or
- be 15 years of age or older and has undergone and completed a traditional initiation ceremony. The student must be living in the traditional community independently of family. (see [27.7](#))

Refer [Chapter 27](#) for more detail.

26.2.1 Retaining independent status

Students who are granted permanent independent status retain their status under ABSTUDY without reassessment, whether or not they continue in unbroken study.

An exception to this is the age provision where students will only be maintained under certain circumstances (see [27.1](#)).



26.3 Reviewable independent status

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

To meet the conditions of reviewable independent status the student must:

- be 16 years of age or older and living in a de facto relationship which is of at least six months in duration or there is a 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 minimum school leaving age and a homeless student.

Refer [Chapter 28](#) for further detail.

26.4 Allowances and benefits

The entitlements listed below may be available to independent students if they meet the relevant award criteria:

- [Living Allowance](#)
- [Incidentals Allowance](#)
- [School Fees Allowance](#) (in limited circumstances)
- [Rent Assistance](#)
- [Fares Allowance](#)
- [Residential costs](#)
- [Remote Area Allowance](#)
- [Pharmaceuticals Allowance](#), and
- [Away-from-base assistance](#).

26.5 Income and Assets Tests

Living Allowance for independent students is subject to income tests on student income and, if applicable, partner income and assets.

Chapter 27 Permanent Independent Status

This topic covers the provisions for approval of Living Allowance for students with permanent independent status.

Chapter Content

This topic is divided into the following sections:



[Age](#)



[Current or Previous Marriage](#)



[Parenthood](#)



[Workforce Participation](#)



[Previous Lawful Custody](#)



[Orphanhood](#)



[Special Adult Status](#)

27.1 Age

Where a student does not already qualify for independent status under another provision, s/he can be granted permanent independent status once s/he turns 25 years of age.



27.2 Current or Previous Marriage

Students are independent if they are:

- legally married or recognised as married under Aboriginal/Torres Strait Islander law, or
- divorced or separated from their partner who they are /were previously legally married to.

27.3 Parenthood

Students qualify as independent of their parents if they have or previously had a dependent child or dependent student of their own.


For the purposes of this provision a dependant child is a natural or adoptive 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 still-born 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;
- having regular or periodic care of the child;
- having ongoing involvement in decision making affecting the child; and/or
- paying court ordered or voluntary child maintenance in respect of the child.

For ABSTUDY purposes, a dependent child, ABSTUDY now INCLUDES a child under 18 years of age receiving [YA](#) .

27.3.1 Evidence and documentation

Documentation may be required to support the claim for independence.



27.4 Workforce Participation

27.4.1 Eligibility

Students are independent if they have been full-time members of the workforce for periods totalling at least three years (156 weeks) during the previous four years (208 weeks). Calculations to be done in actual weeks in borderline cases.

27.4.2 Definition of workforce participation

In general, the periods which come within the workforce participation provision are:

- those which involve a bona fide full time employer-employee relationship or self employment, and
- those in which a person is unable to enter employment but receives income from a government authority (not including a prescribed educational payment) plus any statutory waiting time which the student is required to wait prior to receiving the support.

27.4.3 Periods included in workforce participation

Workforce participation includes periods where the student was:

- in full-time paid employment or self-employment; or
- under an apprenticeship or full-time training agreement; or
- unemployed and registered with Centrelink, but waiting to receive a FaCS benefit under the *Social Security Law*; or
- unemployed and getting Youth Allowance, Newstart, youth training or formal training allowance, special benefit or support under NEIS; 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
- receiving assistance under the Commonwealth Rehabilitation Training Scheme; or
- in lawful custody; or
- receiving a CDEP scheme wage.

27.4.4 Full-time employment

To be considered full-time in the workforce in any week, a student must have either:

- worked at least 35 hours a week in one or more jobs, or
- been considered full-time and entitled to benefits available only to full-time workers for the purposes of the award of industrial agreement under which s/he was employed.

Where an applicant who had been in full-time employment took accrued recreation leave on termination of her/his employment, the actual number of weeks of recreation leave to which s/he was entitled and/or had taken at the time should be taken into account when calculating periods in the workforce.

27.4.5 Periods excluded from workforce participation

Periods cannot be counted towards the required three years (156 weeks) if the student 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 (not wages) for a course approved for ABSTUDY; or
- on paid study leave.

27.4.6 Registration with Centrelink while at school

No account is to be taken of registration with Centrelink during periods in which the student 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 was entitled to receive ABSTUDY (or other education assistance) for that end-of-year period. Students 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.

27.4.7 Waiting period for FaCS benefit 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 was entitled to receive Youth Allowance/Austudy Payment as a Full-time student for that time.

27.4.8 Registration with Centrelink while qualified to get ABSTUDY

No account is to be taken of periods that a student was registered for full time employment with Centrelink, if the student was also eligible and qualified to receive ABSTUDY.

A full-time student in a short or late-starting course only has an ABSTUDY entitlement during the actual period of the course. Such a student would be able to count periods of registration before the start or after the end of the course (but not for any vacations during the course).

27.4.9 ABSTUDY starts or stops during the year

A student who was part-time in first semester but changed to full-time at the start of second semester and qualified for ABSTUDY could count any:

- period of registration to the commencement date of full time study, and/or
- period of payment including periods where students received Newstart Allowance or Youth Allowance up to three weeks into their course.

If a student ceased full-time study during the year and entitlement to ABSTUDY ceased, any periods of registration after the date entitlement ceased can be counted toward a future claim for independent status.

27.4.10 Periods of full time post secondary education

Periods during which a student was undertaking full-time post-secondary study are not generally counted towards the 3-year workforce requirement unless the student 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 was under a training agreement or in receipt of educational assistance (such as teacher scholarships or ABSTUDY) will not usually be included in the three year period.

Periods during which a student 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 course may be counted if normal wages are paid (but periods of industrial training for which ABSTUDY is paid are not).


27.4.11 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 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.

27.4.12 Periods of unemployment while overseas

 *Periods while a student was overseas but not in full-time employment are not counted.*

27.4.13 Periods in self-development and adventure programs

Periods that a student 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.



27.5 Previous Lawful Custody


27.5.1 Eligibility

Students are independent if they are 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.

27.6 Orphanhood

Students are independent if they are 15 years of age or older and are orphans.


 **Note:** *A student cannot be regarded as an orphan while at least one natural or adoptive parent is known, or presumed, to be alive.*

27.6.1 Living with other than natural parents

Students who meet the conditions for orphanhood qualify as independent even though they may be living with someone other than their natural or adoptive parents.

27.6.2 Parent missing or presumed dead

If a student's parent has been missing (whose whereabouts is unknown) for not less than seven years, under common law the parent may be presumed dead.

 **Note:** *State or Territory laws may vary the length of time and/or conditions under which a person may be presumed dead.*

27.7 Special Adult Status

27.7.1 Eligibility

Students are independent if they are 15 years or older and have special adult status in an Aboriginal/Torres Strait Islander community which follows a lifestyle based on adherence to coming-of-age ceremonies.

Such ceremony is to have been sanctioned by recognised Aboriginal or Torres Strait Islander elders of that community.

To be eligible, the student's permanent home must be in the traditional community, where the student lives independently of family when not studying, at the time of assessment. If the student subsequently moves to live in another location, the student does not lose his independent status, as Special Adult Status is regarded as a permanent independent status.

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

Chapter 28 Reviewable Independent Status

This topic covers the provisions for approval of Living Allowance for students with reviewable independent status.

Chapter Content

This topic is divided into the following sections:



[De facto Relationship](#)



[Care or custody of child](#)



[Parents Cannot Exercise Parental Responsibilities](#)



[Indigenous community](#)



[Students unable to live at home](#)



[Reapplying for independent status](#)

28.1 De facto Relationship

Students are independent if they have reached the age of consent within the State/ Territory and are/ or have lived in a de facto relationship of at least six months' duration or there is a dependent child/student.

28.1.1 Change of status

Students who are no longer in a de facto relationship cease to be classed as independent on that basis but may be independent under other ABSTUDY criteria.



28.2 Care or custody of child

Students are independent if they currently have the care or custody of another person's dependent child(ren) or dependent student(s).

28.3 Parents cannot exercise parental responsibilities

Students qualify for independent status where:

- they are 15 years of age or older, and
- both of their natural or adoptive parents are (or if the student has only one parent, that parent is):
- serving a prison sentence

- mentally incapacitated and likely to be so for an indefinite period
- 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).

Appropriate written evidence may be required to support the claim.

28.3.1 Parent(s) temporarily incapacitated

Students whose parent(s) is/are incapacitated temporarily and who cannot give the student a home should apply as a 'homeless' student.

28.3.2 Student dependent on another person

Students can still qualify as independent even though they are dependent, or were last dependent, on someone other than their natural or adoptive parents.



28.4 Indigenous community

Students are independent if they are 16 years of age or over and have returned to live in an Indigenous community after having been adopted or fostered by a non-Indigenous family for more than two years.

28.4.1 Review of independence

Independent status approved on the basis of returning to the home community may be withdrawn if the student reverts to adoptive, foster or another form of State care. Students who do not qualify for permanent independence by another condition should have their circumstances reviewed each year.

A significant change of circumstances, however, would be expected to involve a change of address to a location other than the home community. Hence, provided that the student continues to live in the home community, this will be sufficient basis to maintain independent status.

28.5 Students unable to live at home

See [33.2](#) for the approval criteria for homeless students.

28.6 Reapplying for independent status

Students who are granted reviewable independent status as a homeless student must reapply for independent status each year or whenever their circumstances change.

Chapter 29 Change of Independent Status

A student's change to or from independent status may affect entitlement to living allowance.

Chapter content

This chapter contains the following topics:



[Independent status commences](#)



[Independent status ceases](#)

29.1 Independent status commences

Students commence to be independent students with effect from the first day on which:

- they meet one of the conditions for independence when they apply
- they cease to be a pensioner and meet one of the conditions for independence, or
- they have been in lawful custody for at least six months (cumulative) and are released.

29.2 Independent status ceases

Students cease to be independent students with effect from the first day on which:

- they cease to meet one of the conditions for reviewable independence, or
- they commence to be a pensioner or in lawful custody.

Part III C

Student Status

State Care

Part 3C Content

This part contains the following chapters:



[Overview of Students in State Care](#)



[Parental Income Concession](#)



[Entitlement and payment of allowances and benefits](#)

Chapter 30 Overview of Students in State Care

Chapter Content

This chapter contains the following chapters:



[Allowances and benefits](#)

30.1 Allowances and benefits

Students in [State care](#) are eligible for:

- ABSTUDY Living Allowance either at the maximum standard rate or the away rate and related entitlements if they have reached the minimum school leaving age; or
- School Term Allowance and School Fees Allowance if they are under the minimum school leaving age.

Chapter 31 Parental Income Concession

Chapter Content

This chapter contains the following chapters:



[Exemption from parental income test](#)



[Payment of allowances and benefits](#)



[Cessation of care order due to age](#)



[Cessation of care order for other reasons](#)



[Visits home](#)

31.1 Exemption from parental income test

Students may be exempt from the ABSTUDY parental income test if they have been directed or authorised by a Court or government authority to live away from their natural or adoptive parents in substitute or foster care.

31.1.1 Qualifying for parental income concession

Students qualify under this provision if:

- they have reached the minimum school leaving age in their State or Territory, and
- they are not living with either of their natural or adoptive parents, and
- they are in the guardianship, care or custody of a Court, Minister or Department; or
- there is a current direction or authorisation from a Court, Minister or Department placing the student in the guardianship, care or custody of someone who is not the student's natural or adoptive parent, or
- they stopped being subject to the direction only because of age.

Students qualifying under this provision are normally clients of a State or Territory government welfare authority. That is, the authority:

- has been involved to some extent in placing the student in substitute care, and
- demonstrates ongoing involvement in the student's welfare.



Note: Usually the authority would have accepted certain custodial and/or financial responsibilities for the child.

31.1.2 Evidence required

Students must provide documentation from the relevant Court or government authority that proves they have been directed to live in substitute or foster care. Apart from relevant payment details, students applying for the parental income exemption do not need to give any other parent/guardian details.

31.1.3 Ineligible for parental income concession

Students are not normally eligible for this exemption, if they:

- have left 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 their welfare.



Note: These students may, however, meet the 'homeless' provisions.



31.2 Payment of allowances and benefits

31.2.1 Living allowance

Students who qualify for the parental income exemption are paid Living Allowance at either the standard rate or the away rate depending on whether the carer receives a regular foster care allowance for the student's upkeep.

Fifteen year old students are paid at the 16-17 year rate.

31.2.2 School term and school fees allowance

Students fourteen years old and under receive School Term Allowance and School Fees Allowance.

31.3 Cessation of care order due to age

If the care order ceases only because the student reaches an age nominated by the authority (usually, but not always, this will be 18 years), and the student does not return to live with either natural or adoptive parents, the student may:

- continue to qualify (and receive the away rate because the carer is no longer receiving a payment for their upkeep), or
- choose to apply for the Student Homeless Rate (the normal Student Homeless Rate documentation requirements apply).

31.4 Cessation of care order for other reasons

The parental means test will apply if the care order/authorisation ceases because students were placed in care:

- while their parents were incapacitated, and they are now in a position to resume caring for the student; or
- for a specific period for a particular reason not especially linked to their age (eg, completion of a good behaviour bond).

31.5 Visits home

Students are eligible for the parental income exemption only while they do not live with either or both of their natural or adoptive parents.

They are not normally eligible if they visit a parent's home regularly (at weekends, during the school holidays). In these cases, students are subject to the parental income test.

However, eligibility will probably not be affected if an occasional home visit is arranged or encouraged by the welfare authority for reconciliation purposes.

Chapter 32 Entitlement and payment of allowances and benefits

Chapter Content

This chapter contains the following chapters:



[Living Allowance entitlement](#)



[Other government payments](#)



[Payees](#)

32.1 Living Allowance entitlement

A student who is, or has been, living under an officially approved substitute care arrangement and has reached the minimum school leaving age for that State/Territory is entitled to receive Living Allowance at the rates specified below.

32.1.1 Standard rate

The maximum standard rate of Living Allowance, free of parental means test, may be paid if the carer receives from a government authority or other organisation:

- a regular foster care allowance, or
- other allowance which is intended directly for the student'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, eg, setting up a bedroom or repairing damage done by the student, the away from home rate may be paid.

32.1.2 Away from home rate

The maximum away from home rate of Living Allowance, free of parental means test, may be paid if the carer does not receive from a government authority or other organisation:

- a regular foster care allowance, or
- other allowance which is intended directly for the student's upkeep or personal use (eg, regular Adolescent Community Placement or Placement Provider Reimbursement payments made directly or indirectly by the Victorian Government).

32.1.3 Independent rate

The independent (homeless) rate of Living Allowance may be paid if the student 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.



32.2 Other government payments

Commonwealth government payments for dependent children in general (eg, Family Tax Benefits) and payments made by any government authority or other organisation towards the upkeep of a residential care facility (for example, payments to help with general running costs of the institution), do **not** affect the students eligibility for either the standard or away from home rates.

32.2.1 Rent assistance, Remote area allowance and Pharmaceutical allowance

Students eligible for the away from home or independent rates may be eligible for Rent Assistance, Remote Area Allowance and Pharmaceuticals Allowance, if they don't live with their carer, or their natural or adoptive parents while studying and they are in private rental accommodation.

32.3 Payees

In general, students who qualify for ABSTUDY under this provision receive their allowances direct. The carer does not receive payments on the student's behalf.

However, the authority may request that payment be made direct to the care giver or a person nominated by the student, if:

- the relevant government authority or an organisation approved by that authority believes that payment of allowances direct to younger students could jeopardise the student-carer relationship, or
- it is determined that the student is unable to manage his/her own finances, eg, a student in a special school.

In these cases, the request should be included in the documentation from the welfare department. Payment directions (ie, name and bank account) must be included in the relevant section of the ABSTUDY claim form.

Homeless

Part 3D Content

This part contains the following chapters:



[Overview of Homeless Students](#)



[Violence](#)



[Sexual Abuse](#)



[Other Unreasonable Circumstances](#)



[Extreme Family Breakdown](#)



[Circumstances Beyond the Family's Control](#)



[Parental Contact](#)



[Circumstances where Homeless Rate not payable](#)



[Payment of Homeless Rate](#)



[Reporting and release of information](#)

Chapter 33 Overview of Homeless Students

This chapter details the eligibility criteria for homeless students to receive the *Student Homeless Rate* (Student Homeless Rate) of living allowance.

Chapter content

This chapter contains the following topics.



[Policy outcome](#)



[Eligibility for Student Homeless Rate](#)



[Age](#)



[Natural or adoptive parents](#)



[State wards ineligible](#)

33.1 Policy outcome

ABSTUDY assists students who may be at risk of giving up their studies because of traumatic family circumstances. This provision recognises that there are situations where students face serious physical or mental harm in the family home. It gives such students the opportunity to continue in their studies after they have moved to a safer, more stable environment. The provision is for students who cannot reasonably remain at home and therefore must live independently for the sake of their well-being.

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



33.2 Eligibility for Student Homeless Rate

A student may qualify for the Student Homeless Rate of living allowance where it is unreasonable that s/he live at home, if:

- s/he cannot live at the home of either or both of her/his natural or adoptive parents
- because of extreme family breakdown or other similar exceptional circumstances, or
- because to do so would be at serious risk to her/his physical or mental well-being due to violence, sexual abuse or other similar unreasonable circumstance, and
- s/he is not receiving continuous financial or other support, directly or indirectly, from a parent of the student, and


- s/he is not wholly or substantially dependent on a person other than a parent of the student, on a long term basis, and
- s/he is not receiving a regular payment of welfare or student assistance from the Commonwealth, a State or a Territory (except ABSTUDY), and
- s/he does not have a partner who, being entitled to a regular payment from the Commonwealth, a State or a Territory, gets the payment at a higher rate because the student is his or her partner.

33.3 Age

Students applying for ABSTUDY Student Homeless Rate (Student Homeless Rate) must have reached the minimum school leaving age for their State or Territory.

33.4 Natural or adoptive parents

Eligibility is determined in relation to the student's natural (ie, birth) parent(s) or legally/traditionally adoptive parents.

 *Student Homeless Rate cannot be granted for 'homelessness' from a person who is not the student's natural or adoptive parent.*

Where the student's natural or legally/traditionally adoptive parent(s) live in separate households, the student must satisfy the Student Homeless Rate criteria in relation to each household.

33.5 State wards ineligible

Student Homeless Rate does not automatically apply to students who now are or previously were wards or in other state authorised care.

Chapter 34 Violence

Chapter content

This chapter contains the following topics.



[When homeless rate can not be approved](#)



[When homeless rate can be approved](#)



[Temporary accommodation](#)



[Homeless Youth Protocol requirement](#)

34.1 When homeless rate can not be approved

Student Homeless Rate cannot be granted on the grounds of violence where there is no satisfactory evidence that the student's health would be at serious risk if they were to live in the family home. For this reason, Student Homeless Rate cannot be granted if:

- a normally non-violent parent strikes the student on an isolated occasion without causing injury however, if such behaviour is a symptom of other ongoing conflict, Student Homeless Rate may be applicable on other grounds)
- the student or other family members initiate or provoke the violence primarily as a means of gaining Student Homeless Rate
- the violence is perpetrated by a visitor to the household and reasonable action could be taken to remove the risk, or
- the student is claiming Student Homeless Rate because of violence outside the home itself, eg, violence from a neighbourhood gang or at school, but is living in accommodation in the same neighbourhood.

34.2 When homeless rate can be approved

Student Homeless Rate may be granted if all attempts to avoid the violence have been made, without success, and the student has been forced to move to a distant location.

34.3 Temporary accommodation

A student may be eligible for Student Homeless Rate while one parent re-establishes a home due to violence. This can happen when:

- a student and that parent have fled the former home to escape violence, and
- the parent is temporarily accommodated in a refuge, and
- the student lives away from the parent, and
- the student is not getting continuous support from the parent while s/he is re-establishing a home.

34.4 Homeless Youth Protocol requirement

A student who is within the age group covered by the operational guidelines in her/his State/Territory who applies for Student Homeless Rate on the grounds of violence abuse must be referred to that State's or Territory's child protection agencies as per the Youth Protocol.

Chapter 35 Sexual Abuse

Chapter content

This chapter contains the following topics.



[Sexual abuse by a frequent visitor](#)



[Lack of supporting evidence](#)



[Sexual abuse of another person](#)



[Homeless youth protocol requirement](#)

35.1 Sexual abuse by a frequent visitor

If the student is sexually abused by a visitor, Student Homeless Rate will normally only be approved where all reasonable action has been taken to remove or avoid the abuse or harassment (eg, banning the visitor). Student Homeless Rate may be granted where no 'reasonable' action is possible, for example, based on information from the student, his or her doctor or counsellor, or from the Centrelink social worker.

35.2 Lack of supporting evidence

Normally Student Homeless Rate cannot be granted on the grounds of sexual abuse without independent supporting evidence. However, the Centrelink social worker will be able to determine whether the matter can be confirmed in any other way or whether Student Homeless Rate appears warranted on other grounds.

35.3 Sexual abuse of another person

Where a student has not been subjected to sexual abuse, but other members of the household are being abused by a member of, or frequent visitor, to the household, it may be accepted that it would be unreasonable to expect the young person to remain in the household.

35.4 Homeless youth protocol requirement

A student who is within the age group covered by the operation guidelines in her/his State/Territory who applies for Student Homeless Rate on the grounds of sexual abuse must be referred to that State's or Territory's child protection agencies as per the Youth Protocol.

Chapter 36 Other Unreasonable Circumstances

Chapter content

This chapter contains the following topics.



[Criminal activity](#)



[Serious neglect](#)



[Substance abuse](#)



[Psychiatric illness](#)



[Psychological abuse](#)



[Abnormal demands of a cultural nature](#)



[Circumstances where homeless rate will not be approved](#)

36.1 Criminal activity

Where parents or other family members are alleged to be engaged in criminal activities such as drug dealing, receiving or trading stolen goods, prostitution or robbery, the parental home could pose a serious threat to a young person's mental health and/or safety.

The existence of criminal activity alone is not sufficient to warrant Student Homeless Rate - a judgement must be made about the risk to the young person if s/he returned home.



36.2 Serious neglect

Serious neglect can include failure to provide adequate food, clothing, shelter, hygiene, medical attention or supervision. Neglect need not necessarily be of the student, but may involve the neglect of siblings. Parents may have difficulty in providing basic needs because of a physical or mental illness, invalidity or drug or alcohol addiction.

36.3 Substance abuse

Where a family member has a drug or alcohol addiction or other substance abuse problem, the student's physical or mental health must be adversely affected in order to qualify for Student Homeless Rate (that is, the existence of the problem does not necessarily make it unreasonable for the student to live at home).

36.4 Psychiatric illness

Student Homeless Rate may be granted where a family member suffers from a psychiatric illness and the student's physical or mental health would be at risk if s/he were to live at home; or where the student suffers from such an illness and the family is unable to cope with her/his continual presence in the home.

36.5 Psychological abuse

Student Homeless Rate may be granted if the student's physical or mental health is at serious risk because of psychological intimidation, emotional abuse or manipulative family relationships.



36.6 Abnormal demands of a cultural nature

Student Homeless Rate may be granted if the student's physical or mental health is at serious risk because of extreme parental demands such as:

- insistence upon an unwanted marriage
- abnormal and unreasonable demands on the student's labour
- insistence on leaving school prior to the completion of Year 12, or

- forced participation in extreme religious rites which are against the student's sincerely held beliefs.

36.7 Circumstances where homeless rate will not be approved

As a guide, Student Homeless Rate will NOT normally be approved solely or principally on the grounds that:

- parents choose not to assist or support the student in education
- parents state that they cannot afford to keep the student in education
- parents do not approve of a particular course of study
- the student wishes to live independently of her/his parents
- the student leaves home rather than live with parental expectations which are not unreasonable given the student's age and family lifestyle
- a student's parents have separated, and acquired new partners and stepchildren, and the student does not wish to live with either family
- additional relatives or boarders are invited to live in the home, resulting in less room for the student
- the parent's home is geographically distant from the student's chosen course of study
- parents move house before the student has completed a course of study at a particular institution
- parents are absent from the principal family home (eg, overseas) and choose to rent it out rather than allow the student to live there, or
- parents do not approve of a particular relationship.

Chapter 37 Extreme Family Breakdown

Students may be eligible for Student Homeless Rate if they cannot live at home because of extreme family breakdown.

Chapter content

This chapter contains the following topics.



[Indicators of extreme family breakdown](#)



[Eligibility for allowances](#)



[Student Cannot live at home](#)



[Not accepted that the student cannot live at home](#)



[Social worker to advise on nature of breakdown](#)



[Family breakdown not considered extreme](#)

37.1 Indicators of extreme family breakdown

Indications that the family breakdown is extreme may include:

- unsuccessful attempts having been made to resolve the issue(s), for example through counselling or mediation
- trial period(s) of the student living away from home and then returning, but without success
- the student and/or an immediate family member is suffering medically documented physical or psychological illness as a result of the conflict, and/or
- evidence that the emotional or physical well-being of the student or another family member would be jeopardised if the student were to live at home.



37.2 Eligibility for allowances

Students may be eligible for Student Homeless Rate if they [cannot live at home](#) because of extreme family breakdown. Both conditions of [can not live at home](#) must be met.

The existence of ongoing conflict alone is insufficient grounds for Student Homeless Rate to be granted.

37.3 Student cannot live at home

It will be accepted that the student cannot live at home because of extreme family breakdown if the conditions in [37.1](#), and [37.2](#) are met, **and**

- the student has been banned or barred from entering the home, and/or
- s/he would suffer extreme emotional distress if s/he had no option but to live there, and/or
- s/he (or another family member) could face physical harm if s/he were to return.

37.4 Not accepted that the student cannot live at home

It will not be accepted that the student cannot live at home for Student Homeless Rate purposes if the conditions in [37.1](#), [37.2](#), [37.3](#) and [37.5](#) are not met and s/he:

- chooses not to live at home; or
- is a secondary student whose parents have moved to a new location; or
- is a tertiary student committed to living away to study.



37.5 Social worker to advise on nature of breakdown

Given the difficulty in determining whether the conditions described in [37.1](#), [37.2](#), and [37.3](#) are met, and because the criterion of extreme family breakdown is the provision most open to exploitation by students or families otherwise bound by ABSTUDY parental income testing, all claims under extreme family breakdown must be referred to the Centrelink social worker for:

- a full assessment of the situation

- possible family mediation referral
- Youth Protocol commitments required for Student Homeless Rate applicants, and/or
- the possibility of mandatory reporting.

37.6 Family breakdown not considered extreme

The following situations of family discord do not, in themselves, qualify as `extreme':

- divorce or separation of the student's parents
- situations more akin to the `home conditions' situations covered in [Chapter 15](#), or
- situations covered in [36.7](#) or in [34.1](#).

Chapter 38 Circumstances Beyond the Family's Control

Chapter content

This chapter contains the following topics.



[Circumstances similar to extreme family breakdown](#)



[Parents unable to provide a home, care and support](#)



[Parents in prison or medical institution](#)



[Parent\(s\) overseas](#)


38.1 Circumstances similar to extreme family breakdown

This criterion covers situations of family dysfunction related primarily to circumstance beyond the family's control. They do not necessarily involve irreconcilable breakdowns in relationships.



38.2 Parents unable to provide a home, care and support

In all cases covered by this criterion, parents (or a single parent) will be unable to provide a home, care or continuous financial support for the student, normally for reasons beyond their control.

 **Note:** *This criterion differs from other provisions in that the situations covered here are of a more temporary nature.*

Situations include where a parent or parents are:

- in prison for periods of less than 10 years

- living away from home to undergo drug or alcohol rehabilitation
- incapacitated in a medical (including psychiatric) institution for a known period (except for hospitalisation for relatively short periods, eg, up to a month), or
- living in a refuge which does not permit the student to live there.

38.3 Parents in prison or medical institution


Approvals under this criterion are subject to normal 'continuous support from a parent' conditions.

Students are not normally eligible for Student Homeless Rate if they are living in accommodation owned or rented by their parents. However, where a student whose parents are in prison or a medical institution takes over all financial responsibility for the family home (including mortgage payments, rates, electricity bills etc), s/he may be eligible for Student Homeless Rate.

In such cases, the parent(s) must not be contributing to the upkeep or maintenance of the house, nor to the student's support, for example, following receipt of an insurance settlement for injuries which led to the parent's incapacitation.

38.3.1 Ineligible upon return of parents

Where the student is accepted as being the de facto owner of the family home, s/he will cease to be eligible under this criterion if either or both of the parents return to live in the house after being released from prison or discharged from a medical institution.

 **Note:** *Students who might otherwise qualify under this provision may already be clients of a State/Territory welfare authority and may be assessed quickly under the provisions for Students in State Care.*

38.3.2 Evidence

Evidence of a parent's residence in prison, medical institution, etc must be provided by the relevant State/Territory government department or, in the case of private rehabilitation, by the centre's administrator. Evidence of support arrangements must also be obtained.

38.4 Parent(s) overseas

Students are not eligible for Student Homeless Rate solely on the basis that their parent(s) is/are living overseas. In particular, students are not eligible for Student Homeless Rate where parents choose to return overseas leaving the student to live with relatives or friends. In such cases, the student must be assessed under normal dependent rate criteria.

Chapter 39 Parental Contact

Chapter content

This chapter contains the following topics.



[Parental contact](#)



[Approval without contacting parents](#)

39.1 Parental contact

39.1.1 Permission to contact parents

Under Privacy requirements, the student must give permission before parents can be contacted.

39.1.2 Separated and non-custodial parents

If a student's natural or legally adoptive parents live in separate households, the views of both parents, and the situation in both households are normally taken into account. This is regardless of whether one or both parents have custody or guardianship.

However, Student Homeless Rate may be granted on the basis of homelessness from the custodial parent's home ONLY, providing that:

- the student has had no contact with a non-custodial parent for two years or longer (including that the non-custodial parent has not paid maintenance during that time); or
- if the student has had more recent contact, or maintenance has been paid, the frequency and nature of the contact should be considered before taking that parent into account.

Where a student satisfies the Student Homeless Rate criteria in respect of the custodial parent but a non-custodial parent has provided continuous support to the student over the previous two years, the student may be assessed as dependent against the income of the non-custodial parent. For a student to be assessed in this way, it would need to be established that the non-custodial parent has maintained regular and substantial contact or financial support to the student

39.2 Approval without contacting parents

Student Homeless Rate claims may only be approved without seeking a parent's view in the following circumstances:

- at least one parent's views are provided in writing with the claim and there is no doubt as to the authenticity of the statement (although note that where parents live in separate homes, the other parent's views may need to be sought)
- there is sufficient evidence available to indicate that the student's or another person's safety could be at risk if the parent(s) were contacted
- there is independent evidence from a government welfare department, medical or police authority of domestic violence or sexual abuse, or
- where the non-custodial parent has had no or insignificant contact with the student, including no payment of maintenance, for more than two years.

Chapter 40 Circumstances where Homeless Rate not payable

Although a student may be faced by one or more traumatic home situations, Student Homeless Rate is not payable if s/he is receiving certain forms of support.

Chapter content

This chapter contains the following topics.



[Direct or indirect support](#)



[Wholly or substantially dependent](#)



[Continuous support from a parent](#)



[Parents offer to provide support](#)



[Residing at Boarding school](#)



[Income support from the Commonwealth, State or Territory](#)



[Exceptions to support provisions](#)

40.1 Direct or indirect support

Student Homeless Rate is not payable if the student is supported indirectly by a parent. This includes where parents arrange for assistance to be provided through a third party or organisation. Examples of such support could include:

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



40.2 Wholly or substantially dependent

Student Homeless Rate is not payable if the student is wholly or substantially dependent on another person, including a de facto partner, or organisation, on a long term basis.

The student need not be dependent solely in a financial sense, for example, s/he may contribute towards her/his upkeep from dependent rate of ABSTUDY, FaCS benefits or part-time employment. Nonetheless, in the overall context of the relationship, the student may be considered to be substantially dependent on the other person or organisation for eg, accommodation and care.

Care must be taken, however, to ensure that students are not denied Student Homeless Rate when the support is being provided genuinely on an emergency or 'good Samaritan' basis.

40.2.1 Long-term basis

Student Homeless Rate is not payable if a student is dependent on another person or organisation on a long-term basis.

'Long-term' is not necessarily tied to any particular length of time. The nature and intention of the arrangement and relationship need to be taken into account. For example:

40.2.1.1 Emergency or short-term help

Emergency or short-term help from friends, strangers, relatives or an organisation (eg, youth refuge) will not normally preclude eligibility for Student Homeless Rate. Where such help genuinely began as emergency support, and the student has continued to live with the person or organisation in safe and stable accommodation, s/he can continue to get Student Homeless Rate if it is clear that s/he is contributing towards her/his support and is not substantially dependent on the carer.

40.2.1.2 Student not dependent on partner

Where it is evident that a student, although in a 'long term' relationship is not also 'wholly or substantially dependent' on the partner, the relationship does not of itself preclude eligibility for Student Homeless Rate.

40.2.1.3 Student not facing harm

Where the student was not facing harm or extreme conflict at home, and is now living with another family because the student's parents are living overseas or are on an extended holiday, the support provided should normally be considered long-term in intention.

In the latter case, if the student is under 18 years and/or there are siblings aged under 16 years living in the same household, enquiries should be made about guardianship, and Family Tax Benefit directions.

40.2.2 Ineligible on grounds of long-term support

Where students are considered ineligible for Student Homeless Rate on the grounds of long-term support from another person (including a de facto partner), there is currently no option but to assess them for ABSTUDY against parental income, unless they are eligible for independent status due to being in a de facto relationship (see [28.1](#)).



40.3 Continuous support from a parent

Students are not eligible if they are receiving continuous support from a parent. 'Parent' refers to the student's natural or adoptive parents.


'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 which enables the student 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.

40.3.1 Examples of continuous support

These include:

- regular payments (eg, weekly, fortnightly, monthly, annually), regardless of the amount
- payments made in advance for, eg, school fees, HECS or rent

 **Note:** *However, a particular payment could have been made prior to the reasons for claiming Student Homeless Rate becoming apparent. In this case, the payment need not, in itself, preclude eligibility*

- regular payments for certain items, eg, car registration/maintenance, mobile phone upkeep, text books, student and sporting fees
- 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 accommodation.

40.3.2 Accommodation owned or leased by a parent

Student Homeless Rate is not applicable where the parents own or rent accommodation (including holiday houses, caravans, etc) in which the student is living. If the student is paying:

- little or no rent for the accommodation, s/he is receiving continuous parental support, or
- full market rental, the fact that the parents are allowing the student rental accommodation is inconsistent with a claim of extreme family breakdown. (If genuinely renting on a purely commercial basis, the student may choose to rent elsewhere)
- For the same reasons, Student Homeless Rate is also not applicable where a student is living on the same property as a parent, whether or not there are separate rental agreements, eg, a caravan in the back yard or an adjacent flat.



40.4 Parents offer to provide support

Subject to [40.7.1](#) students will not be eligible for Student Homeless Rate if their parents wish to support them and pay money directly to them, or their carers, or into their bank accounts. This is the case even if the student refuses to accept the money.


A student will not normally be eligible for Student Homeless Rate where the parents are prepared to support the student away from home, eg, at boarding school or with friends, and have taken steps to confirm these arrangements at the time the Student Homeless Rate claim is lodged.

40.5 Residing at Boarding school

Students who are at boarding school at the time of applying for Student Homeless Rate will not normally be eligible for Student Homeless Rate. This is regardless of which person or organisation is paying or subsidising the fees, as the student must be regarded as currently receiving support (including accommodation and care) on a regular or long term basis.

40.5.1 Emergency placement

However, where there is evidence that the student has been placed in the boarding school as an emergency measure to remove him/her from harmful home circumstances and fees have been waived or subsidised by the school on an emergency basis, Student Homeless Rate may be applicable.

 **Note:** Possible alternative of assisting students under the Assistance for Isolated Children Scheme or ABSTUDY on grounds of emotional/ behavioural problems requiring boarding school supervision should be looked at.



40.6 Income support from the Commonwealth, State or Territory

Continuing income support received by the student from a Commonwealth Department or an instrumentality of a State or Territory Government will preclude eligibility for Student Homeless Rate. Income support is defined as payments received directly or indirectly by the student which 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 has a reasonable expectation that they will be available for a reasonable period of time.

40.6.1 Ineligible Commonwealth support

Commonwealth payments which will preclude eligibility for Student Homeless Rate include:

- Youth Allowance, Newstart Allowance, Sickness Allowance, Partner Allowance or Special Benefit
- payments made by the Department of Veterans' Affairs through the Veterans' Children Education Scheme; and ñ training allowances or similar benefits.

40.7 Exceptions to support provisions

Even though the student may be in receipt of financial support other than ABSTUDY there are circumstances where Student Homeless Rate may still be payable.

40.7.1 Disregarded parental support

Students may be eligible for Student Homeless Rate if support from a parent or another person is:


- promised or provided in a manipulative or vindictive way, or
- conditions are placed on the support such that the students' physical or emotional health is compromised, or
- where one parent is the perpetrator of violence or abuse and the remaining parent who continues to share the home gives the student irregular and insignificant amounts of money or gifts.

40.7.2 Disregarded Commonwealth / State/Territory support


The following support will not preclude eligibility for Student Homeless Rate:

- a series of separate or unrelated payments made for specific purposes or in emergency situations; and/or

- assistance provided under rent relief schemes operated by some State housing authorities (such payments do not constitute income under the income test).

 **Note:** *The above type of payments preclude eligibility for ABSTUDY rent assistance;*


- payments provided by welfare authorities to a person who, or an institution which, provides accommodation or other assistance to homeless persons.

 **Note:** *A death benefit or superannuation payment or annuity to which a parent was entitled as a government employee, and which is paid direct to the student (and not to the surviving parent if there is one) following the parent's death, is not government assistance and will not preclude eligibility for Student Homeless Rate. (However, any income generated from a lump sum inheritance may be taken into account under the student income test.)*

40.7.3 Court ordered maintenance

In some cases, a Court may order parents to pay maintenance direct to the student (eg, under the *Family Law Act*). Such payments constitute "continuous support" and will normally preclude eligibility. However, as a parent may not comply with such an order, a student should not be ruled ineligible for Student Homeless Rate simply because a maintenance order has been made. Instead, evidence should be provided that the payments are actually being made.

Where Court-ordered payments are being made regularly but do not amount to more than \$50 a week, they may be counted as personal income and need not in themselves, preclude eligibility for Student Homeless Rate.

 **Note:** *This concession applies only to Court-ordered maintenance.*

40.7.4 Support from a de facto partner

A student who is living with a de facto partner is not necessarily ineligible for Student Homeless Rate. There should be no presumption that the student is being wholly or substantially supported by the partner. The only automatic exclusion from Student Homeless Rate of a partnered student is where an allowance in respect of the student has been granted because the student's partner is receiving a FaCS benefit.

The length of the relationship does not necessarily indicate that the student is being wholly or substantially supported by the partner. The nature of support given to the student by the partner should be tested in the same way as support given by any other person (other than the parent).

If it is decided that the student is 'wholly or substantially dependent' on the partner, then the length of the de facto relationship may be further relevant in determining whether that dependency is on a 'long term' basis.

Where the student is 'wholly or substantially dependent' on the partner, s/he is not eligible for Student Homeless Rate. In these cases the student may be subject to the parental income test if not eligible for independent status due to being in a de facto relationship.

40.7.5 Unplanned support

Where a person, including a relative, commenced caring for the student in an emergency capacity or on a short-term basis (without assuming full financial and/or custodial responsibilities), and the relationship has continued for longer than expected (eg, because no alternative could be found, or out of kindness of the carer), the student should not be precluded from being granted Student Homeless Rate. This is notwithstanding that Family Tax Benefit, additional pension or benefit or Parenting Allowance may have been claimed or received for the student prior to her/his claim for Student Homeless Rate.

Chapter 41 Payment of Homeless Rate

Chapter content

This chapter contains the following topics.



[Commencement of payments](#)



[Rent assistance](#)

41.1 Commencement of payments

Payment of Student Homeless Rate may be backdated to the date the student started living away from the parental home provided that the student had reached minimum school leaving age and was otherwise eligible for ABSTUDY.

41.2 Rent assistance

Students who meet the criteria for reviewable independent status and receive a Living Allowance, may be eligible for Rent Assistance, Remote Area Allowance and/or Pharmaceutical Allowance.

Chapter 42 Reporting and release of information

Chapter content

This chapter contains the following topics.



[Release of Information](#)



[Mandatory Reporting](#)

42.1 Release of Information

42.1.1 Release under the Student Assistance Act

The *Student Assistance Act 1973* allows for the release of student information in certain circumstances. The most relevant of these to Student Homeless Rate are that information may be released:

- if authorised by the student (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 Commonwealth Government departments for their administrative purposes (paragraph 355(1)(b)).

42.2 Mandatory Reporting

For Youth Protocol cases, contact with the State / Territory child protection agencies is mandatory.

Part III E

Student Status

Pensioner Status

Part 3E Content

This part contains the following chapters:



[Pensioner Status](#)

Chapter 43 Pensioner Status

This chapter covers details of the criteria required for a student to qualify for the [Pensioner Education Supplement](#), along with entitlements and allowances.

Chapter content

This chapter contains the following topics:



[Pension types and allowances](#)



[Pensioner education supplement](#)



[Entitlement](#)



[Acceptable income support for PES](#)



[Change of Status](#)

43.1 Pension types and allowances

A pensioner student is a student receiving a pension under the *Social Security Law* or the *Veterans' Entitlement Act 1991*.

43.1.1 Orphan's pension

Students receiving orphan pensions are not regarded as pensioner students for the purposes of ABSTUDY. They are eligible to apply as independent students.

43.1.2 Allowances included as pensions

Some allowances are also considered pensions for the purpose of ABSTUDY Pensioner Education Supplement entitlements (see [43.4](#)).



43.2 Pensioner Education Supplement

A pensioner student studying a full-time or concessional workload may be entitled to receive a Pensioner Education Supplement (no Living Allowance),

Allowances are as follows:

\$62.40 a fortnight if you are:

- an approved student with at least a 50% study load; or
- an approved student and you are either a Disability Support Pensioner or Invalidity Service Pensioner; or
- an approved student with a War Widow/er Pension receiving an invalidity income support supplement and have a dependant child.

\$31.20 a fortnight if you are:

- an approved student, other than those listed above, with at least a 25 per cent work load

a sole parent or carer and you have a study load of at least 25 per cent but less than 50 per cent.

43.2.1 PES/CDEP

Parenting Payment (single) recipients on CDEP (and other pensioners joining CDEP) will lose \$1 of Parenting Payment for every dollar that they earn on CDEP.

43.2.2 Part-time pensioner student

A pensioner student studying part-time may be entitled to receive the same benefits as other students on the Part-time Award if s/he is not eligible for the pensioner study load concession.



43.3 Entitlement

The types of entitlements listed below may be available to pensioner students if they meet the relevant criteria:

- Pensioner Education Supplement
- Incidentals Allowance
- Fares Allowance, and
- Away-from-base assistance.

43.4 Acceptable income support for PES

For the purposes of ABSTUDY Pensioner Education Supplement, the entitlement is available to customers receiving the following income support payments:

- FaCS Disability Support Pension
- DVA Invalidation Service Pension
- DVA carer service pension
- in the case of a person whose partner is receiving a FaCS disability support pension - a wife pension;
- a carer payment
- a parenting payment (single)
- a widow B pension
- a widow allowance
- in the case of a person who is a sole parent - a special benefit
- defence/war widow pension
- in the case of a person whose partner is receiving an DVA invalidity service pension - a partner service pension.

43.5 Change of Status

If students cease or commence to be a pensioner, their student status will vary with effect from the date on which they cease to be or become entitled to receive the pension.

Part III F

Student Status

Lawful Custody

Part 3F Content

This part contains the following chapters:



[Students in Lawful Custody](#)

Chapter 44 Students in Lawful Custody

This chapter details the situation where a student's status is defined as being in 'lawful custody'.

Chapter content

This chapter contains the following topics:



[Lawful Custody Status](#)



[Situations that are not "Lawful Custody"](#)



[ABSTUDY assistance](#)

44.1 Lawful Custody Status

A student is considered to be in lawful custody for ABSTUDY purposes if s/he is, for a period of more than two weeks, imprisoned or detained in a correctional institution, remand centre or youth training centre.

44.2 Situations that are not "Lawful Custody"

People in the following situations are not regarded as being in lawful custody.

- parole, or
- home detention programme, or
- work release, or
- transfer release while living in the community

In these situations entitlement is determined under the general ABSTUDY Awards.

44.3 ABSTUDY assistance

Assistance details including allowances, eligibility requirements, entitlements and payment details are described in [Chapter 89](#).

Part IV

Study Requirements

Approved courses and awards

Part 4 Content

Part 4 covers in detail the study requirements for ABSTUDY assistance. This part contains the following chapters:



[Study Award Overview](#)



[Awards](#)



[Approved Courses of Study](#)



[New Apprenticeships Access Programme \(NAAP\)](#)



[Study through Open Learning Australia](#)



[Schooling Awards](#)



[Tertiary Study](#)



[Tertiary Workload](#)



[Progress and Duration of Assistance](#)



[Study Load concessions](#)



[Disability Study Load concession](#)



[Overseas Study](#)



[Activity Tests](#)



[Absences](#)



[Courses excluded from ABSTUDY](#)

Chapter 45 Study Award Overview

ABSTUDY is available for secondary or tertiary awards. Approved students may be entitled to a range of allowances, some of which are common to both secondary and tertiary levels. [Part 7](#) provides comprehensive detail of these allowances.

Chapter Content

This chapter contains the following topics:




[Overview of Allowances](#)

45.1.1 superseded

45.1.2 Overview of Allowances

Students approved for Secondary or Tertiary Awards may be entitled to one or more of the allowances listed in [Table 14](#).

 **Note:** *This does not mean that every applicant who is eligible for the particular award is automatically entitled to all the benefits listed for that award.*

Chapter 46 Awards

ABSTUDY awards relate to students' level of study and the entitlements and allowances for which students are eligible. This chapter covers the specific eligibility criteria needed to qualify for each award. It also lists the benefits that the applicant may be entitled to under that award.

For full details of the benefits to which a student is entitled, see [Part 7](#) of the manual.

Chapter content

This chapter contains the following topics:



[Specific Eligibility Criteria](#)



[Schooling A Award](#)



[Schooling B Award](#)



[Tertiary Award](#)



[Part-time Award](#)



[Testing and Assessment Award](#)



[Masters and Doctorate Award](#)



[Student in Lawful Custody Award](#)



[Concurrent Awards](#)

46.1 Specific Eligibility Criteria

Students are eligible for an ABSTUDY award if they meet:

- the general ABSTUDY eligibility criteria, and
- the eligibility criteria for the type of award for which they are applying.



46.2 Schooling A Award

A student is eligible for a Schooling A Award if s/he meets the general ABSTUDY eligibility criteria and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions, and:

- is 15 years of age or younger and is either living at home or is not approved for the living away from home or independent rates and is studying a full-time secondary course

or

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

46.2.1 Allowances and Benefits

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

- School Term Allowance
- School Fees Allowance, and
- assistance with travel, meals and accommodation costs for distance education/correspondence students to attend residential schools.



46.3 Schooling B Award

A student is eligible for a Schooling B Award if s/he meets the general ABSTUDY eligibility criteria and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions, and:

- is 16 years of age or older and is undertaking an approved course of full-time primary studies, or full-time secondary studies,

or

- is under 16 years of age and has been approved for the away from home or independent rates of Living Allowance.

or


- is 15 years of age and in State Care.

46.3.1 Allowances and Benefits

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

- Living Allowance;
- Pensioner Education Supplement;
- School Fees Allowance;
- Fares Allowance;
- Orientation and special purpose visits;

- Away-from-base assistance for distance education/correspondence students to attend residential schools;
- Incidentals Allowance (where student is 18 years or over at 1 January in the year of study);
- Under 16 Boarding Supplement;
- Residential costs option (for students undertaking a secondary course of >30 weeks at a higher education institution);
- Rent Assistance;
- Remote Area Allowance;
- Pharmaceutical Allowance; and
- Additional Assistance.

 **Note:** *Students who are turning 16 years old during the year may be entitled to School Term Allowance under the Schooling A Award paid on a pro rata basis up to their 16th birthday.*



46.4 Tertiary Award

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

- is studying a full-time post-secondary course, and
- 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 exemption from the State/Territory education authority in order to attend a TAFE or another tertiary institution), and
- is studying a full-time (including concessional) study load, and
- is making satisfactory progress; and
- lives in Australia while studying or is eligible for assistance under the Overseas Study provisions.

46.4.1 Allowances and Benefits

A student approved for a Tertiary Award may be entitled to one or more of the following benefits¹:

- Living Allowance
- Pensioner Education Supplement
- Incidentals Allowance
- Additional Incidentals Allowance
- Fares Allowance
- Rent Assistance
- Remote Area Allowance
- Pharmaceutical Allowance
- Orientation and special purpose visits
- Away-from-base assistance
- Additional Assistance.
- Residential costs option.



46.5 Part-time Award

A student is eligible for a Part-time Award if s/he meets the general ABSTUDY eligibility criteria, and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions 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.

46.5.1 Allowances and Benefits

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.



46.6 Testing and Assessment Award

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

- seeks to enrol in an approved tertiary course 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.

46.6.1 Limit of assistance

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

46.6.2 Allowances and Benefits

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

- Fares Allowance, and
- Away-from-base assistance.




46.7 Masters and Doctorate Award

The allowances for the Masters and Doctorate Award are based on those which apply for the Australian Postgraduate Award (APA).

A student is eligible for a Masters and Doctorate Award if s/he meets the general ABSTUDY eligibility criteria, and:

- is enrolled in an approved Masters degree or Doctorate (PhD) course; and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions.

 *Note: Part-time Masters and Doctorate students are entitled to apply for an ABSTUDY Part-time Award.*

46.7.1 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.

46.7.2 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.

Students in such courses may apply for benefits under the Tertiary Award or the Part-time Award.

46.7.3 Allowances and Benefits

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 Higher Education Contribution Scheme (HECS) commitment **or** compulsory course fees
- Relocation Allowance **or** Fares Allowance
- Away-from-base assistance, and
- Additional Assistance.

See the Centrelink booklet '[Guide to Commonwealth Government payments](#) ' for current rates.



46.8 Student in Lawful Custody Award

A student 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.

46.8.1 Allowances and Benefits

A student approved for the Students in Lawful Custody Award may be entitled to the following benefits:

- Lawful Custody Allowance, and/or
- Away-from-base assistance (where permission has been given by correctional institution for the student to attend).

46.9 Concurrent Awards

46.9.1 Number of awards that can be held

Under normal circumstances a student can hold only one Award at any one time. However, a student may hold two awards concurrently (apart from a Testing and Assessment Award) providing only one of the awards pays Living Allowance or the Pensioner Education Supplement.

46.9.2 Allowances and Benefits

Benefits in respect of each Award are not affected by the concurrent award.

46.9.3 Examples

46.9.3.1 Example 1

A tertiary student who is studying two approved courses, each on a part-time basis, will be entitled to:

- Incidentals Allowance for each award according to the length of each course; and
- Away-from-base entitlements for approved activities required for each course.

46.9.3.2 Example 2

A 16 year old secondary student who is receiving Living Allowance under the Schooling B Award may also receive fares and Away-from-base entitlements under the Testing and Assessment Award to attend a selection test or interview required for admission to a tertiary course.

¹ See the Centrelink booklet [Guide to Commonwealth Government payments](#)  for current rates.

Chapter 47 Approved Courses of Study

To be eligible for ABSTUDY allowances, students must meet certain requirements regarding courses of study. This chapter covers approved and non-approved courses of study and education institutions.

Chapter content

This chapter covers the following topics:



[Indigenous special courses of study](#)



[Mainstream courses](#)



[Mode of study](#)



[Full-time or part-time courses](#)



[Secondary or Tertiary level courses](#)



[Length of courses](#)




[Articulated short course sequence](#)

47.1 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 [Chapter 59](#),
- 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.

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



47.2 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' No 2002/1 (see [Appendix B](#)) are also approved for ABSTUDY. The Determination does not specify full or part time courses.

47.2.1 Part-time study

A mainstream course being undertaken part-time may still be approved for ABSTUDY if it meets all approval criteria except that it cannot be classified as a full-time course. Students undertaking such courses can be approved for part-time entitlements.

47.3 Mode of study

An approved course may be studied by:

- attendance at classes
- distance education/correspondence, or
- a mode of study featuring a combination of distance education/correspondence study and classes.



47.4 Full-time or part-time courses

47.4.1 Full-time courses

An approved course may be classified as a full-time course if it is:

- a higher education course and has a full-time HECS weighting, or
- a non-HECS mainstream course of one year's duration or longer and involves at least 12 contact hours a week, or
- a non-HECS mainstream course of less than one year's duration and involves at least 20 contact hours a week (including work experience), or
- a non-HECS Indigenous special course and involves at least 20 contact hours a week (including work experience but NOT tutorial assistance under [ATAS](#)).

A course offered by an institution only as a part-time course may be classified as a full-time course if the institution can define a full-time workload which meets one of the above criteria.

Students undertaking courses that may be classified as full-time courses may be assessed for full-time student entitlements, subject to their workload and eligibility for [study load concessions](#).

47.4.2 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 part-time entitlements. Study load concessions cannot be applied to such courses.



47.5 Secondary or Tertiary level courses

All courses are defined in the 'Determination of Education Institutions and Courses' No. 2002/1 in [Appendix B](#).

47.5.1 Secondary courses

An accredited secondary school 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. These courses are approved as 'schooling' courses under ABSTUDY.

47.5.2 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.

These courses are approved as 'tertiary' courses under ABSTUDY.

47.5.3 Secondary or Tertiary courses

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 institutions, and in some circumstances, a higher education institution.

These courses may be 'schooling' or 'tertiary' courses under ABSTUDY, depending on their content.

Where institutions do not specify a TAFE level (this will particularly be the case in respect of non-government institutions offering vocational education and training courses), the Course Approvals officer must refer to course documentation such as a course prospectus in addition to the Determination at [Appendix B](#) to assess whether a course should be classified as a 'secondary' or a 'tertiary' course.

47.5.4 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 according to the criteria set out in [47.5.3](#).



47.6 Length of courses

47.6.1 Short courses

A short course is one not more than 30 weeks in duration, ie the first and last days are not more than 30 weeks apart. This period includes any holidays and vacations.

Students doing short courses are normally paid only from the start to the finish of the course.

Special rules apply for students who are undertaking successive short courses as part of an overall qualification, that is, 'articulated' short courses (see [47.7](#)).

47.6.2 Late starting courses

A late starting course is not a short course, but is one which:

- lasts for 30 weeks or more, and
- starts between 1 April and 30 June or between 1 August and 31 December, inclusive.

Students studying in late starting courses are normally paid only from the start of the course, that is, from the beginning of the pay period which includes the first day of the course.

47.6.3 Full year course

A full year course is where:

- the normal minimum duration for a full-time student to complete the course is 30 weeks or more; and
- the course starts before 1 April or between 1 July and 31 July.

Students studying in full year courses normally study for the whole academic year.

47.7 Articulated short course sequence

For the purposes of ABSTUDY an articulated short course sequence is when two or more short courses are linked together to form the same award or accreditation. ABSTUDY Living Allowance and PES may be paid between each course if the break is not greater than 28 days or longer where there are circumstances beyond the student's control.



Note: An articulated short course sequence that lasts more than 30 weeks, including vacations, that is not a late starting course is treated like a full year course when deciding for what period ABSTUDY Living Allowance or PES is paid.

Chapter 48 New Apprenticeships Access Programme (NAAP)

Chapter content

This chapter covers the following topics:



[Direct Programme funding and applying for ABSTUDY](#)



[NAAP Course details](#)

48.1 Direct Programme funding and applying for ABSTUDY

No direct financial assistance is provided to participants under the Programme and students can apply for ABSTUDY assistance other than Incidentals Allowance.

48.2 NAAP Course details

48.2.1 Tertiary level

New Apprenticeships Access Programme courses are tertiary level courses.

48.2.2 Contact hours

NAAP, 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 whether or not an ABSTUDY applicant meets the scheme's workload rules:

- to be considered full-time, students must undertake study involving at least 15 hours of class contact a week (this load satisfies the 75% workload rule)
- students eligible under [study load concessions](#) must undertake study involving at least 25% workload or 5 hours, whichever is the greater, a week (for the pensioner and disability study load concessions) or 66% workload or 13.4 hours, whichever is the greater, a week (for the two-thirds study load concession).

48.2.3 Duration of assistance

NAAP courses run for a **maximum** of 26 weeks. Eligible ABSTUDY students can only be paid assistance for the actual duration of their course. Not all students will be required to study for the full 26 weeks. Students must give information on the length of their course in the ABSTUDY claim form.

Chapter 48 New Apprenticeships Access Programme (NAAP)

Chapter content

This chapter covers the following topics:



[Direct Programme funding and applying for ABSTUDY](#)



[NAAP Course details](#)

48.1 Direct Programme funding and applying for ABSTUDY

No direct financial assistance is provided to participants under the Programme and students can apply for ABSTUDY assistance other than Incidentals Allowance.

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New Apprenticeships Access Programme courses are tertiary level courses.

48.2.2 Contact hours

NAAP, 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 whether or not an ABSTUDY applicant meets the scheme's workload rules:

- to be considered full-time, students must undertake study involving at least 15 hours of class contact a week (this load satisfies the 75% workload rule)
- students eligible under [study load concessions](#) must undertake study involving at least 25% workload or 5 hours, whichever is the greater, a week (for the pensioner and disability study load concessions) or 66% workload or 13.4 hours, whichever is the greater, a week (for the two-thirds study load concession).

48.2.3 Duration of assistance

NAAP courses run for a **maximum** of 26 weeks. Eligible ABSTUDY students can only be paid assistance for the actual duration of their course. Not all students will be required to study for the full 26 weeks. Students must give information on the length of their course in the ABSTUDY claim form.

Chapter 49 Study through Open Learning Australia

"Open Learning" is available through Open Learning Australia (OLA) which is a broker of distance education from a number of institutions throughout Australia.

Chapter content

This chapter contains the following topics:



[Study Workload](#)



[Payment period/s for eligible students](#)



[Exams](#)



[Continuation of payments from one study period to the next](#)



[Closing date for applications](#)



[Concurrent Open Learning/ conventional study](#)



[Break in study rule](#)



49.1 Study Workload

Generally, university level units offered by OLA have a credit weighting of 1/8 or 0.125 of a normal full time workload for single units, and 1/4 for double units or a weighting of 0.25.

Units with a credit weighting of 0.25 will generally run for two consecutive study periods of thirteen weeks each.

OLA also offers Vocational Education and Training (VET) modules. For ABSTUDY purposes the normal full time workload for an OLA student undertaking VET modules is 214 hours in a single study period.

49.1.1 Minimum workload

49.1.1.1 University level units

Students will normally need to register in and undertake at least two single Open Learning units in any one study period to receive assistance.

Units with a credit weighting of 0.125 will be identified by a 2 number unit code, (eg PSY11) and will generally run for one study period of 13 weeks. Generally a student would need to register in and undertake at least 2 of these units within any one study period to receive assistance.

Units with a credit weighting of 0.25 are identified by a 3 number unit code, (eg FRE112) and will generally run for two consecutive study periods of thirteen weeks each, but can range up to 39 weeks. Generally a student would need to register in and undertake at least 1 additional unit in a study period to receive assistance for that study period.

49.1.1.2 VET modules

Students who undertake OLA VET modules equivalent to 160 hours per study period may be eligible to receive assistance.



***Note:** The unit registration of students over two or more study periods is not averaged across the study periods.*

49.1.1.3 Sole parent/student with disabilities

The study load concessions for people in receipt of Parenting Payment (single) and students with disabilities also applies to Open Learning students. Students meeting the requirements of the concession can receive assistance as long as they study at least 25% of the normal full-time workload, i.e. one university level unit , or VET modules equivalent to 54 hours in a study period.



49.2 Payment period/s for eligible students

49.2.1 sub-section superseded

49.2.2 Two units in a single study period or in two non-consecutive periods

Assistance is also available to students who undertake at least two university level units in only one study period, or in two non-consecutive study periods. In these cases assistance is restricted to the actual duration of the study period/s involved.

49.3 Exams

Eligible students who do not intend to continue in their full time course can receive assistance for study in the relevant exam period/s, up to and including the last day of the exam period.

49.4 Continuation of payments from one study period to the next

For ABSTUDY purposes, it is not necessary for students to register for Open Learning study for study periods in advance. The continuation of assistance from one study period to the next is based initially on the student's stated intention to study in the next period in the required number of units and later confirmation of their formal registration (see 7.3.8.3.). OLA does not require students to register for study in more than one study period at the same time.

Payments should continue unbroken into the next study period if the proposed workload is acceptable, but will again be subject to confirmation of formal registration for that period.

49.4.1 Students continuing study from the fourth study period

The fourth study period starts in December and extends through to the following year. Students studying in the fourth study period can only receive ABSTUDY for that year up until 31 December of that year, pending further assessment by Centrelink.



49.5 Closing date for applications

To receive full benefit, the following application closing dates apply to Open Learning students (unless extenuating circumstances apply).

Table 7 - Closing dates for Open Learning

If student first applies for ABSTUDY for study period:	then the closing date for the application is:
one	30 May 2004

two	29 August 2004
three	28 November 2004
four	27 February 2005

49.6 Concurrent Open Learning/ conventional study

There may be cases where students enrol as conventional internal or external students, and also undertake one or more Open Learning units.

In the first instance, eligibility should be assessed for each form of study. The student would be eligible if the normal workload requirement is met in either the conventional course or in Open Learning study.

Where an institution accepts Open Learning study as part of the student's primary course, the amount of work in both modes of study may be combined. The student must provide a letter from the academic registrar (or equivalent officer) of the institution confirming that the successful Open Learning study will be credited towards the student's primary course. Note that a single university level unit of Open Learning study would equal 0.125 of a full-time HECS semester load.

49.7 Break in study rule

Open Learning students who have had a break of more than two study periods are considered to have had a break of more than one semester.

As vacation periods are disregarded when calculating the length of the break in study, a student studying in any one study period, would have to miss, (or study part-time without a concession), all or part of the next two study periods before being considered to have had a break in study of more than one semester.

Chapter 50 Schooling Awards

To be eligible for an ABSTUDY Schooling Award, students must meet certain study criteria. This chapter covers the education institution, level and workload requirements for secondary study.

Chapter content

This chapter contains the following topics:



[Approved education institutions](#)



[Study at more than one institution](#)



[Concurrent secondary and TAFE study](#)



[Home schooling arrangements](#)



[Attendance and Workload](#)



[Progress](#)



50.1 Approved education institutions

Approved education institutions for Schooling 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, and
- Higher Education Institutions

50.1.1 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
 - and for the payment of government capital or recurrent grants, or
 - for the payment of government grants or bursaries to the students.

50.1.2 Special schools

To be eligible for ABSTUDY Living Allowance or Pensioner Education Supplement, as applicable, students at special schools are required to:

- study at an approved special school, ie, a school conducted primarily for students having a mental or significant physical, intellectual or psychiatric disability that is:

(a) a government school, or

(b) a non-government school that is recognised as a school:

(i) under the law of a State or Territory, or

(ii) for the payment of government capital or recurrent grants, or

(iii) 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.

50.1.2.1 Secondary course

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.



50.2 Study at more than one institution

A secondary student may study at more than one institution, providing her/his total workload is full-time. Full-time workload can be confirmed by the school or institution.

50.3 Concurrent secondary and TAFE study

The following are to be treated as 'secondary' students even though some TAFE level study may be undertaken in conjunction with secondary subjects:

- secondary students who choose to take TAFE study outside of any formal arrangement between their secondary school and a TAFE college, and
- students whose TAFE or other vocational study may simply be credited to, or enable the student to enter, a TAFE course after secondary schooling is completed (ie the student is not formally enrolled in a TAFE qualification course at the same time as completing the secondary study). This is generally the case for students undertaking study under Australian Vocational Certificate arrangements and those in 'Year 13' type study, and
- students undertaking enabling / bridging courses at a higher education institution.

50.4 Home schooling arrangements

ABSTUDY can be made available for home-based schooling where the relevant State/Territory Government school education authority has given specific approval for an individual student to undertake home study 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.

In the absence of education authority approval, ABSTUDY should be available for home schooling only where the student is:

- formally registered at a secondary school recognised for ABSTUDY purposes;
- studying accredited subjects, and
- undertaking a workload deemed to be full-time by the school.



50.5 Attendance and Workload


50.5.1 Full-time study

A student must study full-time in the approved course to be eligible for assistance under an ABSTUDY Schooling Award unless s/he meets the criteria for a [study load concession](#).

50.5.1.1 Criteria

Students are considered full-time if they:

- attend school daily
- do not attend school daily but have been approved by the relevant State/Territory education authority to study course work at home (original or certified copy of State or Territory approval must be provided)
- do not attend school daily but study course work at home which is:
 - set by the school,
 - supervised regularly by the school, and- the study mode is approved by the school.

 *Note: This study mode will only be approved because of injury, illness or other circumstances beyond the student's control;*

- study a course at TAFE or similar institution or by distance education/ correspondence and undertake at least three-quarters of the accredited amount of full-time work; or
- qualify for a [study load concession](#).

50.5.2 Part-time study

Part-time schooling students who are 18 years or older at 1 January in the year of study, may be eligible for assistance under the ABSTUDY Part-time Award.

50.5.3 School Based Apprenticeships/ Traineeships

ABSTUDY students in Years 11 and 12 who are involved in full-time secondary schooling and attending TAFE for one or two days a week for an apprenticeship/traineeship are eligible for full ABSTUDY benefits. Any payment under the apprenticeship/traineeship agreement is treated as personal income under the [Income Bank rules](#).




50.6 Progress

There are no progress rules under the ABSTUDY Schooling Awards for school students. However, students undertaking secondary studies through a TAFE or similar institution are eligible for assistance providing they complete the approved course of study within a reasonable time.

50.6.1 Reasonable time

The table below defines what constitutes a reasonable time for different secondary courses studied at a TAFE, similar institution or a higher education institution. These do not apply to students attending a school.

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.

 **Note:** *The student's eligibility should be measured at the start of the academic year, and at that date, the student must have studies less than the maximum time limit allowed. A student may continue to be eligible for ABSTUDY until the end of the academic year, even where s/he will have studied more than the maximum limit by the end of that academic year. That is, previous study is only measured against the reasonable time once a year, at the start of the year.*

50.6.2 Approval of an extension

Centrelink may approve the extension of an award for up to one year beyond the reasonable time duration specified above 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.

Chapter 51 Tertiary Study

This chapter covers education institutions and study levels for tertiary study.

Chapter content

This chapter contains the following topics:



[Approved institutions](#)



[Excluded education institutions](#)



[Concurrent secondary and TAFE study](#)

51.1 Approved institutions

Approved education institutions for a Tertiary Award are:

- higher education institutions which attract Commonwealth funding
- TAFE institutions
- Aboriginal colleges which attract Commonwealth funding, and
- Private education institutions provided

- their primary focus is education, **and**
- they are registered, **and**
- their courses are accredited by the relevant State/Territory education authority.

A student who studies a secondary course through a tertiary institution is a secondary student and can apply under a Schooling Award.



51.2 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), and
- the Australian Institute of Sport and the State based equivalents.

51.3 Concurrent secondary and TAFE study

Increasingly, schools and TAFE colleges are joining together to offer students the opportunity to study towards their matriculation qualification and a recognised TAFE qualification. In these situations, students' TAFE study is directly credited to a distinct qualification (generally, a certificate or advanced certificate).

Students are considered as 'tertiary' students for scheme purposes where:

- concurrent study is undertaken leading to both the senior secondary qualification and to an accredited TAFE qualification, and
 - there is an association between the secondary study and the tertiary TAFE study, and
 - secondary and TAFE study is integrated within the structure of the course, and
 - both the institution offering the secondary study and the one offering the TAFE study are approved institutions for scheme purposes to offer that level of study, and
 - they are formally enrolled at both the secondary school and the TAFE college; and
 - both secondary and TAFE study is undertaken in a year:
- where TAFE study is integrated within both Year 11 and 12 study, students are 'tertiary' for both years,
 - where TAFE study is integrated only in Year 12, students remain as 'secondary' for Year 11.

Chapter 52 Tertiary Workload

This chapter covers workload requirements for tertiary study.

Chapter content

This chapter covers the following topics:



[Distance education / correspondence](#)



[Masters and Doctorate study requirements](#)



[Full-time workload](#)



[Part-time workloads](#)



[Credited subjects](#)



[Combined courses](#)



[Enrolment at two institutions](#)



[HECS](#)



52.1 Distance education / correspondence

The workload criteria set out in this section apply equally to students studying distance education/correspondence courses.

52.2 Masters and Doctorate study requirements

Students must meet the requirements of the university for studying full-time in the particular Masters or Doctorate course being undertaken.



Note: Part-time Masters and Doctorate students are entitled to apply for assistance under the ABSTUDY Part-time Award.

52.3 Full-time workload

Students applying for a Tertiary Award or a Part-time Award will be considered to be full-time or part-time on the basis of their study workload judged against the normal full-time study workload requirement of the approved course.

Normally, students must undertake at least 75% of the normal full-time workload to be eligible for full-time study entitlements, however, they also may be considered full-time if they qualify for a study load concession.

52.3.1 Assessed courses

The normal Higher Education Contribution Scheme (HECS) assessment is 1.0 over a year or 0.5 each semester.

Students studying higher education courses for which there is a HECS assessment will be regarded as full-time in a semester provided that they are enrolled in and undertaking a HECS workload of at least 0.375 in that semester (ie, 75% of a full-time workload for the semester).

Where special arrangements for Aboriginal and Torres Strait Islander students have been made to facilitate take up of higher education courses (eg a study programme involving non-HECS bridging subjects) and the institution classifies the study programme as being full-time and leading into a full-time degree course, the study programme will be considered to be a full-time course. Written advice is needed from the institution. They may, however, be a secondary course (refer to [Determination 2002/1](#)).

52.3.2 Full-time workload in other tertiary courses

The normal workload for non-HECS tertiary courses is the normal study programme as set down in course documentation.



Note: Enabling courses at higher education institutions are not tertiary courses.

Tertiary students studying non-HECS assessed courses who are enrolled in, and study, at least three-quarters (75%) of the normal full-time study workload are regarded as full-time students and may be eligible for benefits under an ABSTUDY Tertiary Award. Students must be full-time in each semester.

Students undertaking courses without full attendance requirements, ie in mixed-mode, distance education or competency based training courses, who cannot provide evidence of a full-time study workload, may be approved only for part-time entitlements. Acceptable workload evidence would be a timetable or similar document showing dates assignments are due and completion dates for the modules in which the student is enrolled.



Note: Tutorial assistance sessions funded under the DEST Aboriginal Tutorial Assistance Scheme (ATAS) are not to be included when assessing a student's full-time workload



52.4 Part-time workloads

Students who are not undertaking at least 75% of a normal full-time workload or do not qualify for a study load concession as described in [Chapter 54](#), may be eligible for benefits under the [ABSTUDY Part-time Award](#).

52.4.1 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 which are described in [47.7](#) and [Chapter 49](#).

Other exceptions are detailed in [52.7](#) Enrolment at two institutions and [54.2](#) Coherent course sequence study load concession.

52.5 Credited subjects

Subjects in which the student is not currently undertaking study cannot be counted for workload purposes. Subjects, units or points `credited' for work done previously do not count as ABSTUDY workload.



52.6 Combined courses

Where a student is undertaking a course that is a combined course (eg an approved BA/LLB course) for ABSTUDY purposes workload is measured against the normal full-time study load for the combined course.

52.7 Enrolment at two institutions

A student may study at more than one institution.

Normal workload requirements apply:

- the student must undertake at least 75% of normal full-time student workload in at least one course;
- studies through a second institution can be counted for workload purposes only if:
 - the subjects are recorded as enrolment by the first institution in the approved 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 which do not form part of an approved course;
- both institutions must be approved for ABSTUDY.

The above rules also apply to studies which combine HECS and non-HECS subjects.



52.8 HECS

52.8.1 What is HECS and how does it work?

A HECS course is a course in which students attract a charge under the Higher Education Contribution Scheme (HECS) administered by DEST.

HECS loadings are calculated based on institutions' advice about the normal full-time student workload in each year of a course. The year's normal full-time student workload has a HECS load (or weighting) of 1.0. HECS loads for individual subjects are determined based on the institution's advice about how much of the normal full-time student workload a subject comprises.

A normal full-time semester workload in a HECS course will be 0.5 (that is, one half of the full-year workload of 1.0). Three quarters (75%) of a full-time workload will be 0.75 in a year or 0.375 in a semester.

52.8.2 HECS workload - rounding effects

HECS values are expressed to three decimal places and rounded down. Thus, a subject which is one-third of a semester's work has a HECS value of 0.166 rather than 0.167. A subject worth one-eighth of a semester's work has a value of 0.062, while a quarter of a semester's work is worth 0.125.

A student should not be regarded as ineligible for ABSTUDY because of the effects of HECS rounding errors. (Rounding discrepancies will be 5/1000ths (0.005) or less.)

52.8.3 How is HECS taken into account for ABSTUDY?

ABSTUDY normally requires that students in HECS courses undertake a HECS load of at least 0.375 per semester.

52.8.4 HECS workload - census date

Students' HECS liability is calculated at the HECS census date in each semester (31 March and 31 August). A student who withdraws from or ceases studying in a subject after the census date decreases her/his workload by that subject's HECS load from the date of withdrawal or cessation, irrespective of whether HECS remains payable for that subject.

Conversely, a student who withdraws before the HECS census date and who undertook, and was enrolled in, subjects is credited with their workload to the date of withdrawal.

Chapter 53 Progress and Duration of Assistance

This chapter covers workload requirements for tertiary study.

Chapter content

This chapter covers the following topics:



[Reasonable time](#)



[Assistance for degree courses](#)



[Professional admission courses](#)



[Masters Qualifying course](#)

53.1 Reasonable time

53.1.1 Different length tertiary courses

ABSTUDY Tertiary students are eligible for assistance providing they can complete the approved course of study within a reasonable time. The table below defines what constitutes a reasonable time for different length tertiary courses.

Table 8 - Reasonable completion time for 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.

See also - [47.8](#) and [Chapter 49](#) concerning articulated short courses.

The student's eligibility should be measured at the start of the academic year, and at that date, the student must have studied less than the maximum time limit allowed. A student may continue to be eligible for ABSTUDY until the end of the academic year, even where s/he will have studied more than the maximum limit by the end of that academic year. That is, previous study is only measured against the reasonable time once a year, at the start of the year.

53.1.2 Additional reasonable time

In addition to the above, where a graduate student is accepted into a mainstream Bachelor degree course on the basis of completion of the initial Bachelor degree course, the reasonable time rules can be extended by up to two additional years. This provision applies to those students whose acceptance in the second degree was as a result of completion of the first degree being a mandatory prerequisite or alternative entry requirement imposed by the institution on such students.

The provision also applies to students who have been accepted into the second degree on the basis of an arrangement made with the institution that is specific to the student. That is, where successful study in the first course is accepted by the institution as an alternative means of entry to the second degree. Different rules apply where completed study at the same level is the usual or compulsory requirement for entry to the degree course for all students. In this situation, the provision at [53.2.5](#) is applicable.

53.1.3 Extension of one year because of disability or circumstances beyond the student's control

Centrelink may approve the extension of an award for up to one year beyond the reasonable time duration specified above 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 this year.



53.2 Assistance for degree courses

53.2.1 Limit of assistance

ABSTUDY assistance is normally limited to:

- one undergraduate Bachelor degree (including Honours, combined degrees and/or prerequisite studies), and
- one degree at Master level, and
- one degree at Doctorate level

OR

- two higher degrees at the same level, for example, if a student completes two degrees at the Masters level, no Doctorate is payable **or** if a student completes two degrees at the Doctorate level no Masters is payable.

Students may be approved for any number of non-degree undergraduate and/or postgraduate courses.



Note: Students continuing study in a degree course which commenced prior to 1998 may be considered to meet this rule where they are studying in a second or subsequent degree course. This applies for either the duration of the student's current course or until s/he discontinues or defers studies (see 53.1.3 circumstances beyond student's control).

53.2.2 Calculating limit of assistance for degree courses

The assessment of a claim for a student in a degree course is to include a comparison of the reasonable time for the course. This is to be determined by assessing the length of time that the student has received the ABSTUDY Living Allowance for study at the under-graduate degree level. Where applicable, additional reasonable time can be considered in accordance with [53.1.1](#) or [53.1.3](#).

If at the commencement of the year of claim, the length of time that the student has received Living Allowance 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.

53.2.3 Calculating ABSTUDY assistance

Periods of study for which Living Allowance was not paid (eg, for part-time study or because of income testing) and periods of study in courses other than degree level courses, are not taken into account.

53.2.4 Studies more than 10 years ago

Studies undertaken more than 10 years before the year of study are disregarded when calculating previous study time for either undergraduate or postgraduate degrees.

53.2.5 Prerequisite study

If a previously completed degree course at the same level is a recognised prerequisite for entry to another degree course, the previous course is not taken into account when calculating time

spent. That is, the reasonable time rule at [53.1.1](#) is calculated separately for the second course and the period Living Allowance was received to undertake the first course is disregarded.

This applies only where a previous course is the usual or compulsory requirement for entry to the degree course for all students, for example, the graduate entry requirement into the Bachelor of Social Work or the Bachelor of Medicine at Flinders University, SA. It does not apply because an individual student needs to get into the course in that way. The institution handbook should be consulted to verify the prerequisite requirement.

This provision does not apply to a student who has been accepted into the second degree on the basis of an arrangement made with the institution which is specific to the student. In these cases, the additional reasonable time rule at [53.1.2](#) applies.

53.3 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.

53.4 Masters Qualifying course

A Master's qualifying course can be a year of full-time or part-time undergraduate study that is an alternative to the completion of an Honours year to enable entry to Masters or Doctorate study. The Masters Qualifying year is undertaken following the completion of an undergraduate pass degree, ie a degree without Honours, so that a student can receive assistance to complete an Honours year or a Masters Qualifying course, but not both.

Chapter 54 Concessional Study-load students

In certain circumstances, a student who is not studying full-time may still be eligible to get all of the benefits of a full-time student. Such students will be referred to as 'concessional study-load students'.

Chapter Content

This chapter contains the following topics:



[Concessional Study-load students](#)



[In addition to the above circumstances, tertiary students \(only\) can be considered concessional study-load students in the following circumstances](#)

54.1 Concessional Study-load students

54.1.1 Students studying under either a Schooling Award or a Tertiary award can be considered a concessional study-load student in the following circumstances;

[Students considered full-time because of a two thirds workload \(TAFE and correspondence students\);](#)

[Students considered full-time because of a disability; and](#)

[Students considered full-time for PES purposes.](#)

54.1.2 Students considered full-time because of a two-thirds workload

A student may be considered a concessional study-load student if s/he is undertaking at least two-thirds of the normal full-time workload and it is not possible to study 75% of the normal workload because of:

- the institution's normal requirements for the course; or
- a specific direction in writing from the Deputy Principal, an 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. Workload requirements cannot be reduced for academic or vocational reasons for more than half of the academic year.

The 'institution's normal requirements' concession does not need written confirmation from the academic registrar, but can be obtained from the relevant faculty/school of the institution. In the case of a reduced workload needed to complete a course, confirmation can be sought from the institutions' handbook or official course structure.

The minimum concessional HECS value under the two-thirds study load concession is:

- 0.664 for a year, or
- 0.332 for a semester.

54.1.3 Students considered full-time because of a disability

To be considered a concessional study-load student because of a disability, a student must be assessed as eligible by reason of disability in accordance with the provisions outlined in [Chapter 55](#) and undertake at least 25% of the accredited full-time workload.

A Disability Support pensioner who stops getting the pension (and therefore no longer qualifies for the Pensioner Education Supplement) can retain eligibility for the disability concession and get the ABSTUDY Living Allowance (subject to income testing) for the remainder of the calendar year.

54.1.4 Students considered full-time for PES purposes

A student in receipt of the Pensioner Education Supplement (PES), may be entitled to a study-load concession which permits part-time study to be treated as full-time study for ABSTUDY purposes. This entitlement is for students receiving the following income support payments:

A payment from Centrelink:

- Parenting Payment (Single);
- Disability Support Pension;

- Carer Payment;
- Special Benefit (as a sole parent);
- Widow B Pension;
- Widow Allowance; or
- Wife Pension--if your partner receives a Disability Support Pension.

A payment from the Department of Veterans' Affairs:

- Defence Widow/er Pension (if you have a dependent child under 16);
- Invalidity Service Pension;
- Partner Service Pension (if your partner is receiving an Invalidity Service Pension); or
- War Widow/er Pension (if you have a dependent child under 16).

PES students are entitled to **\$62.40 a fortnight** if they are:

- an approved student with at least a 50% study load; or
- an approved student and you are either a Disability Support Pensioner or Invalidity Service Pensioner; or
- an approved student with a War Widow/er Pension receiving an invalidity income support supplement and have a dependent child under 16 years of age.

PES students are entitled to **\$31.20 a fortnight** if they are:

- an approved student, other than those listed above, with at least a 25% study-load; or
- a sole parent or carer with a study-load of at least 25% but less than 50%.

The part-time study must be at least 25% of a full-time study load and can be approved if you are a sole parent, carer or you have a substantial disability. The Pensioner Education Supplement is a non-taxable payment and does not have an income or assets tests.

54.1.4.1 Where a pension ceases during the course of study

A pensioner getting the 25% study load concession who stops getting the pension (and therefore no longer qualifies for the ABSTUDY PES) during the academic year and who is unable to increase her/his enrolment to at least 75% (or 66.66% where the study load concession applies) can get ABSTUDY Living Allowance (subject to the usual income tests) until:

- the end of the vacation following the current enrolment period where the change occurs in the first semester or in a term other than the last term in a year; **or**
- the end of the current enrolment period where the change occurs in a short or late starting course; **or**
- 31 December, where the change occurs in the second semester, the last term in a year, or where the student is enrolled in a year-based course.

If a student getting the pensioner study load concession stops getting the pension outside an enrolment period (ie during a mid-year or long vacation) s/he will only qualify for the ABSTUDY Living Allowance if s/he meets the normal workload (ie 75% or 66.6% as appropriate) from the start of the next enrolment period (ie semester or term) in the year. Such a student can get an ABSTUDY Living Allowance subject to the usual means tests from the date the pension and PES entitlement stops.



Note: A Disability Support pensioner who stops getting the Disability Support Pension (and therefore no longer qualifies for PES) can retain eligibility for the disability concession (see Policy Manual 4.4.2.3) and get the ABSTUDY Living Allowance (subject to income testing) for the remainder of the calendar year.



54.2 In addition to the above circumstances, tertiary students (only) can be considered concessional study-load students in the following circumstances

[Students considered full-time because of studying a coherent course sequence](#)

[Students considered full-time because of illness and injury](#)

54.2.1 Students considered full-time because of studying a coherent course sequence

Tertiary students studying two associated courses where one merges with or leads into the other course may be considered a concessional study-load student if the workload of the two course elements total at least 75% of the accredited full-time workload, eg a bridging course leading into, or a supplementary programme studied concurrently with, a degree course.

54.2.2 Students considered full-time because of Illness and injury

A tertiary student who suffers an illness or injury and is unable to maintain a full-time workload may continue to be regarded as a full-time student under the conditions set down for extended periods of [approved absence](#).



Note: Students undertaking two separate part time courses at the same time cannot add them together to make up a full time workload. The student must be full time in one course to be eligible for the full amount of ABSTUDY.

Chapter 55 Disability Study Load Concession

This chapter explains the qualification requirements for disability study load concessions.

Chapter content

This chapter contains the following topics:



[Policy outcome](#)



[How to apply for the disability concession](#)



[Evidence of substantial disability](#)



[Assessment by CRS Australia](#)



55.1 Policy outcome

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 workload and reasonable time requirements because of substantial physical, psychiatric or intellectual disability.

55.2 How to apply for the disability concession

To apply for the concession, a student can either provide a statement with their claim or lodge a separate statement outlining:

- the nature of their disability and its anticipated effect on studies; and
- any details of:
 - whether the education institution has recommended or required the student to enrol at less than normal full-time workload because of disability, and
 - whether s/he has already been assessed by CRS Australia (or the former Commonwealth Rehabilitation Service to determine her/his capacity to study at normal full-time workload.

If the student is not getting a disability support pension or DVA invalidity service pension, s/he may need to provide supporting medical evidence.

Students in receipt of DSP or DVA Invalidity Service Pension are automatically entitled to this concession.



55.3 Evidence of substantial disability

55.3.1 Physical disability

A student should be accepted as having a substantial physical disability for the purposes of ABSTUDY if:

- s/he is in receipt of a Disability Support Pension or DVA Invalidity Service Pension, or
- Centrelink is satisfied that the concession is in order because sufficient evidence of disability is available from the student's statement or supporting details, for example:
 - the student's advice about the disability, and either
 - a statement from the institution clearly stating that the student cannot or should not study at the normal full-time rate, or
 - a statement from an appropriate medical practitioner who has detailed knowledge of the applicant. The statement must confirm the student's disability and state its anticipated

effect on the student's ability to study under normal workload and reasonable time rules. A statement from a GP can be accepted if the effect of a particular type of disability is self-evident.

55.3.2 Psychiatric or intellectual disability

A student should be accepted as having a substantial psychiatric disability for the purposes of ABSTUDY, if s/he:

- is in receipt of a Disability Support Pension, DVA Invalidity Service Pension, or
- provides a statement from a specialist psychiatrist (for psychiatric disabilities) or other appropriate medical specialist, normally a registered psychologist (for intellectual disabilities) who has a detailed knowledge of the applicant. The statement must confirm the student's disability and state its anticipated affects on the student's ability to study successfully under normal workload and previous study/reasonable time rules.

55.4 Assessment by CRS Australia

Assessment by CRS Australia should be sought if substantial doubt exists about a student's eligibility for the concession on disability grounds, that is physical, psychiatric or intellectual.

55.4.1 Study load concession decisions by CRS Australia

If CRS Australia advises the person with a disability is not able to undertake a normal workload, the concession should be granted.

If CRS Australia advises that the person could make satisfactory progress while undertaking the normal full-time workload, the student's claim should be assessed on the basis of normal (non-concessional) ABSTUDY workload requirements.

Chapter 56 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.

Chapter content

This chapter contains the following topics:



[Schooling Award Students](#)



[Tertiary Award Students](#)



[Entitlements and Payments](#)

56.1 Schooling Award Students

56.1.1 Eligibility

A student who is studying overseas is eligible for ABSTUDY Schooling Award 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 workload provisions set down for [Schooling Award study](#).

The ABSTUDY Schooling assistance applies for an approved period as specified below.



56.1.2 Periods of assistance

The table below lists the periods for which overseas ABSTUDY assistance may be approved under certain circumstances.

If the student is...	then assistance approved for...
participating in an international educational exchange programme 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 Commonwealth of Australia (eg members of the Australian Armed Forces)	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, ie 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.

56.1.3 Attendance

The attendance provisions applying to students studying in Australia also apply to students studying overseas.

56.1.4 Documentation

Schooling students studying overseas may be asked to provide documentation from the relevant organisation.



56.2 Tertiary Award Students

56.2.1 Eligibility

A student who is studying overseas is eligible for ABSTUDY Tertiary Award assistance where:

- the student is enrolled in an approved Australian course at a higher education institution which approves the overseas study and is prepared to credit successful study at the overseas education institution toward the approved course, and
- the student meets the [workload provisions](#) set down for Tertiary Award study in respect of the approved Australian course.

56.2.2 Period of study

For students studying overseas under an ABSTUDY Tertiary Award there is no limit to the period of study overseas provided other eligibility and reasonable time conditions are met.

The period of study overseas need not be compulsory for all students.

56.2.3 Claims

A claim for a tertiary student studying at an overseas institution must be:

- lodged for each calendar year of overseas study, and
- supported by a statement from the Australian education institution confirming:
 - the student will remain enrolled as a full-time student in the approved course for the duration of the overseas study, and
 - the studies overseas will, if successfully completed, be credited toward the approved course.



56.3 Entitlements and Payments

56.3.1 Entitlements

Subject to the Living Allowance and Fares Allowance provisions below, students approved to study overseas do not receive any additional entitlements over and above their entitlements if studying at an approved Australian institution.


56.3.1.1 Living allowance

Schooling students may qualify for Living Allowance at the away from home or independent rate, subject to income-testing, if their circumstances overseas would meet the requirements for these rates were the student in Australia.

A tertiary student approved for ABSTUDY while studying overseas is entitled to the away rate.

56.3.1.2 Fares allowance

Students approved to study overseas may receive Fares Allowance entitlements if their circumstances overseas would entitle them to Fares Allowance if these conditions were experienced in Australia, eg a family is posted to a remote area overseas.


 **Note:** This refers to travel within the overseas country. Fares allowance to travel between Australia and the overseas country is not available.

56.3.2 Payments

Payments of entitlements are to be made to an Australian bank account by direct credit or to an Australian address by cheque.

56.3.2.1 Evidence and Verifications

Payments for schooling students will be made after receipt of written verification from the education institution confirming enrolment.

 **Note:** Confirmation of satisfactory attendance covering entitlement for a six month period is required twice a year.

56.3.2.2 Payments in advance

Schooling students studying overseas in a recognised international educational exchange programme may, on submission, be paid in advance to whichever is the less of:

- up to six months entitlement, or
- up to the end of the academic year.

56.3.2.3 Regular payments after advance payments

At the end of the period for which the advance payment was made, regular payments can commence provided:

- the education institution has confirmed enrolment and satisfactory attendance, and
- a claim form is lodged for the next year where the period of study extends to a new calendar year.

Chapter 57 Activity Tests

Chapter content

This chapter contains the following topics:



[Activity Tests](#)

57.1 Activity Tests

For the purposes of ABSTUDY, secondary school students must satisfy ABSTUDY requirements to qualify for their payment after accumulating a non-approved absence of more

than five days in a term. These requirements include an activity test as evidence that the student is meeting attendance requirements. Other conditions may also be required.

57.1.1 Test requirements

To satisfy the requirements a secondary school student must:

- participate in full-time study including full daily programme attendance.

57.1.2 Breaches

An activity test breach occurs when a secondary school student does one of the following:

- is not attending classes
- does not complete the workload requirement

57.1.3 Compulsory school age

There is no Activity Test for students of compulsory school age.

57.1.4 Test exemptions

The reasons for an exemption from the activity test, generally relate to circumstances that make it unreasonable for a secondary school student to satisfy the activity test and may include situations such as major personal crisis, bereavement and confinement.

57.1.5 Penalties

First breach in a year

- (Student has had five days or more unexplained absences in a school term)
- More than five absences in a term. A secondary school student will be required to enter into an ABSTUDY Activity Agreement. The five days do not have to be consecutive.

Second breach in a year

- (Student has not complied with the Activity Agreement in terms of school attendance)
- A penalty of 18% of Living Allowance (Basic Payment), applies if the Activity Agreement is breached for the first time.

Third breach in a year

- (Student has again not complied with the Activity Agreement in terms of school attendance).
- A penalty of 24% of Living Allowance (Basic Payment), for a period of 26 weeks if the Activity Agreement is breached for the second time.

Fourth and subsequent breaches in a year.

- (Student has still not complied with the Activity Agreement in terms of school attendance).
- a penalty of 100% of Living Allowance, including Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance, applies for a period of 8 weeks if the Activity Agreement is breached for the third time.

Chapter 58 Absences

Chapter content

This chapter contains the following topics:



[Approved absences](#)



[Extended periods of approved absence](#)



[Unapproved Absences](#)



[Allowance entitlements](#)



[Allowance Non-payment periods](#)

58.1 Approved absences

There are two types of absences for the purpose of Living Allowance calculations:

- approved absence, which does not affect the secondary school student's Living Allowance and Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance entitlements by exempting them from the ABSTUDY activity test; and
- unapproved absence, which may affect the secondary school student's Living Allowance and Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance entitlements.

58.1.1 Evidence required

The evidence required to apply an exemption to the activity test due to circumstances beyond the secondary school student's control are:

- a signed statement from secondary school student explaining the grounds on which the exemption is sought, and
- other supporting evidence such as medical certificates, letters from educational institution (where applicable), or

- statutory declarations from two other people who have first hand knowledge of the circumstances and who can attest to the circumstances (where a medical certificate is not applicable or is ambiguous).

58.1.2 Sufficient evidence

An indication by the school in an attendance check that an absence was due to illness or other circumstances beyond the secondary school student's control may generally be accepted as sufficient evidence of approved absence.

58.1.3 Absence due to transfer between schools

An absence of up to 10 days may be disregarded where it results from a transfer between schools if the absence is due to circumstances beyond the secondary school student's control.



58.2 Extended periods of approved absence

58.2.1 Entitlement to allowances

Full-time secondary school students will remain entitled to Living Allowance, Rent Assistance, Remote Area and Pharmaceutical Allowances during extended periods of approved absence unless they discontinue study.

58.2.2 Tertiary and TAFE/Higher Education secondary students

Full-time tertiary and TAFE/Higher Education secondary students will remain entitled to fortnightly allowances during an extended period of approved absence of up to eight weeks provided they:

- remain enrolled by the education institution; and
- provide a medical certificate to Centrelink within 30 days (or, if circumstances beyond the student's control intervene, as soon as possible after 30 days) of the commencement of the absence which:
 - states the nature of the condition leading to absence and confirms that it prevents the student from studying full-time; and
 - 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.




Note: 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.

58.2.3 Additional extended periods

One only 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.

 **Note:** *Students will be considered to have stopped 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.*



58.3 Unapproved Absences

Unapproved absences include full days of absence from classes in respect of which:

- 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;
- the applicant informs Centrelink that the secondary school student has not been in attendance at the school for the day;
- the secondary school student's absence was unexplained;
- the secondary school student's absence was not caused by illness or other circumstances beyond the secondary school student's control; and/or
- the secondary school student's absence was explained but not approved by the education institution.

58.3.1 Extended period

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 [Chapter 96](#) to determine the date from which payments should be cancelled.

58.3.2 Subsequent resumption of study

If a secondary school student subsequently resumes after an extended period of unapproved absence, the provisions in will apply unless the education institution retrospectively approves the period of absence.

58.3.3 Retrospective approval

Where retrospective approval for an absence has been granted the secondary school student will not be considered to have discontinued full-time study.

58.3.4 Vacation

A circumstance such as a vacation taken by the secondary school student with or without her/his family is not accepted as a circumstance beyond the secondary school student's control irrespective of whether the school approved the vacation.

58.3.5 Suspension or expulsion

A secondary school student has no entitlement to Living Allowance or Rent Assistance for a period during which s/he is expelled, suspended or excluded from school, and entitlement must be ceased for this period.



58.4 Section Superseded

58.5 Allowance entitlements

Secondary school students must study full-time or qualify for a study load concession to retain their full Living Allowance and Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance entitlement. For courses where attendance at class is required, secondary school students must attend classes regularly and for the full daily programme to be regarded as studying full-time.

58.5.1 Allowance reduction due to absence

Living Allowance and Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance entitlement for secondary school students attending a school may be reduced if the cumulative number of unapproved absences during a term exceeds more than five full days.

58.5.2 Resuming full-time study after entitlement has stopped

A secondary school student who discontinues in the course and subsequently resumes the same course in the same year is entitled to Living Allowance:

- from the beginning of the pay period which includes the day on which s/he recommenced classes if the break is greater than four weeks, or
- paid continuously if the break is less than four weeks.

58.6 Non-payment periods

A non payment period is a period during which an ABSTUDY allowance that would otherwise be payable to the secondary school student is payable at a reduced rate, or is not payable because of failure to comply with the requirements of the ABSTUDY Activity Test.

Subject to any pre-existing non-payment period or if a secondary school student commences a course, the length of an activity test non-payment period is 8 weeks. The non-payment period starts on the day on which notice is given to the secondary school student.

58.6.1 Reduction periods

This applies if an activity test non-payment period applies to that secondary school student and during the whole or a part of that period.

58.6.2 Pre-existing reduction period

If, at the time of the commencement of an activity test reduced payment period, the secondary school student is already subject to a pre-existing reduction period, the pre-existing reduction period is taken to end immediately before the commencement of the next activity test reduced payment period.

Chapter 59 Courses excluded from ABSTUDY

Chapter content

This chapter contains the following topics:



[Excluded courses](#)




[Courses that are wholly or substantially Away-from-base activities](#)

59.1 Excluded courses

The following courses are not approved for ABSTUDY:

- 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 programmes comprising a sequence of training that consists of modules from other vocational education training courses

 **Note:** *The afore mentioned dot points do not apply to study programmes undertaken by students in lawful custody, New Apprenticeships, Access Programme courses or articulated short courses under the National Framework for Recognition of Training*

Also excluded are;

- Commonwealth Government funded programmes such as:
 - mainstream Labour Market Programmes, or
 - community-based strategies
- courses conducted through the Community Development Employment Projects (CDEP) scheme by the Aboriginal and Torres Strait Islander Commission (ATSIC), and
- courses comprised wholly or substantially of Away-from-base activities.

59.2 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.

Part V

Awards and Allowances

Secondary Award Students

Part 5 Content

This part contains the following chapters:



[Secondary Award Framework](#)



[Eligibility for Schooling Allowances](#)



[School Term Allowance](#)



[School Fees Allowance](#)



[Boarding Supplement](#)



[Distance Education/Correspondence Study](#)

Chapter 60 Secondary Award Framework

ABSTUDY awards are aligned to a students' level of study (secondary or tertiary), and each award carries a range of benefits and allowances that approved students may be entitled to receive. This part of the ABSTUDY Policy Manual deals with secondary study awards and related allowances.

Chapter content

This chapter contains the following topics:



[Policy outcome](#)



[Eligibility](#)



[Schooling Awards - Allowances and Benefits](#)

60.1 Policy outcome

ABSTUDY policy on Secondary Award study provides a means for Aboriginal and Torres Strait Islanders to take full advantage of available educational opportunities and achieve secondary schooling levels comparable with the rest of the community. In turn, individuals are encouraged to study subjects and courses that will enable them to go on to tertiary studies and participate fully in the employment market.



60.2 - 60.3 superseded

60.4 Eligibility

To be eligible for a Schooling Allowance (School Term or School Fees) students must qualify for either the [Schooling A](#) or [Schooling B](#) awards. They must first meet the [primary ABSTUDY eligibility criteria](#) and then the specific criteria for each award.


In determining whether students are then entitled to any of the allowances associated with the Schooling Awards students must satisfy one of the [general schooling eligibility criteria](#).

60.5 Schooling Awards - Allowances and Benefits

60.5.1 Schooling A Award

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

- [School Term Allowance](#), and
- [School Fees Allowance](#).

 **Note:** *Students who are turning 16 years old during the year may be entitled to School Term Allowance under the Schooling A Award paid on a pro rata basis up to their 16th birthday.*

60.5.1.1 Distance Education/Correspondence Study

If approved for distance education the student may be entitled to assistance with travel, meals and accommodation costs to attend [residential schools](#).

60.5.2 Schooling B Award

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

- [School Fees Allowance](#)
- [Under 16 Boarding Supplement](#)
- [Orientation and special purpose visits](#)
- [Additional Assistance](#).

- [Pharmaceutical Allowance](#)
- [Remote Area Allowance](#)
- [Rent Assistance](#).

Chapter 61 Eligibility for Schooling Allowances

To be eligible for a Schooling Allowance (School Term or School Fees) students must first qualify for either the [Schooling A](#) or [Schooling B](#) awards. In determining whether students are then entitled to any of the allowances associated with the Schooling Awards students must satisfy one of the [general schooling eligibility criteria](#).

Chapter content

This chapter contains the following topics:



[Schooling A Award](#)



[Schooling B Award](#)



[General Schooling eligibility criteria](#)

61.1 Schooling A Award

61.1.1 Prerequisites

The student must first meet the [primary ABSTUDY eligibility criteria](#), and then the Schooling A Award criteria as follows.

A student is eligible for a Schooling A Award if s/he:



lives in Australia while studying, or is eligible for assistance under the [Overseas Study](#) provisions and:



is 15 years or younger, and

- is either living at home, or
- is not approved for the living away from home allowance or independent rates



is studying a full-time secondary course;

or



is a full-time primary school student aged 14 years of age or more at 1 January in the year of study, and



is living at home.



Note: A student must study [full-time](#) in the approved course to be eligible for assistance under an ABSTUDY Schooling Award unless s/he meets the criteria for a [study load concession](#).



61.2 Schooling B Award

61.2.1 Prerequisites

The student must first meet the [primary ABSTUDY eligibility criteria](#), and then the Schooling B Award criteria, as follows. A student is eligible for a Schooling B Award if s/he:



lives in Australia while studying or is eligible for assistance under the [Overseas Study](#) provisions, and



is 16 years of age or older, and



is undertaking an approved course of full-time primary studies or full-time secondary studies;

or



is under 16 years of age, and



has been approved for the away from home or independent rates of Living Allowance and Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance, where applicable;

or



is 15 years of age and in State Care.



Note: A student must study [full-time](#) in the approved course to be eligible for assistance under an ABSTUDY Schooling Award unless s/he meets the criteria for a [study load concession](#).



61.3 General Schooling eligibility criteria

[School Term](#) and [School Fees](#) allowances may be approved for a term if the applicant is in receipt of Australian [Government assistance](#), or [CDEP](#).

Or if they, or one or both of their parents hold:

- a valid Health Care Card for any reason except where it is only held in respect to a child for whom a Carer's Allowance is received.

Or they are:

- a [student without parents](#), or
- a student in [State Care](#).

61.3.1 Commonwealth Government assistance

Students may be approved for a Schooling allowance if they qualify for a prescribed form of Commonwealth Government assistance:

- a FaCS income support benefit
- eg new start allowance, sickness or special benefit
- a social security pension,
- eg Parenting Payment - single, Disability Support Pension, Age Pension, Carer Pension, or
- a Department of Veterans' Affairs pension
- eg age service pension, pension, war widow(ers) pension.

61.3.2 CDEP recipients

To be eligible, a parent/guardian must be receiving the CDEP wage as a participant of the CDEP project (or for training purposes), **not as the administrator** of the project.

61.3.3 Health Care Card/Low Income Card

61.3.3.1 School Term Allowance

When one or both of the student's parent(s)/guardian(s) has a current Health Care Card, [School Term Allowance](#) may be approved for the period of the issue of the card.


✗ *This does not apply where a parent/guardian has a Health Care Card because the child disability allowance is received.*

 *There is no eligibility for School Term Allowance if a Card is cancelled and no longer valid.*

61.3.4 Health Care Card/Low Income Card

61.3.4.1 School Fees Allowance

When one or both of the student's parent(s)/guardian(s) has a current Health Care Card/Low Income Health Care Card, [Group 1 School Fees Allowance](#) may be approved.

 *This does not apply where a parent/guardian has a Health Care Card/Low Income Health Care Card because the Carer Allowance is received.*

61.3.5 Students without parents

Students may be approved for the [Schooling allowances](#) if they are under the [minimum school leaving age](#) but because of their circumstances, would be expected to meet the other ABSTUDY criteria as:


- a [homeless student](#)
- an [orphan](#), or
- a student whose [parents cannot exercise parental responsibilities](#).

These are discussed in detail in [Part 3 - Student Status](#).

61.3.6 Students in State Care

Students in [State Care](#) are eligible for:

- [School Term Allowance](#) and [Group 1 School Fees Allowance](#) if they are under the [minimum school leaving age](#), or
- ABSTUDY Living Allowance either at the standard rate or the away rate and related entitlements if they have reached the minimum school leaving age.

 *Note: In such cases, the foster parent's circumstances are not taken into account.*

Chapter 62 School Term Allowance

This chapter describes eligibility conditions and entitlements for School Term Allowance.

Chapter content

This chapter contains the following topics:



[Policy Outcome](#)



[Eligibility for School Term Allowance](#)



[Entitlement and Payment of School Term Allowance](#)



[Circumstances affecting entitlements](#)

62.1 Policy Outcome

The purpose of School Term Allowance is to assist low-income families of Indigenous student under 16 years of age with expenses associated with equipping the student for school, eg uniforms, textbooks and materials. This enables students to fully participate in their classes.




62.2 Eligibility for School Term Allowance

Students on ABSTUDY [Schooling awards](#) may qualify for School Term Allowance if they meet certain conditions.

62.2.1 Approval requirements

School Term Allowance may be approved for a term if the student meets the criteria in [Table 10](#).

Table 10 - Eligibility criteria for School Term Allowance

No	Criteria	Additional References
1	Meets the award eligibility criteria	Refer 61.1 and Figure 1
2	Is of dependent status, and	Refer Chapter 11 Introduction to Dependent Status
3	Satisfies one or more of the following general schooling criteria:	Refer 61.3
	<ul style="list-style-type: none">the applicant or partner of the applicant qualifies for a prescribed form of Commonwealth Government assistance for a period during the term	Refer 61.3.1
	<ul style="list-style-type: none">the applicant or partner of the applicant is receiving a CDEP scheme wage from ATSIC	 (except where it is paid to administer a CDEP project) Refer 61.3.2
	<ul style="list-style-type: none">the applicant or partner of the applicant holds a current Health Care Card	Refer 61.3.3 and 61.3.4
	<ul style="list-style-type: none">the student would (if they were not under the minimum school leaving age) qualify for independent status as;<ul style="list-style-type: none">an orphana student whose parent(s) cannot exercise	Refer 61.3.5

	<ul style="list-style-type: none"> parental responsibilities, or as a homeless student for a period during the term. 	
	<ul style="list-style-type: none"> the student is in State care, under minimum school leaving age, and living with foster parents for a period during the term. 	Refer 61.3.6



62.3 Entitlement and Payment of School Term Allowance

62.3.1 Applicant

Applicant is the dependent student's parent(s)/guardian(s).

62.3.2 Entitlement

Entitlement for the term is established when the student commences study in the period for which the payment is applied for.

62.3.3 Payment Instalments

The annual entitlement of School Term Allowance is \$540.80¹ which is paid to the applicant in four quarterly instalments. The entitlement periods and instalment amounts for School Term Allowance are listed in [Table 11](#).

Table 11 - Entitlements for School Term allowance

Term	Entitlement Period	Amount
Term 1	1 January - 31 March	\$187.20
Term 2	1 April - 30 June	\$83.20
Term 3	1 July - 30 September	\$187.20
Term 4	1 October - 31 December	\$83.20

62.3.4 Payment in advance

Only in these circumstances is it possible to advance an instalment of School Term Allowance before the normal payment date;

- the student is studying overseas, or
- the student changes school during a term and requires additional uniforms, textbooks, materials or other school equipment.

62.3.5 Overpayment and Recovery of Allowances

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

62.3.6 Taxation

The School Term Allowance is non-taxable.

62.3.7 Indexation

The School Term Allowance is not indexed.



62.4 Circumstances affecting entitlements

Changes in a student's circumstance may affect their entitlement to School Term Allowance. These include:


- [Turning 16 during term](#)
- [If the student leaves school](#)
- [Change from Living Allowance to School Term Allowance](#)
- [Qualifying for Living Allowance](#)

62.4.1 Turning 16 during term

Where a student turns 16 years of age during a term, they will be entitled to a pro rata School Term Allowance for the term period up to the date of the birthday.

Living Allowance entitlement may commence from the date of the 16th birthday.

62.4.2 If the student leaves school

 *There is no entitlement to a term's payment where a dependent student does not commence in the term.*

No overpayment is incurred where a dependent student commences, but leaves during the term.

62.4.3 Change from Living Allowance to School Term Allowance

[Table 12](#) lists the effect where, during a term, a student previously assessed as eligible for away from home benefits, returns home from boarding and becomes eligible for School Term Allowance.

Table 12 - Change from living allowance to school term allowance

If...	then...
Living Allowance has been paid for the full term to the boarding institution and under the conditions of enrolment will not be refunded	there will be no overpayment of Living Allowance but entitlement to School Term Allowance for that term will be forfeited.
Living Allowance has been paid to an applicant or private board-provider	entitlement to Living Allowance is to be assessed on a <i>pro rata</i> basis.
for the period after boarding ceased, Living Allowance is either not paid or is refunded by the payee	the student will be entitled to School Term Allowance provided s/he commences school at the home location in that term.

62.4.4 Qualifying for Living Allowance

Students previously receiving the School Term Allowance who qualify for Living Allowance cease to be eligible for the School Term Allowance.

1 See the Centrelink publication ['Guide to Commonwealth Government payments'](#)  for current rates.

Chapter 63 School Fees Allowance

This chapter describes eligibility conditions, entitlements and payment of School Fees Allowance.

Chapter content

This section contains the following topics:



[Policy Outcome](#)



[School Fees](#)



[Categories of School Fee Allowance](#)



[Eligibility for School Fees Allowance](#)



[Entitlement to School Fees Allowance](#)



[Excess School Fees](#)



[Payment of School Fees Allowance](#)



[Transfer of School Fees Allowance to pay Boarding Costs](#)

63.1 Policy Outcome

The purpose of the School Fees Allowance is to assist low income families of Indigenous students in meeting the costs of school fees levied by the approved education institution for the student.



63.2 School Fees

School fees are those charged by a school for all students enrolled in a particular programme. For the purposes of this chapter, school fees include:

- 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.

63.2.1 Costs not payable as School Fees

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, eg aprons for Home Economics or Manual Arts
- charges to cover incidental expenses incurred by a student during term, eg, purchases from school shop
- charges for laundry/purchase of linen
- levies on behalf of a 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.



63.3 Categories of School Fees Allowance

There are two categories of School Fees Allowance - [Group 1](#) and [Group 2](#).

63.3.1 Group 1 (at home)

Group 1 students are defined as:



under 16 years of age, and

- living at home, or
- do not meet the criteria for the Away rate of Living Allowance, and



the parent/guardian meets the [general schooling eligibility criteria](#).

63.3.2 Group 2 (boarding)

Group 2 students are defined as:



meeting the criteria for the [Away rate of Living Allowance](#); and



meeting a criterion for the Away rate but for the presence of a local non-government school which s/he attends; or



qualifying for [independent status](#) as a [homeless](#), an [orphan](#) or a student whose [parents cannot exercise parental responsibilities](#).



Note: School fees are not payable for students 16 years of age or over and living at home as it is expected that school fees will be met from living Allowance entitlements.




63.4 Eligibility for School Fees Allowance

Students on ABSTUDY [Schooling awards](#) may qualify for School Fees Allowance subject to a range of prerequisites.

63.4.1 Approval Requirements for Group 1

Group 1 School Fees Allowance should be approved if the student meets the criteria: in [Table 13](#).

Table 13 - Criteria for Group 1 School Fees allowance

No	Criteria	Additional References
1	Meets the award eligibility criteria,	Refer 61.1 and Figure 1
2	Is of dependent status, and	
3	Satisfies one of the following general schooling criteria:	Refer 61.3
	<ul style="list-style-type: none"> the applicant or partner of the applicant qualifies for a prescribed form of Commonwealth Government assistance for a period during the term 	Refer 61.3.1
	<ul style="list-style-type: none"> the applicant or partner of the applicant is receiving a CDEP scheme wage from ATSIC 	 (except where it is paid to administer a CDEP project) Refer 61.3.2
	<ul style="list-style-type: none"> the applicant or partner of the applicant holds a current Health Care Card. 	Refer 61.3.3
	<ul style="list-style-type: none"> the student would (if they were not under the minimum school leaving age) qualify for independent status as <ul style="list-style-type: none"> an orphan a student whose parent(s) cannot exercise parental responsibilities, or as a homeless student for a period 	Refer 61.3.5

	during the term.	
	<ul style="list-style-type: none"> the student is in State care, under minimum school leaving age, and living with foster parents for a period during the term 	Refer 61.3.6



63.5 Entitlement to Group School Fees Allowance

- Entitlement to [Group 1](#) School Fees Allowance is established when the student commences study during the school year. Entitlement to School Fees Allowance is determined by:

- the [status](#) of the student
- the age of the student
- whether or not the student commences study, and
- the relevant income test is met.

Entitlement to [Group 2](#) School Fees Allowance is established during the school term in accordance with the school's refund policy.

63.5.1 Entitlement rates

Different rates of entitlement apply for eligible students. These are:

Group 1

School Fees Allowance (at home):

- Turning 16 before 1 July in school year \$78.00 pa
- Aged under 16 years at 30 June in school year \$156.00 pa

Group 2

School Fees Allowance (boarding):

- Maximum rate (subject to income test) \$5489.00 pa
- Income test-free \$4446.00 pa

63.5.2 Indexation

The level of School Fees Allowance is:

- not indexed for Group 1 students; and
- is indexed annually to the CPI for Group 2 students.



63.6 Excess School Fees

Where a student attends a school which charges fees in excess of the maximum amounts prescribed in this chapter, the applicant is responsible for meeting the additional costs.

63.7 Payment of School Fees Allowance

63.7.1 Group 1 students

School fees allowance is paid directly to the school or reimbursed to the applicant on presenting a receipt from the school which shows the fee amount paid. Reimbursement will only be made for the amount of school fees actually paid.

63.7.2 Group 2 students

School fees allowance may be paid to:

- the school, on lodgement of a claim for school fees from the school; or
- the person incurring the expenses, on submission of a claim for reimbursement with a school receipt attached.



Note: Group 2 students includes students eligible for the away rate of Living Allowance and, in some circumstances, those students who would have been eligible for the away rate because there is no local government school and the student attends a local non-government school.

63.7.2.1 Due date for payment

School fees allowances for Group 2 students are payable as follows:

- for students attending a non-government school the entitlement is payable for each term, and
- for students attending a government school the entitlement is payable in a lump sum at the beginning of the year.

63.7.3 Change of School

63.7.3.1 Old school

Where School Fees Allowance has been paid for the term or the year and a student subsequently changes school, no further payment will be made for the period for which payment has already been made.

The original school may elect to transfer a proportion (pro-rata) of the paid School Fees Allowance to the new school. This is a voluntary action between the two schools only.

63.7.3.2 New school

Where School Fees Allowance has been paid for the term or year and a student subsequently changes school, payments can be made to the new school for the period that the previous school has refunded part or all of the allowance to Centrelink.

63.7.4 Overpayment and recovery of allowances

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.



63.8 Transfer of School Fees Allowance to pay Boarding Costs

63.8.1 Transfer to meet outstanding boarding fees

Where a student is eligible to receive the away rate of Living Allowance and boards at a hostel or boarding school where the level of boarding fees charged by the boarding institution is more than the Living Allowance entitlement for the full year, then the remaining School Fees Allowance may be used to meet outstanding board fees.

These provisions do not apply to those students who failed the means tests.



Note2: These provisions do not apply to students in private boarding arrangements.

63.8.1.1 Entitlement not to be exceeded

Where a transfer as described above occurs, the combined School Fees Allowance and Living Allowance entitlement is not to be exceeded.

Any residual entitlement is not to be used for any other purpose, eg, to pay prior overpayment deductions or be directed to the student.

63.8.2 Disparity in fees levied by Schools/hostels

Fees levied for ABSTUDY students must be at the same level as those set for non-ABSTUDY students at the school/hostel.

2 See the Centrelink publication ['Guide to Commonwealth Government payments'](#) for current rates.

Chapter 64 Boarding Supplement

This chapter describes eligibility conditions and entitlements for Under 16 Boarding Supplement.

Chapter content

This chapter contains the following topics:



[Policy Outcome](#)



[Approved Boarding Schools](#)



[Boarding School Qualification](#)



[Student eligibility for the Boarding Supplement](#)



[Payment of Under 16 Boarding Supplement](#)

64.1 Policy Outcome

The purpose of the Under 16 Boarding Supplement is to assist with the short fall 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. Boarding schools would then receive the same rate of assistance for all eligible secondary school students who are entitled to the maximum rate of Living Allowance and School Fees at the away from home rate.



64.2 Approved Boarding Schools

The ABSTUDY Under 16 Boarding Supplement is available to schools which can demonstrate that the boarding school facilities are integrated with the school's infrastructure, that is:

- the facilities must be owned or leased by the school for the sole purpose of providing boarding facilities, including homework supervision and recreational programmes;
- 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.

For a boarding school or college to be approved, it must be able to demonstrate that it meets the [eligibility criteria](#) for the boarding supplement. This could be evidenced through documentation about the leasing arrangements for the school property, employment conditions for the staff and contractual agreements for house parents.

64.3 Boarding School Qualification

Boarding schools may qualify for the Under 16 Boarding Supplement where at least 10% of the total numbers of students enrolled at the school are Indigenous or a minimum of 20 Indigenous students are enrolled.

64.3.1 Boarding School Eligibility Criteria

Assessment of whether a school qualifies is carried out against these criteria:

- the school must demonstrate that the boarding school facilities are integrated with the school's infrastructure;
- the school must be included on the annual list of eligible boarding schools. This list is determined by the data provided for the non-government schools census conducted by DEST in August each year and provided to Centrelink;
- to be eligible for the current year of study per capita payment the school must be a boarding school where at least 10% of the total school enrolment from the previous year's DEST census are Indigenous students or a minimum of 20 Indigenous students were enrolled at this date.

The school must submit a list of students for whom they are seeking the allowance in the year of study to Centrelink (see [64.4](#)). On approval by Centrelink the school may receive a per capita payment for each student who meets the criteria.

For some students whose ABSTUDY applications have not been finalised at the ABSTUDY census dates in the year of study, but who are subsequently assessed as eligible for the away rate of Living Allowance at these dates, payment may also be made (see [64.5.2](#)).

 *Hostels are not eligible for payment of Under 16 Boarding Supplement.*



64.4 Student eligibility for the Boarding Supplement

A student meets the criteria for the Boarding Supplement if s/he:

- meets the [Schooling B Award criteria](#), and
- is under 16 years old and enrolled and attending school on the ABSTUDY census dates (i.e. 3rd Friday of Semester 1 and the 3rd Friday in August for Semester 2), and
- is boarding at a school where the proportion of Indigenous students is at least 10% of the overall student population or that has a minimum of 20 Indigenous students enrolled, and
- is receiving the Away rate of Living Allowance (i.e. the student must qualify for the Away rate and must meet the parental income, assets and family actual means tests).

The school may receive a per capita payment for each student who meets the criteria.



Note: Where a student is unable to commence school by the census date due to circumstances beyond their control, such as severe weather conditions, and has not attracted this allowance at another school, eligibility for first semester Under 16 Boarding Supplement should be determined by Centrelink on a case by case basis.

64.5 Payment of Under 16 Boarding Supplement

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.

64.5.1 Change of School

If a student changes school during a semester, the payment of 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.

64.5.2 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.

64.5.3 Overpayment and recovery of allowances

Overpayments will occur only where payment for a student is made and the student is subsequently found ineligible for Living Allowance, or the student was found not to be enrolled in and attending on the census day.

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

Chapter 65 Distance Education/Correspondence Study

ABSTUDY assistance may be provided for distance education students to attend residential schools. This chapter provides an overview of entitlements including assistance available to cover costs associated with approved accommodation and meals while away from the normal place of residence.

Section Content

This section contains the following topics:



[Workload and entitlements](#)



[Entitlement under Schooling Awards](#)



[Residential schools](#)



[Away from base assistance](#)

65.1 Section Superseded

65.2 Workload and entitlements

Workload levels affect the allowance levels that students are entitled to receive. Students undertaking courses without full attendance requirements, ie in mixed-mode, distance education or competency based training courses, may not necessarily receive a full time entitlement. Refer to [Part 4 - Study Requirements](#) and [50.5-Attendance and Workload](#) for clarification on entitlements.



65.3 Entitlement under Schooling Awards

65.3.1 Schooling A Award

If approved for distance education the student may be entitled to assistance with travel, meals and accommodation costs to attend residential schools.

65.3.2 Schooling B Award

A student approved for a Schooling B Award may be entitled to Away-from-base assistance for distance education/correspondence students to attend residential schools.

65.4 Residential schools

Residential schools are secondary and tertiary course activities which involve a group of students studying by distance education/correspondence. They involve programmes of intensive on-campus lectures and tutorials. A residential school would normally be of one or two weeks' duration.

65.5 Away from base assistance

65.5.1 Travel and accommodation for `mixed-mode' courses

`Mixed-mode' is a term used to describe courses delivered through a combination of distance education and face-to-face teaching. It is for students who are study off campus and need time on campus or for lecturers to travel to an off campus location to conduct such activities. Eligible students in receipt of one or more ABSTUDY allowances have travel, accommodation and meal costs paid for by the institution. [\[more detail\]](#)

Part VI A

Tertiary Award Students

Tertiary Award Framework

Part 6A Content

This part contains the following chapters:



[Tertiary Award Framework](#)

Chapter 67 Tertiary Award Framework

ABSTUDY awards are aligned to a students' level of study (secondary or tertiary), and each award carries a range of benefits and allowances that approved students may be entitled to receive. This part of the ABSTUDY Policy Manual deals with tertiary study awards and related allowances.

Chapter content

This section contains the following topics:



[Policy outcome](#)



[Eligibility for Tertiary Awards](#)



[Tertiary Award Allowances and Benefits](#)

67.1 Policy outcome

ABSTUDY policy on Tertiary Award study provides a means for Aboriginal and Torres Strait islanders to take full advantage of available educational opportunities and achieve tertiary schooling levels comparable with the rest of the community to participate fully in the employment market.



67.2 section superseded

67.3 Eligibility for Tertiary Awards

A student is eligible for a Tertiary Award if s/he meets the general ABSTUDY eligibility, and:

- is studying a full-time post-secondary course;

- 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 exemption from the State/Territory education authority in order to attend a TAFE or another tertiary institution);
- is studying a full-time workload or has been granted a study load concession; and
- lives in Australia while studying or is eligible for assistance under the Overseas Study provisions.

67.4 Tertiary Award Allowances and Benefits

A student approved for a tertiary award may be entitled to one or more of the following benefits¹:

- Away-from-base assistance
- Additional Assistance
- Fares Allowance
- Incidentals Allowance
- Additional Incidentals Allowance
- Living Allowance
- Orientation and special purpose visits
- Pensioner Education Supplement
- Pharmaceutical Allowance
- Remote Area Allowance,
- Rent Assistance, and
- Residential costs option

Refer [Table 14](#) in Part 7 - Common Allowances for a breakdown of allowances against each tertiary award.

¹ See the Centrelink booklet ['Guide to Australian Government payments'](#)  for current rates.

Part VI B

Tertiary Award Students

Additional Incidentals Allowance

Part 6B Content

This part contains the following chapters:



[Eligibility for Additional Incidentals Allowance](#)



[Claiming Additional Incidentals Allowance](#)

Chapter 68 Eligibility for Additional Incidentals Allowance

This section contains details about Additional Incidentals Allowance. Incidentals allowance is described in Part 7 - [Chapter 87](#).

Chapter Content

This section contains the following topics:



[Policy Outcome](#)



[Essential course costs](#)



[Eligibility and Entitlement](#)

68.1 Policy Outcome

The purpose of Additional Incidentals Allowance is to assist students to meet expenses associated with study in the approved course, such as general purpose education institution fees, textbooks, equipment and stationery. Additional Incidentals allowance assists where essential course costs exceed the prescribed amount of ordinary incidental allowance, enabling the student to fully participate in their course.




68.2 Essential course costs

Essential course costs are those costs which all students in a course are obliged to incur in order to undertake their course. Such costs may include:

- education institution fees

- comprising union, sports, library, administration, amenities, laboratory fees or levies or the like charged by an approved education institution
- does not include tuition or course fees charged by an education institution, and/or
- textbooks and equipment
- covers books, published articles, stationery and other equipment items
- does not include items which would be expected to be provided by the education institution or items such as musical instruments, sewing machines, typewriters or computers.

 **Note:** *Flying time and associated fees charged by institutions offering pilot (aviation) courses are viewed as tuition or course fees.*


68.3 Eligibility and Entitlement


A student is entitled to Additional Incidentals Allowance if:


- they are approved for a Tertiary Award, or
- a Masters and Doctorate Award

and

- course costs which are essential for all students in the course, eg, administration fees, textbooks and equipment, exceed the prescribed amount of ordinary incidental allowance, and
- the student lodges an itemised claim of the essential course costs
- the claim must be verified in writing by the Head of School/Faculty as being an essential requirement for all students undertaking the course.

 **Note 1:** *Part-time students and secondary students are not eligible for Additional Incidentals Allowance except where the student is a mature-age student aged 18 years or more in the year of study.*

 **Note 2:** *Tuition or course fees charged by an education institution are not included. This includes the flying time and associated fees charged by institutions offering pilot (aviation) courses.*

 **Note 3:** *Early discontinuation does not affect the rate of entitlement (if the student commenced study in the course, no overpayment is raised for Incidentals Allowance).*

68.3.1 Income test

Incidentals Allowance and Additional Incidentals Allowance are not income-tested.

Chapter 69 Claiming Additional Incidentals Allowance

This chapter describes how to claim for Additional Incidentals Allowance and the assessment criteria for related claims.

Chapter content

This chapter contains the following topics:



[Submitting claims](#)



[Entitlement amount](#)



[Payment of Incidentals Allowance](#)



[Recovery of overpayments](#)

69.1 Submitting claims

To receive Additional Incidentals Allowance, a student must submit a claim detailing the cost of each item of essential course expenditure. The claim must include detail of the full level of the prescribed amount, including the normal Incidentals Allowance amount and student contribution, and may include necessary items which have not yet been purchased, but for which cost quote(s) have been obtained outlining the costs.



Note: Receipts or quotes should clearly show:

- Business name
- each item purchased / quoted for, and
- date and amount of each item purchased / quoted for.

69.1.1 Certification of claims

The claim must contain certification by the Head of School/Faculty of the education institution that the items listed are essential for all students undertaking the course.



69.2 Entitlement amount

The Additional Incidentals Allowance (IA) entitlement is the amount by which essential course costs exceed the prescribed amount. This amount includes the normal Incidental Allowance level plus a student contribution to costs.

There is a maximum to the amount of Additional IA which can be claimed in a year.

69.3 Payment of Incidentals Allowance

Additional Incidentals Allowance may be paid following approval of a completed claim from a student. It is paid in lump sum up to four weeks in advance of study.

69.3.1 Payee

Additional Incidentals Allowance is paid directly to the student.

No arrangement to pay a third party may be entered into except through Centrepay arrangements.

69.4 Recovery of overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

2 See the Centrelink booklet ['Guide to Commonwealth Government payments'](#)  for current rates.

Part VI C

Tertiary Award Students

Masters & Doctorate Allowance

Part 6C Content

This part contains the following chapters:



[Eligibility for Masters and Doctorates Award](#)



[Masters and Doctorate Award - Allowances and Benefits](#)

Chapter 70 Eligibility for Masters and Doctorates Award

The Masters and Doctorates Allowance is available to assist Aboriginal and Torres Strait Islander students undertaking Masters and Doctorate degrees on a full-time basis meet the cost of fees, living and a range of other expenses.

This chapter outlines eligibility requirements and details of the award.

Chapter Content

This chapter contains the following topics:



[Policy outcome](#)



[Masters and Doctorate Award](#)



[Income, assets and family actual means tests](#)



[Ineligible Courses](#)



[Study-Load Concessions](#)

70.1 Policy outcome

The purpose of the Masters and Doctorate Allowance is to provide a living allowance to eligible Indigenous students equivalent to the Australian Postgraduate Award Stipend.



70.2 Masters and Doctorate Award

A student is eligible for a Masters and Doctorate Award if s/he meets the general ABSTUDY eligibility criteria, and:

- is enrolled in an approved Masters degree or Doctorate (PhD) course on a full-time basis or is a concessional study-load student as listed in [70.5](#)
- is not receiving or will not receive any other form of government assistance (see [Chapter 8](#)), and
- lives in Australia while studying or is eligible for assistance under the Overseas Study provisions, and
- meets the relevant income tests.

70.3 Income, assets and family actual means tests

70.3.1 Living Allowance prerequisite

Students must qualify for Living Allowance to be eligible for Residential Costs Option, Relocation Allowance, Thesis Allowance and payment of HECS or compulsory course fees.

70.3.2 Means Test

Income, assets and family actual means tests are applied to student income during the period for which the student is eligible for ABSTUDY assistance.

Means tests also apply to:

- parental income, assets and family actual means for **dependent students**, and
- partner income and assets, if the student has a partner, for **independent students**.

The income of students and their parents/guardians or partners, where relevant, must be below the allowable income limits after income and family actual means tests to receive the maximum rate of Living Allowance.



70.4 Ineligible Courses

For the purposes of the Masters and Doctorate Award, the following courses **cannot** be approved under this Award:

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

Students in such courses may apply for benefits under a Tertiary Award.

70.4.1 Part-time

Part-time postgraduate students cannot receive Masters and Doctorate but are entitled to apply for an ABSTUDY Part-time Award.

70.5 Study-Load Concessions

Masters & doctorate students may apply for a concessional study-load under on of the following conditions:

- coherent course sequence concession
- two thirds concession
- disability concession
- pensioner concession
- illness and injury concession



Note: Full-time Masters and Doctorate students who prefer to retain their pension and receive ABSTUDY PES must be studying a full-time workload or an approved concessional work study-load to be eligible for the Masters and Doctorate supplementary benefits

Chapter 71 Masters and Doctorate Award - Allowances and Benefits

This chapter outlines allowances and benefits for eligible students undertaking the Masters and Doctorate Award.

Chapter Content

This chapter contains the following topics:



[Allowances and Benefits](#)



[Allowance rates](#)



[Recovery of overpayments](#)

71.1 Allowances and Benefits

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

- [Away-from-base assistance](#)
- Additional Assistance
- Incidentals Allowance
- Additional Incidentals Allowance
- [Living Allowance](#) or Pensioner Education Supplement
- [Thesis Allowance](#)
- [Assistance to pay Higher Education Contribution Scheme \(HECS\), or compulsory course fees](#)

- [Relocation Allowance](#) or Fares Allowance
- Residential Costs Option.



71.1.1 Away-from-base assistance

The assistance available to Masters and Doctorate students is limited in a calendar year for accommodation, meals and fares³.

[Part 7C](#) provides full details of assistance for Away-from-base activities.

71.1.2 Living Allowance

The Living Allowance rate paid under the ABSTUDY Masters and Doctorate Award is based on the standard stipend rate paid under the Australian Postgraduate Award scheme.

Refer to the Centrelink publication '[Guide to Commonwealth Government payments](#)' for the current rate of Living Allowance. The rate is applicable to both course work and research studies.

The ABSTUDY Masters and Doctorate Award is means tested and taxable. Family actual means tests do not apply to independent students. An abatement rate may also be applied.

71.1.3 Relocation Allowance

A student who has to move to another town or city to take up a Masters and Doctorate Award may be paid a relocation allowance. Relocation allowance is to assist with:

- [Removal costs](#), or
- Fares Allowance for the student, the student's partner and dependent child(ren) to the study location.



Note: An eligible student must be receiving either Living Allowance or PES Living Allowance to be eligible for relocation allowance).



Note: Relocation allowance cannot be paid without proof of either a full-time enrolment or of being a concessional study-load student in an approved Masters/Doctorate course.

71.1.3.1 Removal costs

The removal costs component of relocation allowance covers:

- removals through a removalist company, or
- a hire truck if the student chooses to undertake her/his own removal.


Removal costs can 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.

The student must obtain three quotes before removal costs can be approved. The lowest quote will be paid. Where it is not possible to get three quotes, the delegated officer needs to be satisfied the costs are reasonable.

71.1.4 Relocation allowance excludes


Relocation allowance does not cover the costs of establishing the student's new home.

 **Note:** *Students paid relocation allowance have moved their permanent home and cannot receive Fares Allowance other than for participation in an Away-from-base activity, attendance at a graduation ceremony and relocation travel.*

71.1.5 Thesis allowance


ABSTUDY Masters and Doctorate Award students may receive a Thesis Allowance to assist with costs associated with the presentation of a thesis or other similar course requirement.

This payment must be claimed within two years of the expiry of the Award. The claim must be substantiated by original accounts or receipts for payment if reimbursement is sought.

 **Note:** A student must be in receipt of either ABSTUDY or PES Living Allowance (i.e. have met Income Test requirements) and be Full-Time or Concessional Study Load student to be eligible for Thesis Allowance.


71.1.6 Compulsory course fees or HECS

ABSTUDY Masters and Doctorate Award students may apply for assistance to pay compulsory course fees or HECS liability incurred for the approved course.

 **Note:** *A student must be studying full-time to be eligible for payment of compulsory course fees or HECS.*


Where either course fees **or** HECS are payable, ABSTUDY will pay the lesser of the two amounts. To receive this benefit, a student must make a written request attaching:

- the original compulsory course fee account, or receipts showing payment, or
- the HECS Assessment Notice.

 **Note:** *HECS requests should be lodged before the census date and in time for the advance payment discount to be received.*

71.1.6.1 Payment of course fees or HECS

For both course fees and HECS, payment will be made direct to the institution.

 **Note:** *Under no circumstances, is payment to be made direct to the student.*

Where a student has incorrectly nominated to defer their HECS payment instead of choosing the Up Front payment option, or has lodged their HECS payment option form late, and the institution is unable to accept payment, the student must then obtain a statement of their HECS

liability from the education institution before payment can be made on their behalf to the ATO. In such cases, the early repayment discount would need to be deducted from the notified amount.



71.2 Allowance rates

The allowances for the Masters and Doctorate Award are based on those which apply for the Australian Postgraduate Award (APA) - refer www.dest.gov.au/highered/research/apa.htm

71.2.1 Reduced Living Allowance

Students may be entitled to a reduced rate of Living Allowance where the relevant income and family actual means tests are higher than the allowable income limits but below the upper income limits according to their circumstances.

71.2.2 Other Allowances

Entitlement to Relocation Allowance, Thesis Allowance and payment of HECS or compulsory course costs is dependent on a student qualifying for Living Allowance or Pensioner Education Supplement (PES). However, a student will be eligible for these allowances if receiving Living Allowance at either the maximum rate or a reduced rate. A student receiving (PES) must be studying a full-time workload.

71.2.3 PES

Full-time Masters and Doctorate students who prefer to retain their pension and receive PES must be studying a full-time workload to be eligible for the Masters and Doctorate Award supplementary benefits.

That means that if they are receiving PES because of a study load concession they are not eligible for relocation allowance, Thesis Allowance or payment of compulsory course fees or HECS.

71.3 Recovery of overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of any of these allowances has been made.

³ See the Centrelink booklet [Guide to Commonwealth Government payments](#)  for current rates.

Part VII

Common Allowances

Part 7 Content

Part VII contains the following sub-parts



[Part 7A - Overview of Common Allowances](#)



[Part 7B - Additional Assistance](#)



[Part 7C - Away-from-base Assistance](#)



[Part 7D - Incidentals](#)



[Part 7E - Lawful Custody](#)



[Part 7F - Living Allowance](#)



[Part 7G - Pensioner Education Supplement \(PES\)](#)



[Part 7H - Travel Assistance](#)

Part VII A

Overview of Common Allowances

Part 7A Content

This part contains the following chapters:



Chapter 73 Study Awards and Allowances

ABSTUDY is available for secondary, tertiary and post graduate awards. Approved students may be entitled to a range of allowances, some of which are common to all levels. Part 7 provides comprehensive detail of these allowances.

Chapter Content

This chapter contains the following topic



[Overview of Allowances](#)

73.1 section superseded



73.2 Overview of Allowances

Students approved for Secondary or Tertiary Awards may be entitled to one or more of the allowances listed in [Table 14](#).



Note: This does not mean that every applicant who is eligible for the particular award is automatically entitled to all the benefits listed for that award.

Table 14 - Allowances applicable to Secondary and Tertiary Students

ABSTUDY Allowance	ABSTUDY Award Codes						
	A	B	T	P/t	TA	MD	LC
	Secondary level studies		Tertiary level studies				
Additional Assistance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Away-from-base assistance			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Away-from-base assistance for distance education/correspondence students to attend residential schools;	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Boarding Supplement (Under 16)		<input checked="" type="checkbox"/>					
Incidentals Allowance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Additional Incidentals Allowance			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
HECS (Assistance to pay						<input checked="" type="checkbox"/>	

HECS commitment or compulsory course fees)							
Lawful Custody Allowance		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Living Allowance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Orientation and special purpose visits		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Pensioner Education Supplement		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Relocation Allowance						<input checked="" type="checkbox"/>	
Residential schools		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
School Fees Allowance ²	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
School Term Allowance ³	<input checked="" type="checkbox"/>						
Rent Assistance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Thesis Allowance						<input checked="" type="checkbox"/>	
Travel Assistance							
Fares Allowance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

2 Available for eligible primary school students aged 14 years or over on 1 January in the year of study

3 As per above note

Part VII B

Common Allowances

Additional Assistance

Part 7B Content

This part contains the following chapters:



[Eligibility for Additional Assistance](#)



[Claiming Additional Assistance](#)

Chapter 74 Eligibility for Additional Assistance

This chapter describes Additional Assistance which can be provided to secondary and tertiary award students, focusing on eligibility requirements.

Chapter content

This chapter contains the following topics:



[Policy Outcome](#)



[Eligibility for Additional Assistance](#)



[Proving significant hardship](#)

74.1 Policy Outcome

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 who experience severe financial difficulties meeting associated education costs.

The intended outcome is to reduce the risk of students withdrawing from education.

74.2 Eligibility for Additional Assistance

A student may be eligible for Additional Assistance if:

- the student eligible for ABSTUDY Living Allowance and the application of an ABSTUDY eligibility or entitlement provision is harsh or inequitable in the student's circumstance; and
- the student'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; and
- the basis of the Additional Assistance claim is directly related to a factor associated with the student's study programme which has resulted in the student 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 applicant which may be regarded as negligent or imprudent, and
- there is no other Commonwealth or State Government agency or private organisation which is a more appropriate source of assistance.

74.3 Proving significant hardship

Significant hardship will be established if fortnightly expenditure on essential items is equal to or exceeds the fortnightly income of the student or student's family, and there are no financial reserves for the student or student's family to draw upon.

Chapter 75 Claiming Additional Assistance

This chapter describes how to claim for Additional Assistance and the assessment criteria for claims.

Chapter content

This chapter contains the following topics:



[Lodgement of claims](#)



[Fortnightly income and expenditure statement](#)



[Assessment of claims](#)



[Entitlement Amount](#)



[Payment of Additional Assistance](#)



[Recovery of overpayments](#)

75.1 Lodgement of claims

A student or applicant must lodge a claim for Additional Assistance. The claim is to contain:

- a description of the circumstances relating to the student's study programme that are causing financial difficulty; and
- a statement of student or family (as appropriate) [fortnightly income and expenditure](#); and
- corroborative evidence of the situation as appropriate, eg, from education institutions, boarding establishments, welfare agencies, and
- an indication of the amount of assistance that is sought.



75.2 Fortnightly income and expenditure statement

The fortnightly income and expenditure statement must be provided for:

- the student, if a single independent student, or
- the student, partner and dependent children, if an independent student with partner; and/or
- the parents/guardians and dependent children, if a dependent student.

Evidence may be requested to support this statement.

75.2.1 Income

Income includes:

- wage and salary payments after tax and Medicare payments are deducted;
- maintenance received; and
- Commonwealth Government benefits including:
 - Social Security pension or benefit payments
 - Family Tax Benefits Payments
 - ABSTUDY, Youth Allowance/Austudy payment, and
 - any other form of regular income.

Maintenance paid for the support of a previous partner or children should be deducted.



75.3 Assessment of claims

75.3.1 Essential items

In general, only expenditure on the following essential items is to be considered in assessing Additional Assistance claims:

- accommodation, eg rent, house repayment instalment and essential costs such as insurance, 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.

75.3.2 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, eg, club fees for interests not catered for by the education institution, and
- debt repayment, including hire purchase of items other than household furniture.



75.4 Entitlement Amount

The amount of entitlement 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 which has contributed to the financial difficulties, or
- overcome the hardship, i.e. address the imbalance between income and essential expenditure.

75.5 Payment of Additional Assistance

Where approved, Additional Assistance may be provided in the form of:

- a regular supplement to an allowance the student is entitled to receive (taxable), or
- a once only payment where this will overcome the hardship (non-taxable).

The payee for Additional Assistance will be:

- the applicant for Schooling awards, or
- the student for Tertiary/Masters and Doctorate awards.

75.6 Recovery of overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

Away from Base Activities

Part 7C Content

This part contains details about Away-from-base activities for ABSTUDY students, outlining eligibility requirements and entitlements.

This part contains the following chapters:



[Overview of Away-from-base Assistance](#)



[Entitlements for Away-from-base activities](#)



[Away-from-base activities for mainstream courses](#)



[Testing And Assessment Programmes](#)



[Placements](#)



[Field trips](#)



[Residential Schools](#)



[Residential Expenses and Meal Allowance](#)



[Away-from-base Travel allowance](#)



[Away-from-base Living Allowance](#)



[Payment and acquittal for Away-from-base assistance](#)

Chapter 76 Overview of Away-from-base Assistance

This chapter contains details about assistance which can be provided for students to participate in Away-from-base activities.

Chapter Content

This chapter contains the following topics:



[Policy outcome](#)



[What are Away-from-base Activities?](#)



[Travel, accommodation and meals for `mixed-mode' courses](#)



[Travel, accommodation and meals for special activities](#)



[Payment of Reasonable Costs](#)



[Disallowed costs](#)



[Annual Limits](#)

76.1 Policy outcome

To cover travel costs and reasonable costs for accommodation and meals while away from the normal place of residence.



76.2 What are Away-from-base Activities?

Away from base activities are necessary academic components of an approved mainstream course which require students to travel away from their home or study location for a short period of time. There are two broad categories of ABSTUDY away-from-base activities"

- Travel, accommodation and meals for `[mixed-mode](#)' courses (administered by DEST)

- Travel, accommodation and meals for special activities (administered by Centrelink).

76.3 Travel, accommodation and meals for `mixed-mode' courses

In this category, `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 time on campus.

76.4 Travel, accommodation and meals for special activities

In this category, the student attends the institution in the normal way, usually on a daily basis to attend lectures and tutorials. To be eligible for Away-from-base assistance the special activities must be essential components of a student's course. These activities include:

- field trips (Tertiary students only)
- tertiary placements
- residential schools or block release programs, and
- testing and assessment programmes.

To receive assistance, students apply to Centrelink, and must complete an *ABSTUDY Submission for Away from Base Activity Funding*.

 **Note:** *Age pensioners who qualify for an ABSTUDY award are eligible for Away-from-base assistance.*



76.5 Payment of Reasonable Costs

Centrelink may pay travel allowance (including meal and accommodation costs), in advance, or as a reimbursement claim.

76.5.1 Reasonable costs

Generally, ABSTUDY will cover reasonable costs incurred to participate in Away-from-base activities necessary to meet the minimum requirements for successful completion of the course.

76.5.1.1 Approval of costs


Centrelink Delegates can only approve costs considered justified or reasonable.

76.5.1.2 Part approval of costs

Where approval is only given for part of an activity cost, the balance of the cost is to be met by the education institution or by the students.

76.6 Disallowed costs

- Fees associated with Away-from-base activities, eg, entry fee to a show or exhibition, or conference registration fees, are not payable under ABSTUDY. These are the responsibility of the student.
- ABSTUDY assistance is not available to attend conferences or for payment of conference registration fees and similar costs.

 *Assistance to travel overseas is not available.*



76.7 Annual Limits

There are limits to the number of return trips and the number of days for *ABSTUDY away from base assistance*. The limits apply to any combination of residential schools, field trips and/or placements during the year of study.

76.7.1 One-semester course.

Students in a one-semester course will be eligible for a pro rata level of assistance that is up to three return trips and 20 days residential costs.

76.7.2 Full year study

Students undertaking full year study in an approved course are eligible for a combined total of:

- residential schools, field trips and / or placements of up to six return trips and 40 days residential costs in a year, or
- the number of return trips and days approved for the course prior to 1998.

The lesser amount is to be paid.

76.7.3 Testing and Assessment programs

Students are eligible to attend a maximum of two testing and assessment programmes in a year.

76.7.4 Masters or Doctorate students

The assistance available to Masters or Doctorate students, including fares, is not to exceed \$2,080 in a calendar year.

Chapter 77 Entitlements for Away-from-base activities

This chapter describes persons entitled to assistance and the benefits payable for approved Away-from-base activities.

Chapter Content

This chapter contains the following topics:



[Who is entitled to assistance?](#)



[Period of entitlement](#)

77.1 Who is entitled to assistance?

Persons entitled to assistance for Away-from-base activities are:



[Students](#) approved to participate in an Away-from-base course activity



[Education institution representatives](#) where travel to students' home community or communities can be demonstrated to be cost-effective for assessment testing or residential schools, and



[Drivers or pilots](#) of chartered transport companies where chartered travel is cost-effective for the purposes of transporting students in the approved travel, eg coach hire for field trips.



Note: ABSTUDY will not cover the costs of persons other than those specified above.



77.1.1 Student entitlements

The entitlements which may be available for students approved to participate in Away-from-base activities are:



[Fares Allowance](#)



[Residential expenses](#), i.e., meals and accommodation, expenses, **or** [travel allowance](#), and/or



[Living Allowance](#) if a regular source of income is lost.



Note: Where a student in lawful custody has permission to attend Away-from-base course components, they may be eligible for standard Away-from-base entitlements of Fares Allowance and residential expenses.

77.1.2 Education institution representatives entitlements

The entitlements which may be available for education institution representatives approved to travel to communities to conduct assessment testing or residential schools are:



[Fares Allowance](#) and /or



[Residential](#) expenses, that is meals and accommodation.

77.1.3 Drivers or pilots entitlements

Drivers or pilots of chartered transport companies may have residential costs paid where these costs are not included in the costs of the charter.

77.2 Period of

The period of entitlement for Away-from-base activities entitlements will be:

- the length of the approved Away-from-base activity, and/or
- any period(s) of unavoidable overnight stopover(s) at an in-transit location or an Away-from-base location due to transport timetables.

Chapter 78 Away-from-base activities for mainstream courses

This chapter explains the different types of Away-from-base activities for which assistance can be provided. Submission and approval requirements are also covered.

Chapter Content

This chapter contains the following topics:



[Approved activities](#)



[Limit of assistance](#)



[General approval requirements](#)



[Submission required for approval](#)

78.1 Approved activities

ABSTUDY students may receive assistance to attend:

- testing and assessment programmes
- residential schools
- tertiary placements
- tertiary field trips

as part of a mainstream course.



78.2 Limit of assistance



Eligible applicants may be assisted to attend a maximum of two testing and assessment programmes in a year.

78.3 General approval requirements

Approval for student participation in an Away-from-base course activity of a mainstream course, with the exception of placements, may be given where the education institution confirms in writing that:

- participation in the course activity is an integral and mandatory part of the course
- the course is also open for entry to non-Indigenous students who, if also participating in the course, would be expected to cover their own costs
- all participants incur the same or comparable costs
- any previous advances for Away-from-base activities have been acquitted, and
- the approved limit on Away-from-base activities for the course has not been reached.



78.4 Submission required for approval

An education institution proposing to conduct a testing and assessment programme, field trip or residential school as part of a mainstream course is to lodge an Away-from-base submission at least six weeks prior to the proposed programme for approval-in-principle where pre-payment is sought.

78.4.1 Submission details

The submission is to provide the following:

- a course outline or extract from the institution's handbook and a subject outline
- schedule of activities and timetable for the programme
- arrangements for accommodation and estimated residential cost, i.e. cost of accommodation and meals
- transport arrangements and travel costs
- that the costs are reasonable
- account details and payment arrangement preferred i.e. in advance and subject to acquittal, or on lodgement of claim with supporting receipts.

78.4.2 Advance payments

Where payment in advance is requested, funds can only be advanced for approved applicants.

Chapter 79 Testing And Assessment Programmes

Chapter Content

This chapter contains the following topics:



[What are testing and assessment programmes?](#)



[Approval requirements](#)



[Submission for advance payment](#)



[Approval requirements for indigenous special courses](#)



[Exceptions to assistance](#)

79.1 What are testing and assessment programmes?

These activities include programmes conducted by a tertiary education institution to interview, test, assess or otherwise determine the suitability of an applicant for a course of tertiary study. Such a programme would normally be of two to five days duration.




79.2 Approval requirements


The requirements for approval for testing and assessment programmes conducted for entry into a mainstream course are described in [78.3](#).


79.2.1 Delegate approval


The delegated officer may approve the cost of an applicant's participation in a testing and assessment programme providing they are confident that:

- the course of study to which the testing and assessment programme relates is an accredited course conducted by a registered institution
- there is a sound educational basis for the programme
- the length of the programme is justified
- the residential costs are reasonable
- any previous advances for *away-from-base activities* have been acquitted, and
- the student has not previously been assisted to attend two testing and assessment programmes this year.

 **Note 1:** Duplication of ABSTUDY funding will not be approved where an institution has been unsuccessful in obtaining sufficient student numbers from an ABSTUDY-funded testing and assessment program.

 **Note 2:** When considering approval for a Testing and Assessment Program, course duration should balance traveling time. For example one and a half days travel for a 2 hour testing and assessment would not be considered a balanced result. In these instances air travel would be considered reasonable.

 **Note 3:** Approval of assistance to attend a testing and assessment program does not automatically approve a student for fares entitlement if they are accepted into the course.

 **Note 4:** Where it is essential that a student undertake a preliminary assessment before being admitted into an enabling course at a university that is an alternative entry to a mainstream

higher education course, they may also be eligible for assistance to attend a Testing and Assessment program.

79.2.2 Approval for education institution representatives

Alternatively, the delegated officer may approve an education institution representative to travel to the students' home community or communities where it can be demonstrated to be cost effective and the approval conditions above are met.



79.3 Submission for advance payment

See [78.4](#) for conditions of advance payments.

79.3.1 Submission details

The submission is to provide the following:

- rationale for and objectives of the programme
- schedule of activities and timetable for the programme
- names and home locations of student participants (or estimated number of students if names not known)
- arrangements for accommodation and estimated residential cost, i.e. cost of accommodation and meals
- transport arrangements and cost
- arrangements for collection of claim forms, and
- account details and payment arrangement preferred i.e. in advance and subject to acquittal, or on lodgement of claim with supporting receipts.

***Note:** No submission is required where an individual student arranges her/his own testing and assessment for a mainstream course. However, the student is required to provide evidence from the institution to support her/his claim. The type of evidence required is:*

- a statement confirming that the testing and assessment activity is being conducted; and
- a statement confirming that the student participated in the testing and assessment activity.



79.4 Approval requirements for indigenous special courses

Approval for testing and assessment programmes conducted for entry into Indigenous special courses is subject to the same requirements as [79.2](#).

***Note:** If a proposed testing and assessment activity is longer than five days, the institution must seek approval in writing from DEST National Office at least eight weeks before the proposed commencement date. The address is:*

Group Manager
Indigenous Transitions Group
DEST

GPO Box 9880
Canberra 2601
Loc: 161

79.5 Exceptions to assistance

ABSTUDY assistance to attend testing and assessment programmes is intended to assist only those applicants whose potential to undertake tertiary studies cannot be assessed from prior study. Therefore, approval would not be given, for example, where an applicant had completed:

- an undergraduate qualification and was applying for postgraduate studies, or
- the tertiary entrance requirement in Year 12 or a subsequent bridging course and was applying for undergraduate studies (unless it could be established that the student's marks were insufficient to gain entry into a tertiary course through normal channels).

Chapter 80 Placements

Chapter Content

This chapter contains the following topics:



[What are tertiary placements?](#)



[Approval requirements](#)



[Submission for advance payment](#)

80.1 What are tertiary placements?

A placement is a tertiary course activity which 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 studying and will therefore not require ABSTUDY assistance. However, in exceptional circumstances alternative arrangements may be approved.



80.2 Approval requirements

Approval for a placement conducted as part of a mainstream or Indigenous special course is subject to the provisions in [80.2.1](#).

80.2.1 Delegate's approval

The delegated officer may approve ABSTUDY funding for the cost of student participation in a placement providing they are confident that:


- the placement is an integral part of the course and needs to be taken at the proposed location
- the costs are reasonable
- any previous advances for Away-from-base activities have been acquitted, and
- the approved limit on Away-from-base activities for the course has not been reached.

80.2.1.1 Interstate trips

Students 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 institution 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.

80.2.1.2 Overseas trips

 Assistance to travel overseas is not available.

80.3 Submission for advance payment

See [78.4](#) for conditions of advance payments.

80.3.1 Submission details

The submission is to include reasons why the placement could not be obtained in the local community or, where relevant a closer location.

Where the reasons relate to the student's study programme, a supporting statement must be provided from the education institution;

See [78.4.1](#) for additional submission details.

Chapter 81 Field trips

Chapter Content

This chapter contains the following topics:



[What are field trips?](#)



[Approval requirements](#)



[Submission for advance payment](#)

81.1 What are field trips?

A field trip is a tertiary course activity which involves a group of students or, a single student, travelling from the normal place of study to one or more locations which provide practical activities or experiences.



Note: Courses listed as secondary courses in [Determination 2002/1](#) are not eligible to receive Away-from-base assistance for field trips. This includes preparatory, orientation, enabling and bridging courses offered by higher education institutions.



81.2 Approval requirements

81.2.1 Requirements for Delegate's approval

The delegated officer may approve ABSTUDY funding for the cost of student participation on a field trip providing they are confident that:

- the field trip is an integral part of the course, i.e. activities completed during course work arising from the field trip will contribute to course assessment
- the activities or learning experiences available at the field trip venue(s) are not available at the normal study location or a closer location
- the length of the field trip is reasonable (i.e. a maximum of seven days)
- the costs are reasonable and cover only those expenses which are essential to meet the stated purpose of the field trip
- any previous advances for the Away-from-base activities have been acquitted, and
- the approved limit on Away-from-base activities for the course has not been reached.

81.2.1.1 Interstate 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 institution near a State/Territory border, or
- provides experience or training essential for successful completion of the student's course which is not available within the State or Territory.

81.2.1.2 Overseas trips



Assistance to travel overseas is not available.

81.3 Submission for advance payment

See [78.4](#) for conditions of advance payments.

81.3.1 Submission details

The submission is to provide the following:

- a course outline or extract from the institution's handbook and a subject outline
- a rationale for the field trip and a schedule of activities demonstrating the relevance to course curriculum

- confirmation that activities completed during the field trip or course work arising from the field trip will contribute to course assessment
- names of student participants (or estimated number if names not known)
- arrangements for accommodation and estimated residential cost (i.e. cost of accommodation and meals) for ABSTUDY students; transport arrangements and cost (where chartered transport is being used, the company must specify whether driver/pilot residential costs are included in the charter cost), and
- preferred account details and payment arrangement, i.e. in advance and subject to acquittal, on lodgement of claim with supporting receipts.

Chapter 82 Residential Schools

Chapter Content

This chapter contains the following topics:



[What are residential schools?](#)



[Approval requirements](#)



[Submission for advance payment](#)



[Bulk Funding](#)



[Funding](#)



[Reporting](#)

82.1 What are residential schools?

Residential schools are secondary and tertiary course activities which involve a group of students studying by distance education/ correspondence. They involve programmes of intensive on-campus lectures and tutorials. A residential school would normally be of one or two weeks' duration.



82.2 Approval requirements


The requirements for approval for a residential school conducted as part of a mainstream course are described in [78.3](#).

Approval for residential schools conducted as part of an Indigenous special course is subject to the provisions outlined below.

82.2.1 Delegate approval

The delegated officer may approve ABSTUDY funding for the cost of student participation at a residential school providing they are confident that:

- the residential school is a compulsory or highly desirable component of the student's approved course
- the number and length of residential schools associated with the course are justified;
- the residential costs are reasonable, and
- any previous advances for the Away-from-base activities have been acquitted, and
- the approved limit on Away-from-base activities for the course has not been reached.

 *Note: Assistance is not available for secondary students if [VEGAS](#) funding is provided for the same purpose.*

82.2.1.1 Approval option for education institution representative

Alternatively, the delegated officer may approve an education institution representative to travel to the students' home community, or a nearby community, where it can be demonstrated to be cost effective and the approval conditions above are met.



82.3 Submission for advance payment

See [78.4](#) for conditions of advance payments.

Alternatively, an education institution may apply for bulk funding to cover residential schools to be conducted for the year, or for a semester or term as appropriate.

82.3.1 Submission details

The submission is to provide the following:

- description of and rationale for the structure of the course, indicating the number, duration and dates of residential schools;
- an indicative timetable of classes for the residential school;

See [78.4.1](#) for additional submission details.



82.4 Bulk Funding

Residential schools for which bulk funding may be provided are tertiary course activities which involve a group of students studying by distance education/correspondence. They involve programmes of intensive on-campus lectures and tutorials and are normally of one or two weeks' duration.

82.4.1 Approving institutions for bulk funding

Centrelink may identify specific tertiary education institutions for approval of bulk funding of residential schools for ABSTUDY Away-from-base activities.


82.4.2 Application requirements for bulk funding


The institution may 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. The Submission must be signed by the person who is authorised to make the claim on behalf of the education institution.

82.4.3 Submission details and approval requirements

The Submission must include the following details:

- a course outline or extract from the institution's handbook and a subject outline for each course
- dates and location of each residential school
- estimated student numbers for each residential school (both total number of participants and number of Aboriginal and Torres Strait Islander participants)
- estimated costs for each residential school and total per semester

 **Note 1:** *Participating students must meet the ABSTUDY general eligibility and specific Award criteria.*

 **Note 2:** *A claim may be made for annual audit costs incurred by the institution,*

and

- for mainstream courses (excluding placements), confirmation that:
 - participation in the course activity is an integral part of the course,
 - the course is also open for entry to non-Indigenous students who, if also participating, would be expected to cover their own costs, and
 - all participants will incur the same or comparable costs, or
- for Indigenous special courses and placements;
 - (in the first year of Away-from-base approval) rationale for the structure of the course,
 - confirmation that the residential schools are compulsory or highly desirable components of the student's approved course
 - justification for the number and length of residential schools associated with the course, and
 - the approval limit on Away-from-base activities for the course has not been reached, and
- account details for the education institution, and
- a copy of the Terms and Conditions of Payment which has been signed by the relevant authorised officers of the education institution.

82.4.3.1 Submission variations

The institution will be responsible for informing Centrelink of variations to any activity on the original submission after the delegate has approved funding.

In particular, the education institution must advise the names of students participating in each residential school, when known, so that ABSTUDY eligibility can be checked.



82.5 Funding

Funding for residential schools must be reasonable.

An amount covering accommodation, meals and where appropriate travel costs, is to be negotiated between Centrelink and the education institution.

82.5.1 Funding adjustments

Unexpended funds remaining at the end of the year may be rolled over into the next year and deducted from the new allocation.

82.5.2 Administrative costs

The education institution may claim up to \$3,443 a year for administration and audit costs. This amount is indexed annually.

82.6 Reporting

Education institutions are required to lodge an acquittal report with Centrelink at the end of each semester. No further payments may be made while any report is outstanding or incomplete. The report must include:

- dates and location of each residential school
- names of students participating in each residential school
- a statement of academic outcomes achieved at each residential school
- the amount expended for each residential school, and
- the overall amount expended for all residential schools during the semester/term.

Chapter 83 Residential Expenses and Meal Allowance

This chapter describes the elements of residential expenses, when it is payable and associated approval requirements.

Chapter Content

This chapter contains the following topics:



[Policy outcome](#)



[Residential expenses vs. travel allowance](#)



[Residential expenses](#)



[Refusal of residential arrangements](#)



[ABSTUDY meal allowance](#)



[Expenditure approval requirements](#)

83.1 Policy outcome

The purpose of residential expenses and travel allowance is to cover costs associated with accommodation and meals while the student is away from the normal place of residence for a short period, enabling students to fully participate in course requirements.



83.2 Residential expenses vs. travel allowance

While [residential expenses](#) and [travel allowance](#) are fundamentally for the same purpose, they are alternative benefits:

- residential expenses will meet the actual cost of meals and accommodation incurred and is normally paid to the education institution or service provider, and
- travel allowance provides a set allowance to the student to cover the cost of accommodation and meals, irrespective of the actual cost.

83.2.1 Calculating residential costs or travel allowance

- The number of days is to be calculated on the number of overnight stays, that is, the total length of the activity for the student group.
- this should be calculated from the first overnight stay up to and including the last overnight stay.
- Any weekend days for which accommodation costs were paid (or are payable) should be included in the calculation of the total number of overnight stays.
- Overnight stays due to unavoidable travel delays are to be considered travel costs and should not be included in the upper limit of overnight stays for the Away-from-base activity.



83.3 Residential expenses

Education institutions may organise *Away-from-base activities* for a group of students as a necessary part of an Indigenous special course. The education institution is responsible for arranging the residential programme, including meals and accommodation, for the student participants.

Residential expenses are intended to meet the *reasonable cost* of accommodation and meals necessary for the approved Away-from-base entitlement period.

This arrangement is predominantly used for interview and selection programmes, residential schools and field trips. In these circumstances 'residential expenses' are to be paid rather than travel allowance.

83.4 Refusal of residential arrangements

Students who choose:

- not to avail themselves of residential arrangements provided by the education institution

or

- education institution representatives who choose not to avail themselves of the residential arrangements provided at the community

will  not be entitled to travel allowance.

They will, however, be entitled to [ABSTUDY meal allowance](#) for meals not included in the residential arrangements.




83.5 ABSTUDY meal allowance

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.

The rates of ABSTUDY meal allowance for meals which are not included in residential charges, or where travel allowance is paid for the away-from-base activity is detailed in [Table 15](#) for capital cities and high cost country centres.

Table 15 - ABSTUDY meal allowance rates

Meal	Amount for capital cities and high cost country centres*
Breakfast	\$17.70
Lunch	\$19.75
Dinner	\$34.05

 **Note:** Meal allowance is to be disbursed by the education institution except where travel allowance is paid to a student attending a placement or an education institution representative approved to travel to communities to conduct assessment testing or a residential school.

83.6 Expenditure approval requirements

83.6.1 Obtain quotes

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 the Delegate considers 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.

Single requirements cannot be divided into a number of separate orders so as to bring each order within the minimum threshold requirement.

Chapter 84 Away-from-base Travel allowance

This chapter describes the circumstances when *travel allowance* is paid instead of *residential expenses*, and details allowance rates.

Chapter Content

This chapter contains the following topics:



[When is travel allowance payable?](#)



[Rate of entitlement](#)



[Capital City Accommodation and Meal Rates](#)



[High cost country centre rates](#)



[Tier 2 Country Centre rates](#)



[Fares allowance](#)

84.1 When is travel allowance payable?

Where there are special reasons which make it impracticable or unreasonable for the education institution to arrange a residential programme, travel allowance may be approved.



84.2 Rate of entitlement

The travel allowance rates at [84.3](#) and [84.4](#) are payable to students visiting the away-from-base location. This rate will be paid up to a period of 21 days, after which 50% of the rate is payable.


84.3 Capital City Accommodation Rates


Table 16 - Capital City Accommodation Rates


Location	Accommodation
Adelaide	\$108.00
Brisbane	\$106.00
Canberra	\$94.00
Darwin	\$105.00
Hobart	\$89.00
Melbourne	\$131.00
Perth	\$98.00
Sydney	\$136.00
High Cost Country Centres*	
Tier 2 Country Centres**	\$84.00
Other Country Centres	\$68.00

*Note: High Cost Country Centres Accommodation Expenses as listed at [84.4](#)

**Note: Tier 2 country Centres as listed at [84.5](#)

 **Note 1:** Travel allowance entitlement will not exceed a period of three months in a calendar year on a continuous or cumulative basis.

 **Note 2:** ABSTUDY meal allowance (see [83.5](#)) is not payable in conjunction with the accommodation component of travel allowance unless the away-from-base activity is a placement.

 **Note 3:** Meal allowance rates are not payable to students in conjunction with any ABSTUDY allowance.



84.4 High cost country centre rates

Students approved for an away-from-base travel allowance entitlement at a high-cost location not shown below, may be approved for a higher rate of travel allowance where the standard travel allowance rate is acquitted and excess expenses are proven by receipts, provided that Centrelink is convinced that the expense is representative of reasonable costs for the location.

Table 17 - High Cost Country Centre rates

Accommodation Expenses			
Alice Springs	\$85.00	Katherine (NT)	\$81.50
Ballarat (Vic)	\$80.00	Kununurra (WA)	\$110.00
Broken Hill (NSW)	\$83.50	Launceston (Tas)	\$89.00
Broome (WA)	\$143.50	Marla (SA)	\$80.00
Burnie (Tas)	\$81.00	Newcastle (NSW)	\$92.00
Cairns (Qld)	\$87.50	Newman (WA)	\$113.50
Christmas Island	\$100.00	Nhulunbuy (NT)	\$121.00
Cocos (Keeling)	\$112.50	Norfolk Island	\$120.00
Dampier (WA)	\$91.00	Paraburdoo (WA)	\$117.00
Derby (WA)	\$84.50	Pt Hedland (WA)	\$113.00
Devonport (Tas)	\$88.00	Roebourne (WA)	\$75.00
Exmouth (WA)	\$110.50	Thursday Island	\$130.00
Gold Coast (Qld)	\$102.00	Tom Price (WA)	\$97.00
Geelong (Vic)	\$75.00	Wagga Wagga (NSW)	\$79.00
Halls Creek (WA)	\$106.00	Weipa (Qld)	\$115.00
Horn Island	\$108.00	Wilpena (SA)	\$95.00
Jabiru (NT)	\$170.00	Wollongong (NSW)	\$105.50
Kalgoorlie (WA)	\$87.00	Wyndham (WA)	\$99.50
Karratha (WA)	\$146.00	Yulara (NT)	\$361.50



84.5 Tier 2 Country Centre rates

Table 18 - Tier 2 Country Centres

Accommodation Expenses			
Albany (WA)	\$73.00	Gosford (NSW)	\$79.00
Bathurst (NSW)	\$79.00	Griffith (NSW)	\$77.00
Bendigo (Vic)	\$79.00	Leeton (NSW)	\$73.00
Bright (Vic)	\$71.00	Maitland (NSW)	\$79.00
Bunbury (WA)	\$71.00	Mt Magnet (WA)	\$73.00
Carnarvon (WA)	\$77.00	Northam	\$85.00
Castlemaine (Vic)	\$69.00	Orange (NSW)	\$79.00
Emerald (Qld)	\$71.00	Port Lincoln	\$73.00
Geraldton (WA)	\$79.00	Port Pirie	\$73.00

84.6 Fares allowance

Students can be approved for Fares Allowance to attend Away-from-base activities up to six return trips per year of the course.

Chapter 85 Away-from-base Living Allowance

This chapter describes the circumstances when living allowance is payable as part of assistance for away from base activities.

Chapter Content

This chapter contains the following topics:



[Eligibility for Living Allowance](#)



[Evidence of loss of income](#)



[Period of Entitlement](#)



[Income tests](#)

85.1 Eligibility for Living Allowance

Students approved to participate in an Away-from-base course activity may be eligible to receive ABSTUDY Living Allowance if they lose their regular source of income as a result of attending the course activity. This is providing the regular income is derived from:

- a form of Australian Government assistance, eg, FaCS 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.

85.2 Evidence of loss of income

A statement from the student's employer or relevant Australian Government department is required to confirm the loss of income and that the student has been granted leave without pay.

85.3 Period of Entitlement

The Living Allowance, can be paid for the duration of the Away-from-base entitlement only, and will be calculated according to the:

- student's age, and
- student status.

85.4 Income tests

For the duration of Away-from-base activity the Living Allowance will not be income-tested.

Chapter 86 Payment and acquittal for Away-from-base assistance

This chapter explains the payment requirements for against the different types of Away-from-base activities for which assistance can be provided. It also details the acquittal requirements for advance payments.

Chapter Content

This chapter contains the following topics:



[Payment of Residential expenses](#)



[Payment of travel allowance](#)



[Bulk funding payments](#)



[Closing date for claims for reimbursement](#)



[Income assessment](#)



[Responsibility for overpayments](#)



[Acquittal of Advances](#)



[Outstanding acquittals](#)



[Unexpended funds](#)



[Unacquitted funds](#)



86.1 Payment of Residential expenses

Residential expenses are payable:

- in advance on submission of estimated costs and subject to acquittal based on the actual number of participants once the course activity has been completed; or
- on submission of a claim from the education institution or organisation incurring expense.

Payment is to be made to the education institution or organisation incurring the expense.

86.1.1 Claims for residential expenses

Claims should include original receipts or accounts to substantiate expenditure for the approved purpose.

86.1.2 Outstanding acquittals

Payment of residential expenses in advance to an institution or other organisation should not be made if acquittal of previous Away-from-base activities is outstanding.

86.2 Payment of travel allowance

Travel allowance is payable either in advance of, during or after the course activity. Requests for advance payment should be made at least three weeks prior to departure. Travel allowance is payable to the approved traveller.



86.3 Bulk funding payments

Once the delegate has approved all activities listed in the Submission for bulk funding, payment can be processed and paid in advance, the first payment to 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.

86.4 Closing date for claims for reimbursement

Claims for reimbursement of Away-from-base activity costs must be received by 1 April in the year after the relevant activity.

Claims received after this date will only be processed if circumstances beyond the reasonable control of the claimant prevented lodgement within the required period, and the claim is lodged as soon as practical.

86.5 Income assessment

Residential expenses and/or travel allowance paid on behalf of a student are not assessable as taxable income of the student.

86.6 Responsibility for overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.



86.7 Acquittal of Advances

86.7.1 Advance payment

If payment is required in advance, submissions must be lodged at least six weeks before the activity start date. This timeframe is necessary for Centrelink staff to fully process and approve the submission.

Persons who lodge their application up to two weeks before the commencement of the activity can still receive approval for ABSTUDY. However, payment will not be in advance. Applicants must arrange and pay for their own meals and accommodation, and receive reimbursement after the activity is finalised.

An acquittal for an Away-from-base activity is required when a payment has been made in advance on the basis of estimated costs provided in an Away-from-base submission.

86.7.2 Acquittal of advance payments

Acquittal of an advance payment should be sent to the relevant Centrelink office within one calendar month of the completion of the approved course activity, or at the end of semester or term for bulk funded activities.

86.7.3 Acquittal of residential expenses

Acquittal of residential expenses should be made on the acquittal form provided with the initial submission, or in sufficient detail to reflect the original submission.

Original receipts or audited financial statements should be attached to substantiate the acquittal.

86.7.4 Acquittal of travel allowance

Travel allowance is acquitted by confirmation that the student participated in the approved course activity for the full period covered by the funding.

Funds are only payable for the actual number of applicants for the periods of participation.

86.7.5 Acquittal of bulk funding

The end of year acquittal report, endorsed as correct by the Principal or Head of Department of the institution, must be accompanied by 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. 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 new year's Submission can be assessed.

Future Submissions will not be funded until the audited financial statement is received by Centrelink and expenditure has been assessed as duly correct according to the activities outlined in the Submission.

86.8 Outstanding acquittals

Where an acquittal is not received within the required time, no further payments can be made to the institution until acquittal is made.

86.9 Unexpended funds

At the discretion of the Delegate, unexpended funds may be rolled over and deducted from the next approved activity.

86.10 Unacquitted funds

Funds which can not be acquitted i.e., the institution is unable to substantiate expenditure, must be repaid before further ABSTUDY funding can be paid.

Part VII D

Common Allowances

Incidentals Allowance

Part 7D Content

This part contains details about Incidentals Allowance for ABSTUDY students, outlining eligibility requirements and entitlements.

This part contains the following chapters:

[Chapter 87 Overview of Incidentals Allowance](#)

[Chapter 88 Entitlement and Payment of Incidentals Allowance](#)

Chapter 87 Overview of Incidentals Allowance

This chapter provides an overview of Incidentals Allowance including eligibility conditions for ABSTUDY secondary or tertiary students. Additional Incidentals Allowance is covered in [Chapter 68](#).

Chapter Content

This chapter contains the following topics:



[Policy Outcome](#)



[Eligibility](#)

87.1 Policy Outcome

The purpose of Incidentals Allowance is to assist students to meet expenses associated with study in the approved course, such as general purpose education institution fees, textbooks, equipment and stationery, so that students can fully participate in their course.

87.2 Eligibility

Students on the following awards are eligible for Incidentals Allowance:



Masters and Doctorate



Schooling B, and



Tertiary.



Note: *Schooling B Award students must be 18 years or older at 1 January in the year of study to be eligible.*



Note: *Where a student holds more than one Award, Incidentals Allowance is payable for each Award.*



Note: *Part-time students may apply for Incidentals Allowance*

Chapter 88 Entitlement and Payment of Incidentals Allowance

This chapter contains details about allowance entitlements for Incidentals Allowance, along with payment conditions.

Chapter Content

This chapter contains the following topics:



[Entitlement to Incidentals Allowance](#)



[Payment of Incidentals Allowance](#)



[Overpayments](#)



[Income test](#)

88.1 Entitlement to Incidentals Allowance

Incidentals Allowance is paid to students on the initial approval and commencement of the study award.

88.1.1 Allowance rates

The rate of entitlement is determined by the period of enrolment in the course during the year of assistance. Different rates apply for courses ranging from less than 12 weeks in duration to a full year¹.


88.1.2 Period of entitlement

Students are eligible to receive Incidentals Allowance for each year of study in an approved course. Incidentals allowance may also be paid in full where a student repeats a year/stage of a course.

 *Students in the New Apprenticeship Access Programme courses are not eligible for Incidentals Allowance).*

88.1.3 Change of course

Entitlement is not affected by a change in course.

 **Note:** *The student is not entitled to more than the maximum semester or annual rates where a change of course occurs.*



88.2 Payment of Incidentals Allowance

Incidentals allowance is paid in one instalment at the time the award is approved. The allowance can be paid up to four weeks before the student commences her/his course.

Incidentals allowance is paid directly to the student.

88.3 Overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

88.3.1 Discontinuing courses

Early discontinuation does not affect the rate of entitlement (if the student commenced study in the course, no overpayment is raised for Incidentals Allowance).

88.3.2 Failure to commence course

If a student does not commence study in an approved course, any Incidentals Allowance paid is recoverable.

88.4 Income test

Incidentals Allowance is not income-tested.

¹ See the Centrelink booklet [Guide to Commonwealth Government payments](#)  for current rates.

Part VII E

Common Allowances

Lawful Custody

Part 7E Content

This part contains details about Lawful Custody Allowance for ABSTUDY students, outlining eligibility requirements and entitlements. This part contains the following chapters:



[Lawful Custody Award and Allowances](#)



[Eligibility and Entitlement to Lawful Custody Allowance](#)



[Claim Lodgement and Payment of Lawful Custody Allowance](#)

Chapter 89 Lawful Custody Award and Allowances

ABSTUDY Students held in lawful custody may be eligible for the Lawful Custody Award and subsequently the Lawful Custody Allowance. This chapter outlines details of the award and allowances.

Chapter content

This chapter contains the following topics:



[Policy outcome](#)



[Situations that are not `Lawful Custody`](#)



[Lawful Custody Award](#)



[Lawful Custody Allowance/s](#)



[Availability of ABSTUDY assistance](#)

89.1 Policy outcome

The purpose of Lawful Custody Allowance is to assist in meeting [essential study and course costs](#), for Indigenous Australian students who are in a lawful custody situation. It may also be used to meet the daily travel costs of the individual student.

The aim is to encourage students in lawful custody to participate in studies that will improve their potential to undertake further education and training and gain employment upon release.



89.2 Situations that are not 'Lawful Custody'

People in the following situations are not regarded as being in lawful custody:

- parole, or
- home detention programme, or
- work release, or transfer release while living in the community

In these situations entitlement is determined under the general ABSTUDY Awards.

89.3 Lawful Custody Award

A student is eligible for the lawful custody award if:

- they meet the primary [ABSTUDY eligibility criteria](#), and
- are in lawful custody for a period of more than two weeks, and
- are studying a suitably approved course.



89.4 Lawful Custody Allowance/s

A student approved for the Students in Lawful Custody Award may be entitled to the following:

- Lawful Custody Allowance (for [essential course costs](#)), and/or
- Away-from-base assistance (where permission has been given by correctional institution for the student to attend).

89.5 Availability of ABSTUDY assistance

ABSTUDY assistance is available for a student in lawful custody where:

- the [award criteria](#) is met, and
- the correctional institution authorities agree to the student receiving the assistance.

89.5.1 Non-accredited courses

For non-accredited courses:

- the student must be an Aboriginal or Torres Strait Islander, and

- the delegate is satisfied that the proposed course of study cannot be provided through educational programs operated by the correctional institution in which the student is detained, and
- the correctional institution authorities agree to the student receiving the assistance.

Chapter 90 Eligibility and Entitlement to Lawful Custody Allowance

This chapter covers details of the criteria required for a student to qualify for benefits while a student in lawful custody.

Chapter content

This chapter covers the following topics:



[Eligibility](#)



[Released prisoners](#)



[Essential course costs](#)

90.1 Eligibility

A student is eligible for the Lawful Custody Allowance if s/he meets the criteria for the Students in [Lawful Custody Award](#).



Note: Where a student in lawful custody has permission to attend an Away-from-base course component, s/he may be eligible for Away-from-base entitlements of Fares Allowance and residential expenses.

90.1.1 Income testing

Benefits for students in lawful custody are not income tested.

90.1.2 Continuing students in lawful custody

For Lawful Custody Allowance, a continuing student is one who was studying an approved course before imprisonment, continues the same study in gaol, and then continues the same course when released from prison.

90.1.2.1 Cessation of previous study entitlements

If a student received ABSTUDY benefits prior to discontinuing study on being admitted to lawful custody, eligibility for these entitlements ceases from the last day of attendance at classes.




90.2 Released prisoners


Released prisoners are subject to normal ABSTUDY rules and must fill in an *ABSTUDY claim* to receive *ABSTUDY Living Allowance*.


90.3 Essential course costs

Essential course costs are those costs which all students in a course are obliged to incur in order to undertake their course.

There is no upper limit to this allowance, however claims must include *only costs which are essential to undertake the course*.

 **Note1:** *Prior approval must be sought from Centrelink for art and photographic materials and other items where the annual cost per student will exceed \$422.20 per year of course, or if the student is undertaking two part-time courses which exceed \$844.40.*


 **Note2:** *For the purposes of this allowance only, daily travel expenses (where the student has permission to travel between the correctional institution and the education institution) may be included as essential course costs.*

 **Note3:** *Extra education costs incurred because of the student's legal status may also be met, e.g. the cost of additional photocopying incurred because the student cannot borrow library books on restricted access where reading chapters of these books is essential.*

90.3.1 Examples of Essential Course Costs

Essential course costs are those costs which all students in a course are obliged to incur in order to undertake their course. Such costs may include:

- **education institution fees**
 - comprising union, sports, library, administration, amenities, laboratory fees or levies or the like charged by an approved education institution,
 - **but do not include** tuition or course fees charged by an education institution, and/or
- **textbooks and equipment**
 - covers books, published articles, stationery and other equipment items
 - **but does not include** items which would be expected to be provided by the education institution or items such as musical instruments, sewing machines, typewriters or computers.

 **Note:** *Flying time and associated fees charged by institutions offering pilot (aviation) courses are viewed as tuition or course fees.*

Chapter 91 Claim Lodgement and Payment of Lawful Custody Allowance

This chapter details claim requirements and payment arrangements for lawful custody allowance.

Chapter content

This chapter contains the following topics:



[Entitlement and payment](#)



[Claim lodgement](#)



[Payee](#)



[Recovery of overpayments](#)

91.1 Entitlement and payment

Entitlements under the Lawful Custody Award may be paid provided that another entitlement for the same purpose has not already been paid for that semester.

Payment is to be made following lodgement of a claim supported by evidence of expenditure.



91.2 Claim lodgement

- An itemised claim of essential course costs must be verified in writing by the Head of School/Faculty or equivalent representative of the course provider as being an essential requirement for all students undertaking the course; and
- evidence of expenditure such as receipts must be provided; and
- claims for reimbursement of daily travel costs must be verified by the correctional institution; and
- claims must be submitted before 1 April in the year following the year of study.

91.3 Payee

Payment of Lawful Custody Allowance is not to be made direct to the student unless such an arrangement has been approved by the correctional institution.

Payments may be made:

- to the correctional institution for reimbursement to the student
- to the correctional institution as reimbursement for purchases made on behalf of the student, or
- to the education institution or supplier of textbooks or materials for services provided to the student.

91.4 Recovery of overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

Part VII F

Common Allowances

Living Allowance

Part 7F Content

This part contains details about Living Allowance for ABSTUDY students, outlining eligibility requirements and entitlements.

This part contains the following chapters:

[Chapter 92 Overview of Living Allowance](#)

Chapter 93 Superseded

[Chapter 94 Living Allowance entitlement and allowance rates](#)

[Chapter 95 Circumstances affecting entitlement periods for Living Allowance](#)

[Chapter 96 Discontinuing Full-Time Study](#)

[Chapter 97 Change of Status](#)

[Chapter 98 Residential costs option](#)

[Chapter 99 Payment of Living Allowance](#)

Chapter 92 Overview of Living Allowance

This chapter provides an overview of ABSTUDY Living Allowance.

Chapter Content

This chapter contains the following topics:



[Purpose of Living Allowance](#)



[Study Awards qualifying for Living Allowance](#)



[Student Status](#)

92.1 Purpose of Living Allowance

Living Allowance is for assistance in meeting the day-to-day living costs of the student. For school students it may also be used towards meeting school expenses such as school fees of students living at home.

Living Allowance may be paid, subject to eligibility provisions, on the basis of the student or applicant indicating that the student has enrolled or intends to enrol in an approved course.

For tertiary students sufficient basis for payments to commence will be an indication of enrolment on the claim form.



92.2 Study Awards qualifying for Living Allowance

Students on the following awards may qualify for Living Allowance:

Tertiary Students

- Tertiary Award; or
- Masters and Doctorate Award.

Secondary Students

- Schooling B award

92.2.1 Away-from-base assistance

Other students eligible for Away-from-base assistance may also qualify for Living Allowance for a short period.

92.3 Student Status

92.3.1 Student Status

Different rates of Living Allowance apply (see [94.1](#)) for students who are:

- dependent students living at home
- dependent students approved for the Living Allowance at the away rate, or
- independent students, or
- full-time Masters and Doctorate students.

92.3.2 Payment commencement

Living Allowance may be paid, subject to eligibility provisions, on the basis of the student or applicant indicating that the student has enrolled or intends to enrol in an approved course.

For tertiary students sufficient basis for payments to commence will be an indication of enrolment on the claim form.

92.3.3 Payee

For tertiary and postgraduate students the payee is the student.

92.3.4 Due date for payment

Living Allowance is payable:

- fortnightly in arrears, including students in approved private or hostel boarding arrangements;
- by term in advance for students boarding at schools or, where an Agreement has been entered into, hostels; or
- lump sum in advance for overseas students; and
- a \$500 advance payment subject to [99.3.1](#)

92.3.5 Advance Payments

Students in receipt of a fortnightly ABSTUDY Living Allowance may be able to get an advance on their entitlement between \$250 and \$500. This payment is available once a year, usually after the students have been receiving ABSTUDY for at least three months.

The amount which can be advanced is the lowest of:

- the amount requested; or
- 7% of fortnightly entitlement times 26 weeks (the calculation is based on the Living Allowance, Rent Assistance and Pharmaceutical Allowance but excludes Remote Area Allowance); or
- \$500.

92.3.6 Where an Advance is NOT payable

No advance is payable if the amount requested or the 7% of entitlement works out to be less than the minimum amount payment of \$250.

The advance is not available:

- to secondary school boarding students;
- where student entitlement is insufficient for the advance to be repaid over a 26 week (six month) period (that is, where it would cause financial hardship);
- where students have an outstanding Centrelink debt;
- if students are repaying a previous advance including an advance payment under another social security allowance or benefit; or
- if students have had an advance within the previous 12 months, including an advance payment under another social security allowance or benefit.

Advance payments to dependent students under 18 years cannot be paid without the parent's permission.

Chapter 94 Living Allowance entitlement and allowance rates

This chapter describes entitlement and rates of living allowance for students eligible for ABSTUDY Living Allowance.

Chapter Content

This chapter contains the following topics:



[Living Allowance rates](#)



[No entitlement for Living Allowance](#)



[Entitlement while receiving pensions or allowances](#)



[ABSTUDY Living Allowance Rates](#)



94.1 Living Allowance rates

Living Allowance rate of entitlement¹ is determined by the following factors:

- the [age](#) of the student
- the [status](#) of the student
- the [family circumstances](#) of the student;
- the type of award, and
- whether or not the student is a [continuing student](#), for whom the rate of entitlement from 1999 has been maintained.

94.1.1 Age rates

Different rates of Living Allowance apply to students depending upon age and circumstance details are outlined in "A guide to Australian Government payments" Proof of age is a requirement for all students turning 16 years old and for new students who are 16 years or older.

94.1.2 Student Status


Different rates of Living Allowance apply for students who are:

- dependent students living at home
- dependent students approved for the Living Allowance at the away rate, or
- independent students, or
- full-time Masters and Doctorate students.

94.1.3 Family circumstances

Different rates of Living Allowance apply for students who:

- are single and have no dependent children
- are single with one or more dependent child/ren.

 **Note:** *The sole parent rate of Living Allowance can be paid to a student who shares custody and financial responsibility of a child if the child lives with that parent for at least half the week.*

- have a husband, a wife, or de facto partner, and one or more dependent children, or
- are married or in a de facto relationship of at least six months' duration and have no dependent child/ren.


94.1.3.1 Reduced rate of living allowance

Students may be entitled to a reduced rate of Living Allowance where the relevant income tests are higher than the allowable income limits but below the upper income limits according to their circumstances



94.2 No entitlement for Living Allowance

94.2.1 Failure to commence study

 *With the exception of a student who is not accepted into her/his course, a student who is not enrolled and who does not commence full-time study in an approved course is not entitled to Living Allowance for any period.*

94.2.2 Receiving a FaCS benefit or allowance

 *A student cannot get ABSTUDY Living Allowance for the same period that s/he gets:*

- Newstart Allowance; or
- Parenting Payment (single); or
- Partner Allowance; or
- Sickness Allowance; or
- Special Benefit; or
- Youth Allowance, or
- Austudy Payment.

94.2.2.1 FaCS payment prior to study

A FaCS benefit or allowance can continue to be paid up to the date the student commences full time study. No ABSTUDY Living Allowance is payable for any period while the FaCS allowances continue.

94.2.3 Department of Veterans Affairs (DVA) Pensions

The DVA provides different types of payments of which some types preclude students from receiving ABSTUDY Living Allowance.

94.2.3.1 DVA Service Pensions

These provide full income support to returned service personnel and/or their dependents.

✘ *A person cannot get ABSTUDY Living Allowance while in receipt of a DVA pension.*

94.2.3.2 Veterans' Children Education Scheme (VCES)

The Veterans' Children Education Scheme (VCES) is 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&PI).

✘ *Students who choose to take up the VCES benefits become ineligible for Living Allowance under ABSTUDY.*



94.3 Entitlement while receiving pensions or allowances

94.3.1 Carer Allowance

Students may still receive ABSTUDY Living allowance if they attract a FaCS Carer Allowance.

94.3.2 DVA Disability Pensions

These provide compensation-type payments for partial disability or health impairment related to war service. A DVA Disability Pension does not stop a student from getting an ABSTUDY Living Allowance.

94.4 ABSTUDY Living Allowance Rates

Living Allowance rates are subject to Consumer Price Index (CPI) changes each year. Maximum rates for students 21 years and over are indexed by the CPI in March and September.

94.4.1 Rates for Continuing Students aged 21 years or more

Continuing students aged 21 years or more in receipt of the ABSTUDY Living Allowance in 1999 will be maintained at the 1999 rate of Living Allowance until the completion of their course. A similar provision applies to PES recipients.

The policy intent is that students studying in 1999 who undertook a particular course of study and who were continuing in this course of study in 2000, 2001, 2002, 2003 and 2004, would be maintained on at least the 1999 rate of benefit for the duration of the course.

94.4.2 Break in study exemptions

A continuing student is one who has not had a break in study between 1999, 2000, 2001, 2002, 2003 and 2004. Exemptions to this rule are exceptional circumstances beyond the student's control. A break in study can be justified on:

- medical grounds
- personal circumstances, or

- academic course requirements or availability.

For further details of Living Allowance Rates see “[A guide to Australian Government payments](#)”.

1 See the Centrelink booklet [‘Guide to Commonwealth Government payments’](#) for current rates.

Chapter 95 Circumstances affecting entitlement periods for Living Allowance

This chapter describes the circumstances that may affect the period of time that a student can receive ABSTUDY Living Allowance for.

Chapter Content

This chapter contains the following topics:



[Period of entitlement](#)



[Commencement of entitlement](#)



[End of entitlement](#)

95.1 Period of entitlement

From 2000, ABSTUDY Living Allowance entitlement ceases on the course end date for post-school students.

Payments after the course end date can continue only where the students will be continuing study in the next study period.

NB. Secondary school students who complete their course remain entitled to payments up to 31/12.

The normal period of Living Allowance entitlement for other students is:

- for courses of at least one school or academic year, from 1 January to 31 December;
- for courses of at least one academic year where the student commences full-time study in the second semester, from 1 July to 31 December (and then 1 January – 30 June in the following year);
- for semester length bridging courses commencing at the beginning of semester 2 which continue on to at least a full year course in semester 1 of the following year, from 1 July to 31 December;
- for courses of at least one academic year where the student ceases full-time study at the end of the first semester, from 1 January to the last day of the course;

- for courses which are articulated short courses, see 47.7 –this does not apply to students moving from a short course to a late starting course unless the break; or
- for courses other than those above, from the first day to the last day of the course. For these purposes, the last day of the course will be whichever is the later of either;

- the last day of attendance at classes in the course; or
- the date of the last examination.

95.1.1 Living away from home

Students receiving the away rate of Living Allowance are eligible for the full period of their entitlement providing they were living away from home when they commenced and completed full-time study in the approved course. No reassessment is required for vacation periods.



95.2 Commencement of entitlement

Circumstances which affect the commencement of the entitlement period are:

- failure to lodge a claim on time
- [late commencement](#) of study
- [resuming study after a break](#) greater than one semester
- [transfer from a FaCS benefit](#), and/or
- [change of student status](#) .

95.2.1 Late commencement

A student will not be regarded as commencing late if s/he commences full-time study in the approved course by the Friday of the third week of term of semester.

Where a student commences study in the course after the Friday of the third week, Living Allowance entitlement will start from the day on which the student actually commences full-time study in the approved course.

If, in the opinion of the delegate, a student's late commencement was due to circumstances beyond the student's control, Living Allowance entitlement may be made retrospectively in accordance with the normal period of entitlement for that course.

95.2.2 Resuming study after a break

A student who resumes full-time study after a break greater than one semester is entitled to assistance from the date of commencement which includes the day on which the student actually commences study in the approved course.

95.2.2.1 Entitlement where study is broken


ABSTUDY can be paid from 1 January or 1 July as applicable where a student:

- was forced to discontinue or defer her/his course more than a semester prior to resuming because of illness or other circumstances beyond her/his control
- was prevented from (re)commencing study in the previous semester because of illness or other circumstances beyond the student's control

- in the previous year completed Semester 1 but did not study in Semester 2, or completed Semester 2 but did not study in Semester 1 of the current academic year, or
- undertook part-time study in the previous year but correctly received ABSTUDY under a study load concession.

95.2.3 Transfers to ABSTUDY from other allowances

95.2.3.1 Directed to undertake a course of six months or less

 A person does not have to apply ABSTUDY if s/he:

- has been getting Newstart Allowance or Youth Allowance, and
- starts study in a full time course of six months or less duration, and
- the student has been directed to undertake the course.

These people will continue to get Newstart or Youth Allowance. *They may, however, transfer to ABSTUDY if it is financially beneficial to do so.*

95.2.3.2 Not directed to undertake a course of six months or less

Newstart or Youth Allowance customers who start courses of six months or less duration will transfer to ABSTUDY if they have not been directed to undertake the course. The payment arrangements applying to this group of students are that the FaCS allowance will continue up until the day before the course commences. ABSTUDY will then pay from the course start date.

95.2.3.3 Courses of more than six months duration

Students on Newstart or Youth Allowance who are undertaking courses of longer than six months duration, will continue to receive Newstart or Youth Allowance for 21 days after the commencement of the course. They will then transfer to ABSTUDY.

However, under amendments to the Department of Family and Community Services (FaCS) legislation (s.614 (6) of the *Social Security Act*), eligible FaCS recipients may continue to receive Newstart or Youth Allowance for the duration of study in courses of less than twelve month's duration. As a result, customers may choose to remain on their FaCS benefit rather than transfer to ABSTUDY if they are undertaking an 'approved activity' by studying in a shorter course. They may, however, transfer to ABSTUDY if financially beneficial to do so.

95.2.3.4 Students transferring from Sickness Allowance or Special Benefit

The arrangement for students who transfer to ABSTUDY from Sickness Allowance (SA) or Special Benefit (SpB) is that these payments will continue up until the day before the course commences, regardless of the duration of the course. In these cases, ABSTUDY should be paid from the course start date.

Under the *Social Security Act*, eligible FaCS recipients may continue to receive SA/SpB for study in courses of less than twelve months' duration. These customers may also choose to remain on their FaCS benefit rather than transfer to ABSTUDY if they are undertaking an 'approved activity' by studying in a shorter course.

95.2.4 FaCS payments stopped prematurely

There will be occasions when a student has not been paid FaCS benefits up to the commencement of their course or for the first three weeks of the course, contrary to the understood arrangements. Any shortfall should be checked quickly and either the FaCS benefit or ABSTUDY paid for the period concerned subject to the student being otherwise qualified.

95.2.5 Backdating ABSTUDY

If a student is not actually getting a FaCS payment prior to study, ABSTUDY can be backdated to the later of:

- the day after the benefit or allowance ceased, or
- the earliest date that ABSTUDY could be paid (for example, 1 January or the date the student otherwise became eligible).

95.3 End of entitlement

Circumstances which affect the end of the entitlement period are:

- [discontinuation of full-time study](#), or
- [change of student status](#).

A student's period of entitlement may also be affected by loss of entitlement due to absences from class.

Chapter 96 Discontinuing Full-Time Study

This chapter describes the effect of ending full-time study on ABSTUDY Living Allowance entitlements.

Chapter Content

This chapter contains the following topics:



[What is the study end date?](#)



[Non-resumption of study](#)



[Intention to study](#)



[Cessation of payment](#)

96.1 What is the study end date?

Students have discontinued full-time study when:

- they inform Centrelink they have ceased full-time study, or
- they cancel enrolment or enrolment is cancelled by the education institution, or

- the education institution informs Centrelink that the student has ceased full-time study
- the education institution advises that s/he has been absent from classes without reason for a period in excess of two weeks.

96.1.1 Date of discontinuation

The date of discontinuation is whichever is the earlier of:

- the date on which the student ceases to study full-time, or
- the date on which the student ceases to be enrolled.



96.2 Non-resumption of study

96.2.1 Student unable to recommence study after the long vacation

A continuing student who does not resume full-time study after the long vacation by the third Friday of the first term/semester and would have otherwise been eligible for payment from 1 January in the year of study, can be paid up to and including the day when he/she became aware that he/she would not be resuming full time study.



Note: This provision cannot be extended beyond the third Friday of the first term/semester.

96.2.2 Not resuming after term break

A continuing student who does not resume full-time study by the third Friday after a term/semester vacation is entitled to payment up to and including the day when he/she became aware that he/she would not be resuming full-time study.



Note: This provision cannot be extended beyond the third Friday of the first term/semester.

*** Full time student refers to the appropriate study work load, including concessional study load students, approved for the individual student's circumstances.**

96.2.3 Unable to recommence study after a vacation

A student who does not resume full-time study after a vacation due to circumstances which, in the opinion of the delegate was beyond the student's control, is entitled to Living Allowance until the last day of the course which includes the day the student became aware of the circumstances.

96.2.4 Not resuming after extended absence

A student who does not resume full-time study following a period of extended absence from class which, in the opinion of the delegate, was due to circumstances beyond the student's control, is entitled to Living Allowance to the last day of the course which includes whichever is the earlier of:

- the day on which the circumstances preventing attendance at class ceased to apply
- the day on which the student applies for or commences to receive another form of Commonwealth Government assistance, eg sickness benefit

- the day which is eight weeks after the last day on which the student last attended classes, or
- the day on which the student ceased being enrolled in the course.



96.3 Intention to study

96.3.1 Resumption of study in same course

A student who discontinues a course and subsequently resumes the same course in the same year is entitled to Living Allowance from the date of commencement. This includes the day on which s/he re-commenced classes if the period from the date of discontinuation to the date of resumption is more than four weeks.



Note: See [58.5.2](#) where the break in study is less than four weeks.

96.3.2 Discontinued to commence new course

ABSTUDY can be paid for a period between a change in course if the student starts the new course within 28 days.

96.4 Cessation of payment

A student who ceases to study full-time:

- on or after the last day of the course, as specified by the approved education institution, is entitled to Living Allowance until the date indicated as the normal period of entitlement for that course, or
- on a day prior to the last day of the course, is entitled to Living Allowance until the last day of the course on which the student attended classes as a full-time student.

Chapter 97 Change of Status

This chapter describes the circumstances around a change of student study status that affects the periods of time that a student can receive ABSTUDY Living Allowance for.

Chapter Content

This chapter contains the following topics:



[General rules regarding receipt of fortnightly allowances](#)



[Cessation of eligibility](#)



[Death of a student](#)

97.1 General rules regarding receipt of fortnightly allowances

97.1.1 Eligibility from date of notification

Where a change of circumstance occurs which affects a student's eligibility for a fortnightly allowance, the student is entitled to the allowance from the date of notification. Examples of these changes include:

- a student ceasing full-time study;
- a student returning home to study; or a student commencing study late.

97.1.2 Eligibility from date of change

Where a change of circumstance occurs which affects a student's rate of fortnightly allowance, the student's eligibility should be reassessed from the date of the change in circumstances

Examples of these changes include where a student:

- turns 16 or 18 years old;
- is eligible for the living away rate;
- returns to live at home; or
- ceases to receive a pension.



97.2 Cessation of eligibility

A student's eligibility for Living Allowance may cease/commence if s/he:

- commences or ceases to receive a pension; or
- enters or is released from lawful custody.

97.2.1 Receipt of pension

Where a student commences or ceases to receive a pension, Living Allowance entitlement will cease or commence with effect from the day of change in status.

97.2.2 Lawful custody

When a person enters lawful custody, all ABSTUDY payments will cease from commencement of custodial sentence.

Once in lawful custody, a person wishing to continue or to commence a course of study may apply for assistance under the Lawful Custody Allowance.

When a person is released from lawful custody and resumes study immediately they cannot be eligible for any ABSTUDY entitlements until they notify Centrelink and provide the following:

- proof of release from lawful custody; and
- proof of resumption of study in the form of enrolment documentation.

97.2.2.1 Back-dating payments

Any approval of payments are to be back-dated to the date of release from lawful custody and resumption of study.

97.3 Death of a student

If a student dies, Living Allowance entitlement will cease from the day on which the student died.

Chapter 98 Residential costs option

This chapter describes the circumstances where a student study may elect to receive residential costs in place of ABSTUDY Living Allowance.

Chapter Content

This chapter contains the following topics:



[What is the Residential Costs Option?](#)



[Eligibility for Residential Costs Option \(RCO\)?](#)



[What are Residential Costs](#)



[Reasonable costs](#)



[Effect on RCO and other allowances](#)

98.1 What is the Residential Costs Option (RCO)?

The Residential Costs Option allows students the option of receiving a prescribed amount of Living Allowance * in addition to all of their residential costs being paid directly by ABSTUDY. For the periods residential fees are not charged students receive their full Living Allowance or PES entitlement.



98.2 Eligibility for residential Costs Options

To be eligible for the residential costs option students must:

- be a tertiary student or a secondary student undertaking approved studies of at least 30 weeks duration (full year course) at a university; and

- be eligible for an amount of Living Allowance at the away or independent rate, or PES; and
- be undertaking full-time studies at an Australian education institution or a hostel.

98.3 What are the residential costs?

For the purpose of ABSTUDY, residential costs include:

- Accommodation fees; and
- Meals provided; and
- Laundry charges; and
- Other compulsory fees.

98.4 Reasonable costs

✘ students who choose the RCO are ineligible for Additional Assistance or Meals Allowance to supplement the reduced rate of Living Allowance.

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, particularly where a large proportion of the students are on ABSTUDY support.

98.5 Effect of RCO on other allowances

students who choose the RCO are ineligible for Additional Assistance or Meals Allowance to supplement the reduced rate of Living Allowance.

PES students, who elect to have their residential costs paid, forfeit PES during periods they are living in residence and are not eligible for the reduced rate of Living Allowance. They are however, eligible to receive the full rate of PES for any period residential fees are not charged.

Non PES students are means tested against their parents/guardians or partner's income (as relevant). Living Allowance entitlements may be less than the fortnightly rate they receive under the RCO. However, students are eligible to take the RCO where they are entitled to Living Allowance of any amount.

Chapter 99 Payment of Living Allowance

This chapter describes the rules around the payment of ABSTUDY Living Allowance.

Chapter Content

This chapter contains the following topics:



[Payment commencement](#)



[Payee](#)




[Due date for payment](#)

99.1 Payment commencement

Living Allowance may be paid, subject to eligibility provisions, on the basis of the student or applicant indicating that the student has enrolled or intends to enrol in an approved course.


For tertiary students sufficient basis for payments to commence will be an indication of enrolment on the claim form.

 *Although payments may commence prior to enrolment, there is ultimately no entitlement where the student does not enrol or commence in an approved course.*



99.2 Payee

For Tertiary and postgraduate students the payee is the student.

 *Note: Tertiary students may elect to have costs for residential college or hostel accommodation, meals and associated costs paid directly to the provider/organiser.*

99.3 Due date for payment

Living Allowance is payable:

fortnightly in arrears, including students in approved private or hostel boarding arrangements;

by term in advance for students boarding at schools or, where an Agreement has been entered into, hostels; or

lump sum in advance for overseas students; and

a \$500 advance payment subject to 99.3.1

99.3.1 Advance Payments

Students in receipt of a fortnightly ABSTUDY Living Allowance may be able to get an advance on their entitlement between \$250 and \$500. This payment is available once a year, usually after the students have been receiving ABSTUDY for at least three months.

The amount which can be advanced is the lowest of:

- the amount requested; or
- 7% of fortnightly entitlement times 26 weeks (the calculation is based on the Living Allowance, Rent Assistance and Pharmaceutical Allowance but excludes Remote Area Allowance); or
- \$500.

99.3.2 Where an Advance is NOT payable

No advance is payable if the amount requested or the 7% of entitlement works out to be less than the minimum amount payment of \$250.

The advance is not available:

- to secondary school boarding students;
- where student entitlement is insufficient for the advance to be repaid over a 26 week (six month) period (that is, where it would cause financial hardship);
- where students have an outstanding Centrelink debt;
- if students are repaying a previous advance including an advance payment under another social security allowance or benefit; or
- if students have had an advance within the previous 12 months, including an advance payment under another social security allowance or benefit.

Advance payments to dependent students under 18 years cannot be paid without the parent's permission.

Part VII G

Common Allowances

Pensioner Education Supplement (PES)

Part 7G Content

This part contains details about the Pensioner Education Supplement (PES) for ABSTUDY students, outlining eligibility requirements and entitlements. This part contains the following chapters:

[Chapter 100 PES Eligibility Requirements](#)

[Chapter 101 PES Study Loads and Workload Concessions](#)

[Chapter 102 PES Entitlement and Payment](#)

Chapter 100 PES Eligibility Requirements

Students getting FaCS or DVA income support payments because they are disabled, sole parents or carers cannot get ABSTUDY Living Allowance while in receipt of these income support payments but can get the ABSTUDY Pensioner Education Supplement (PES) while studying.

Eligibility for the different ABSTUDY allowances depends on study load, type of study and personal circumstances.

Chapter Content

This chapter contains the following topics:



[Policy Outcome](#)



[ABSTUDY Prerequisites](#)



[Qualifying Income Support Payments](#)



[Change of Pension](#)

100.1 Policy Outcome

The Pensioner Education Supplement provides a supplement to the pension to assist with ongoing expenses associated with study, and in so doing encourages Indigenous pensioners to take up study.



100.2 ABSTUDY prerequisites

A student is eligible for PES if s/he:

No	Criteria	<input checked="" type="checkbox"/> <input type="checkbox"/>	Additional References
1	Meets the award eligibility criteria for		
	• a Schooling B award	<input checked="" type="checkbox"/>	refer 61.2
	• a Tertiary award, or	<input checked="" type="checkbox"/>	refer 46.4
	• a Masters and Doctorate Award, and	<input checked="" type="checkbox"/>	refer 46.7
2	is receiving a PES qualifying income support payment.	<input checked="" type="checkbox"/>	refer 100.3



100.3 Qualifying Income Support Payments

For the purposes of ABSTUDY PES, a person must meet the following criteria:

- be receiving- under Social Security Law- one of the following;
 - a Disability Support Pension
 - in the case of a person whose partner is receiving a disability support pension –a wife pension
 - a Carer Payment
 - a pension (PP) single
 - a widow B pension
 - a widow allowance
- in the case of a person who is a sole parent –a special benefit;
 - a rehabilitation allowance payable under clause 35 of Schedule 1A of the Social Security Act 1999: or
 - be receiving -under the Veterans' Entitlements Act- one of the following;
 - in the case of a person who has a dependent child – a pension under Part II of that Act; or

- an invalidity service pension; or
- in the case of a person whose partner is receiving an invalidity service pension- a partner service pension; or
- a carer service pension; or
- in the case of a person who has a dependant child – a pension under Part IV of that Act.

100.3.1 Wife's pension recipients

As the result of FaCS changes from 1 July 1995, there may be some cases where a former Wife Pension beneficiary, having been transferred to Parenting/Partner Allowance, will not be moved back to the Wife's Pension, regardless of the grandfathering provision.

- In these cases PES should continue to be paid where the person received PES from 1996 to 2002 onwards, on the basis of receiving the Wife's Pension and the student's circumstances have not changed other than for the transfer to PgA.
- (For full text and explanation refer ABSTUDY Policy Manual 2001).

100.4 Change of Pension

If a pensioner student transfers from one type of pension/payment to a pension/payment in the other Group, the pensioner`s eligibility will be assessed and they will become entitled, or cease to be entitled to PES, as the case may be, from the day the student is deemed entitled to the new type of pension.

Chapter 102 PES Entitlement and Payment

PES rate of entitlement is determined by the study load and the type of PES qualifying income support payment received. This chapter examines the entitlements eligible students can receive under ABSTUDY PES.

Chapter Content

This chapter contains the following topics:



[Entitlement](#)



[Entitlement to other allowances](#)



[Payment](#)



[Recovery of overpayments](#)

102.1 Entitlement

102.1.1 Period of entitlement

Pensioner Education Supplement (PES) has the same period of entitlement conditions as for Living Allowance except PES students who complete a course of at least 30 weeks duration, ie a long course and this course is completed after 15 September are entitled to payment up to 31 December of that year.

Where a post-schooling student in receipt of ABSTUDY Living Allowance completes a course, they are entitled to payment only up to the last day of the course.

NB. Secondary school students in receipt of ABSTUDY Living Allowance are entitled to payment up to 31 December of that year.

102.1.2 Prior year arrangements

ABSTUDY PES students continuing study from 1999 will be maintained at the 1999 rate of PES until the completion of the course given the same personal, financial and academic circumstances apply. If a continuing student went onto the 2000 rate s/he cannot then go back to the 1999 rate should a change in her/his circumstances make the 1999 rate more attractive.

102.1.3 Income testing

PES is not subject to income testing. The student will usually have met the FaCS or DVA means test to get the qualifying pension or allowance.

102.1.4 Tax exemption

PES is a tax exempt payment. Students can, however, continue to elect to have tax deducted from their primary Centrelink payment.



102.2 Entitlement to other allowances

102.1.2 Prior year arrangements

ABSTUDY PES students continuing study (see 102.1.2.1) from 1999 will be maintained at the 1999 rate of PES until the completion of the course given the same personal, financial and academic circumstances apply. If a continuing student went onto the 2000 rate s/he cannot then go back to the 1999 rate should a change in her/his circumstances make the 1999 rate more attractive.

102.1.2.1 definition of continuing student

A continuing student is one who has not had a break in study between 1999, 2000, 2001 and 2002, except where, in exceptional circumstances that are generally beyond a student's control, the break in study can be justified on:

- Medical grounds,
- Personal circumstances; or
- Academic course requirements.

102.3 Payment

The amount payable under ABSTUDY PES is aligned with PES payable under Social Security law.

102.3.1 Lodgement of PES Application

An ABSTUDY PES Application must be lodged:

- within 28 days from the commencement of a short course or
- by 31 March for full year courses or
- 31 July for second semester courses

or payment will only be made from the date of lodgement of the PES claim.

102.3.2 Due date for payment

Pensioner Education Supplement is paid fortnightly in arrears

102.3.3 Payee

Pensioner Education Supplement is paid to the applicant.

102.4 Recovery of overpayments

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

Part VII H

Common Allowances

Travel Assistance

Part 7H Content

This part contains details about travel assistance for ABSTUDY students, outlining eligibility requirements and entitlements.

This part contains the following chapters:



[Fares Allowance - overview](#)



[Fares Allowance - Types of Travel](#)



[Dependant and other Non-student Travel](#)



[Payment of Fares Allowance](#)



[Entitlement to Fares Allowance](#)



[Booking Student Travel](#)



[Circumstances negating entitlement to Fares allowance](#)

Chapter 103 Fares Allowance - overview

Chapter Content

This chapter contains the following topics:



[Purpose](#)



[Eligibility](#)



[Entitlement](#)

103.1 Purpose

The purpose of Fares Allowance is to cover the cost of specified travel for students approved to live away from home. Fares are payable for travel between the permanent home and the term address in accordance with travel entitlements specified in sections 104

Specified travel does not include daily travel between the term address and the educational institution.

Travel associated with Away-from-base activities is described in detail under the section on Away-From Base at Chapters 84-86.



103.2 Eligibility

103.2.1 Who may qualify for Fares Allowance?

Students on the following awards may qualify for Fares Allowance:

- Schooling A Award;
- Schooling B Award;
- Tertiary Award;
- Part-time Award; and
- Masters and Doctorate Award.



Note: In some circumstances persons may be approved to accompany the student—see section on Dependants Travel. See section 105.

103.2.2 Eligibility conditions for students living away from home

Fares Allowance entitlement for a student living away from the permanent home will be established by the applicant:

- nominating on the claim form a permanent home address which varies from the term address;
- obtaining approval from Centrelink for Fares Allowance; and
- meeting the eligibility criteria.

Where a student's permanent home address changes, see section [104.1.6](#).

103.2.3 Evidence of permanent home

Where there is doubt whether or not the student was residing at the nominated permanent home immediately prior to enrolment, independent evidence of residence should be sought, eg accounts, rental receipts, other Centrelink records.

Similarly, a student may be considered to have established permanent residency at the study location where s/he has applied for and/or obtained rental accommodation or purchased housing through the local State/ Territory Housing Authority.

103.2.4 Change of course

Changed circumstances (eg, transferring from a Diploma course at an interstate institution to a Certificate course in the same institution) may result in the student becoming ineligible for Fares Allowance because of restrictions on interstate travel for some certificate and enabling courses. Refer to section 103.2.4.1.

103.2.4.1 Restrictions to certificate and enabling courses

Tertiary students undertaking certificate and enabling courses will not normally be approved for Fares Allowance to interstate locations. Interstate travel may be approved only where:

- it is more cost-effective to travel interstate than to an intrastate location; or
- a course in a particular field is not available in the student's home State or Territory.

In such cases, the student may be approved to travel to the nearest most cost-effective interstate location.

The decision whether or not a course is available in a particular State or Territory is made by DEST. 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:

Group Manager
Indigenous and Transitions Group
DEST
GPO Box 9880
CANBERRA ACT 2601

or by fax to 02 6240 7667, for consideration. The students Centrelink Customer Service Centre will be advised of the DEST decision.



NOTE: FARES ALLOWANCE DOES NOT REFER TO TRAVEL ACTIVITIES THAT ARE PART OF A COURSE OF STUDY. FARES ALLOWANCE IS FOR THE BEGINNING AND END OF THE ACADEMIC YEAR TO TRAVEL TO AND FROM THE PLACE OF STUDY.

103.2.5 Overseas travel

A student is not eligible for Fares Allowance to a location outside Australia.



103.3 Entitlement

103.3.1 Rate of Fares Allowance

The rate of Fares Allowance will be determined by the rate of the mode of travel which is:

- the most practicable and cost-effective mode of transport for the journey; and
- reasonable in the circumstances.

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 air field, servicing the permanent home or the term address.

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.



Note: Exceptions to this ruling are outlined at [104.1.6](#) to [104.1.8](#)



Note: Where a student 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.

103.4 Duty of Care for young students

Centrelink Customer Service Officers should ensure that Centrelink’s travel provider is aware of the ages of young secondary boarding students so that appropriate travel arrangements are made. They should ensure, for example, that young students travel on the most direct route and that they are scheduled to arrive at their destination at a reasonable hour. This is particularly important where students are from remote communities.

Boarding institutions should be encouraged to provide the necessary information to Centrelink Customer Service Officers sufficiently early so that inappropriate bookings can be avoided.

Supervisors for young students may need to be considered when making booking arrangements. See section [104.7](#)

Chapter 104 Fares Allowance –Types of travel

Chapter content

Types of travel covered under this allowance are:



[Travel at Commencement and End of Study Period](#)



[School Vacation Travel](#)



[Tertiary Travel – courses of more than one semester](#)



[Compassionate Travel](#)



[Examination Travel](#)



[Graduation Travel](#)



[Supervisor Travel](#)



[Masters/Doctorate Relocation Travel](#)



[Orientation or Special Purpose Visit Travel](#)



Note: Travel associated with Away-from-base activities is described in detail under the section on Away-from- base.



104.1 Travel at Commencement and End of Study Period

104.1.1 Purpose

To enable students to travel between the permanent home and the term address.

104.1.2 Eligibility

Students must:

- be studying full-time, and
- have approval from Centrelink to live away from home to access Fares Allowance.

104.1.3 Entitlement

The entitlement is for:

- one single journey at the commencement of study; and
- one single journey at the end of study.

104.1.4 Forward journey to commence course

Approval for travel from the place nominated as the permanent home to the term address will be given where the student can establish s/he will travel or has travelled to the term address to take up or resume study. It is expected that students will not need to travel more than one month prior to commencement of the course, except where earlier travel to take up or resume study can be justified, eg to find accommodation.

104.1.5 Return journey at the end of study for the year


Continuing students must return to their permanent home address to be eligible for Fares Allowance in the following year of study.

To claim a return journey under Fares Allowance, students discontinuing or completing their course must return to their permanent home address within three months of ceasing studies.

The end-of-study journey may be taken at the time a school student returns to live at home from a board arrangement. Should such a student subsequently re-commence at the same or a different board establishment, Fares Allowance for the forward journey would normally be available only if the journey coincided with the commencement of a new term.

If a forward journey did not take place/was not claimed at the outset of the course:

- Independent Students – claiming a return journey only must establish or provide evidence that they resided at the permanent home address immediately prior to commencing the course. Examples of evidence can be accounts, rent receipts or other Centrelink records.
- Dependent Students – claiming a return journey only must establish or provide evidence of their parent or caregiver residing at the permanent home address immediately prior to commencing the course. Examples of evidence can be accounts, rent receipts or other Centrelink records.

 **Note:** If the student does not return to the permanent home in line with the return journey requirements, 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 and thereby forfeiting remaining Fares Allowance entitlements from the previous permanent home address.

104.1.6 Change of permanent home

A dependent student's permanent home may change if her/his family moves residence. In such a circumstance the student's entitlement to Fares Allowance will be re-assessed on the basis of the new permanent home location.

An independent student's permanent home may only change where the student has a partner who remains at the permanent home and has moved his/her permanent home while the student is away at the term address.

104.1.7 Special circumstances

If special circumstances apply such that, in the opinion of the delegate, the student should not be regarded as having changed her/his permanent home, Fares Allowance for the return journey home may be approved. Examples of such circumstances would be rigid leasing or rental arrangements and illness or other circumstances beyond the student's control.

104.1.8 Travel to other than permanent home

A student who is eligible for Fares Allowance may travel from, or return to, a location other than her/his permanent home. It would, however, be expected that such travel would only be required to join the family which had temporarily moved. Costs must not exceed the level of Fares Allowance entitlement for previously approved travel, unless these meet the circumstances at [104.1.7](#).

104.1.9 Unused entitlements

A student who does not use all her/his travel entitlements in one year may not accumulate unused entitlements.



104.2 School Vacation Travel

104.2.1 Purpose

To enable a school student to be reunited with her/his family during school vacations.

104.2.2 Eligibility

Available for all school students approved for Fares Allowance.

104.2.3 Entitlement

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 this includes the Easter break.

Travel approved for term vacations will be in addition to a student's entitlement to travel at the beginning and the end of a study period.

104.3 Tertiary Travel – courses of more than one semester

104.3.1 Purpose

To enable a tertiary or mature-age secondary student to be reunited with her/his family during the academic year.

104.3.2 Eligibility

The student must:

- be studying full-time or be an approved concessional study-load student; and
- have approval from Centrelink for Fares Allowance; and
- be enrolled in a course of more than one semester.



Note: This travel cannot be approved for students or their dependants where they have elected to receive Fares Allowance for dependant(s) to travel to the term address.

104.3.3 Entitlement

The entitlement is for one return journey between the permanent home and the term address.

This 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.



104.4 Compassionate Travel

104.4.1 Purpose

The purpose of Compassionate Travel is to enable students to return from their term address to their permanent home for compassionate reasons.

104.4.2 Eligibility

To be eligible to access the Compassionate Travel, a student must:

- be studying full-time; and
- have approval from Centrelink for Fares Allowance; and
- meet one of the circumstances described in grounds for Compassionate Travel at [104.4.4](#) .

Where a student has received Fares Allowance for a dependant to travel with them to the study location those dependants are also eligible for Compassionate Travel where it is necessary for them to return home with the student.

104.4.3 Entitlement

For each Compassionate Travel claim;

- one return journey between the term address and the permanent home is allowable
- a maximum of two return trips per student, per year of course may be approved

104.4.4 Grounds for Compassionate Travel

Circumstances justifying travel for compassionate reasons include:

- the critical illness, injury, death or funeral of an immediate family member, i.e. parent/guardian, parent substitute, grandparent, sibling, partner, child, or partner's parent or child;
- an illness of the student which requires the student to return home; or
- a requirement for the student to participate in a community activity where the student comes from an Aboriginal or Torres Strait Islander community which observes Aboriginal or Torres Strait Islander law or kinship obligations.

When assessing compassionate leave for the student to attend a funeral, cultural factors regarding extended family and kinship obligations apply.

104.4.4.1 Student illness

Where Compassionate travel is approved because of illness of the student, and the student's illness is sufficiently serious that it would not be safe for her/him to travel alone (or at all), Fares Allowance may be approved for the return travel costs of a companion to accompany the student or for a parent, or partner or other close family member to visit the student.



Note: Where the student is suffering from a terminal illness, both parents may be approved to travel to visit the student.

104.4.4.2 Approval

Approval for Compassionate Travel is to be made by the delegate who must be satisfied that the request is valid and that the student's absence from study will be kept to a minimum reasonable time.

104.4.4.3 Documentary evidence

Where necessary, travel may be approved on the condition that documentary evidence will subsequently be provided to support the request. If evidence has been requested but not supplied, an overpayment of the cost of Fares Allowance may be raised.

Documentation to support Compassionate Travel requests may take the form of statements from doctors, hospitals or community authorities that confirm the nature of the circumstances requiring the student's return home.

104.4.5 Non-eligibility 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. See sections 84 & 85 on Away-from-base activities.



104.5 Examination Travel

104.5.1 Purpose

Examination Travel enables students to attend examinations for the approved course.

104.5.2 Eligibility

A student must:

- be a full-time student; and
- be approved for Fares Allowance; and
- 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.

104.5.3 Entitlement

The entitlement is for:

One return journey between the permanent home and the examination centre for each approved examination or set of examinations.



Note: Full-time tertiary students 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.



104.6 Graduation Travel

104.6.1 Purpose

The purpose of Graduation Travel is to enable students to attend their graduation ceremony.

104.6.2 Eligibility

a Student must:

- have a combination of distance education and face-to-face teaching;
- have completed a tertiary course equivalent to a course of at least two years' full-time duration or a postgraduate degree for which they received ABSTUDY assistance; and
- were approved for Fares Allowance to undertake their course away from their permanent home.

Students who have completed a course as an approved combination of distance education and face-to-face teaching ('mixed-mode') course under IESIP Away-from-base may also be eligible for Graduation Travel if they meet the aforementioned requirements.

104.6.3 Entitlement

The entitlement is for:

One return journey within Australia can be paid to on campus students or those students involved in 'mixed-mode'. Travel is paid at the equivalent rate to which the student was entitled to during the course of study.

It is not available for students who received ABSTUDY away-from-base assistance only for residential schools, field trips or placements but did not receive fares allowance to travel between their place of residence and the institution to undertake the course of study



Note: There are no meals and accommodation allowances payable for Graduation Travel except where the journey must be broken in accordance with section 107.7 – Overnight Accommodation.

104.6.4 Eligibility for ‘mixed-mode’ students

Students who received Travel Assistance under IESIP Away-from-base to complete a course of study through ‘mixed-mode’ are also eligible for Graduation Travel.

To be eligible for travel to attend a graduation, students need to meet all eligibility criteria. Those students who, from 1 January 2000 received assistance with travel (Fares Allowance) under the Away-from-base element of IESIP must also have been in receipt of one or more ABSTUDY allowances from Centrelink at the same time.

Travel to attend a graduation must only be from the latest recorded permanent home address to their institution as recorded at the time the ABSTUDY assistance was paid. This entitlement is only for students who undertook a course of study through a combination of distance education and residential schools (mixed-mode).

104.6.5 Non-eligibility for Graduation Travel

Students whose only ABSTUDY travel entitlements for the duration of their course was for travel paid under ABSTUDY Away-from-base to attend a residential school, field trip or placement are not eligible for Graduation travel.



104.7 Supervisor Travel

104.7.1 Purpose

The purpose of Supervisor Travel is to enable the supervision of school students while in transit during an approved journey.

104.7.2 Eligibility

Students who have been approved by Centrelink for Fares Allowance are able to access Supervisor Travel where:

- a student or a group of students approved for travel by Centrelink travel together; and
- the travel is lengthy and involves at least one change of flight or change of travel terminal; and
- the supervisor's travel is approved by the delegate; and
- the supervisor is a parent/guardian, community representative or representative of the receiving school or hostel.

The number of supervisors required to assist, will depend on the circumstances of the travel. As a rule of thumb, a ratio of one supervisor to six students should be used.

104.7.3 Entitlement

For each approved occasion, one return journey between the supervisor's home and the student's place of study or other designated location for a parent or community representative.

Should in-transit accommodation be required refer to Section 107.7 – Overnight Accommodation.



104.8 Masters/Doctorate Relocation Travel

104.8.1 Purpose

The purpose of Masters and Doctorate Relocation Travel is to assist Masters/Doctorate students, their partner and dependants 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. Eligible students must be in receipt of the Living Allowance to claim. See section 71.1.3

104.8.2 Eligibility

To claim this entitlement, the student must be on an approved Masters/Doctorate Award and be receiving the Living Allowance.

104.8.3 Entitlement

The student, partner and dependents are entitled to an economy or concessional rate, if applicable, to the place of study. If travelling by surface transport, the amount payable is the lesser amount of either the actual travel costs or the equivalent airfare.



104.9 Orientation or Special Purpose Visit Travel

104.9.1 Purpose

The purpose of Orientation or Special Purpose Visit Travel is to assist students who have been approved to live away from home in the entry, orientation or adjustment of a secondary or tertiary 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 students first term/semester only.

104.9.2 Eligibility

Students who have been approved by Centrelink for Fares Allowance are able to access Orientation or Special Purpose Visit Travel where:

- a school requires prospective students to attend interviews or other selection procedures prior to acceptance; or
- s/he is going away to board for the first time and is from a remote Aboriginal community; or
- s/he is going away to board for the first time and other students from her/his home community have in the recent past suffered serious problems of adjustment; or
- the student is intending to study in an approved tertiary course at the study location, has completed secondary studies in the previous year and will be undertaking tertiary studies of at least one year's duration; or
- a 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.

104.9.3 Entitlement

One return fare from the permanent home to the students term address for the student and/or her/his parent/guardian or home community representative.

104.9.4 Student Adjustment

Serious problems of student adjustment are demonstrated by any or all of the following:

- prolonged homesickness;
- poor attendance at classes, or
- behavioural problems which affect the student's academic performance and/or are in serious breach of the school's or boarding education institution's standards of behaviour.



Note: Where necessary Supervisor Travel may be accessed. See Section 104.7 – Supervisor Travel.

Chapter 105 Dependent and other Non-student Travel

Chapter Content

This chapter contains the following topics:



[Dependent Travel](#)



[Travelling Companion/Visitor for Student Illness or a Student with a Disability](#)



[Supervisor Travel](#)



[Education Institution Representative Travel](#)

105.1 Dependent Travel

105.1.1 Purpose

The purpose of Dependant Travel 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 dependant children/students of the student.

105.1.2 Eligibility

A Student who is approved for Fares Allowance for her/his own travel is eligible for Fares Allowance for a dependent partner and/or any dependent children/students who travel to live at the place of study where:

- the student is eligible for Parenting Payment Single; or
- the student or student's partner is eligible for Parenting Payment Partnered; and/or
- the student or student's partner holds a Low Income Health Care Card or a Pension Concession Card and has a dependent child.

105.1.3 Entitlement

Travel entitlements for dependants are the same as those indicated for students for the following types of specified travel:

- travel at the commencement and end of study (see section [104.1](#)); and
- travel on compassionate grounds (see section [104.4](#)).



Note: Independent Students undertaking courses of more than one semester, who also receive travel entitlements for dependants to travel to the place of study, are not eligible for travel during the year. Students who elect this option forego mid-year entitlement as they have received assistance to have their dependants relocated with them at the place of study. See section [104.3](#) – Tertiary Travel – courses of more than one semester.

Dependants would normally be expected to travel with the student but may use Fares Allowance to travel separately, eg to return home within one month before the student completes studies.



105.2 Travelling Companion/Visitor for Student Illness or a Student with a Disability

See also section [104.4.4.1](#) – Student Illness

A companion may also be approved to accompany a student with a disability travelling between home and school where the disability is sufficiently serious that it is not desirable for the student to travel alone.

105.3 Supervisor Travel

This information is detailed under Fares Allowance – Types of travel.

See section [104.7](#) – Supervisor Travel

105.4 Education Institution Representative Travel

Where an 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, education institution representatives may be approved to travel to and from the nominated community or communities.

The rate of Fares Allowance for such cases is detailed in section [107](#).

Chapter 106 Payment of Fares Allowance

Chapter Content

This chapter contains the following topics:



[Submission of claims](#)



[Allowable claim period](#)



[Advance payment](#)

106.1 Submission of claims

Fares Allowance is payable on submission of claims from:

- the travel carrier or travel agent for authorised or chartered student travel; or
- the student or person or education institution incurring expense for the student travel; or
- an education institution or boarding establishment that arranged the travel.



106.2 Allowable claim period

Claims for reimbursement of Fares Allowance must be lodged with Centrelink before 1 April in the year after the relevant year of study.

Graduation and examination travel claims must be submitted within three months of travelling.

Claims 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.

106.3 Advance payment

Fares Allowance may be advanced to:

- an education institution or boarding establishment for arrangement of travel; or
- a travel carrier providing chartered services where advance payment is a condition of the charter.

106.3.1 Recovery of advance payments

Advance payments are to be recovered if not satisfactorily acquitted.

Refer to [133.2](#) to identify the responsible payee where an overpayment of this allowance has been made.

Chapter 107 Entitlement to Fares Allowance

Chapter Content

This chapter contains the following topics:



[Rates of Fares Allowance](#)



[Alternate Travel Routes](#)



[Travel rates for Air or Rail](#)



[Motor Vehicle Allowance \(MVA\)](#)



[Travel by chartered transport](#)



[Off campus residential school travel](#)



[Excess baggage](#)



[Overnight accommodation](#)

107.1 Rates of Fares Allowance

Information on this section is included in detail at Section [103.3.1](#) – Rates of Fares Allowance



107.2 Alternate Travel Routes

In circumstances where it is not practicable or reasonable for the student to travel by economy class rail or bus fare, entitlements may be set at the value of:

- the cost of rail fare with a sleeping berth; or
- the cost of economy air fare; or
- the cost of Motor Vehicle Allowance (MVA) as determined by the Department of Family and Community Services (FaCS) where travel by private vehicle is necessary; or

the actual cost of transport for any part of the journey which:

- cannot be serviced by one of the forms of public transport indicated above, or
- is of reasonable cost in view of the distance terrain.

This may include travel by chartered transport such as taxi, hire car, ferry and helicopter.



107.3 Travel rates for Air or Rail

Fares Allowance under this entitlement may be assessed at the rate of economy air travel or rail fare with sleeping berth, whichever is most applicable, if:

- no rail or bus service exists for the journey; or
- the total travelling time by surface public transport from the permanent home to the approved education institution 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 student (or a dependent) is unable to make the journey by economy class rail or bus due to illness or incapacity and this circumstance is supported by a medical certificate; 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 9:00pm and 7:00am.



Note: 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.



107.4 Motor Vehicle Allowance (MVA)

Fares Allowance entitlement may be assessed at the rate of MVA in line with the rates determined by FaCS in the following circumstances:

- if no regular public transport services exists for all or part of the journey, i.e., neither surface nor air services; and
- in the opinion of the delegate, 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.

Where suitable public transport is available for part of the journey, Fares Allowance entitlement will be the sum of:

- MVA entitlement from the permanent home to the travel junction from where suitable public transport is available; plus
- the cost of public transport from the travel junction to the term address.

107.4.1 MVA assessment

Where a MVA entitlement has been assessed, the rate payable will be determined on the basis of 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 www.facs.gov.au/ssleg/ssact/ssas1298.htm.

Distance in Km x MVA rate for engine capacity = MVA

107.4.2 Unnecessary motor vehicle travel

Travel by motor vehicle for a journey or part of a journey for which the delegate determines it is not necessary to travel by motor vehicle will attract the standard rate of Fares Allowance. This will include the concessional rate, if applicable.

See Section [103.3.1](#) – Rates of Fares Allowance

107.4.3 Travel in motor vehicle with companion

Where a student travels by private vehicle but is not entitled to MVA, and transports as passengers other ABSTUDY students with Fares Allowance entitlements, i.e. resulting in cost savings, the rate of Fares Allowance may be:

- the rate of economy class rail or bus fare (including concessional rate, if applicable); plus
- an additional one-third of this rate for each passenger transported.

107.4.4 MVA kilometre rate

Where MVA is payable for journeys involving ABSTUDY students, the relevant MVA rate is paid plus an additional 0.63 of one cent per kilometre.

For journeys without ABSTUDY students (eg a return journey after transporting ABSTUDY students) the relevant FaCS Motor Vehicle Allowance is payable.

See Section [107.4.1](#) – MVA assessment



107.5 Travel by chartered transport

Chartered transport is to be arranged by Centrelink, a boarding establishment or an education institution. The cost of the charter will be met from student entitlements in the following circumstances:

- where there is no public transport available; or
- where the use of chartered transport for the students is cost-effective.

107.5.1 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 Commonwealth.

107.5.2 Transport terminal transfers

Fares Allowance for transport between an air, coach or rail terminal and board or accommodation location, 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
 - where the delegate considers there are other compelling factors which deem a taxi to be suitable; or
 - public transport bus and/or rail fare.



107.6 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 institution provided that:

- there is no suitable and convenient form of public transport; and
- the education institution arranges the transport; and
- the costs are reasonable.

In some circumstances, where a residential school arranges accommodation at an off-campus location, this may be considered under Away-from-base activities. See [Chapter 85](#).

107.7 Excess baggage

Where the student 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 regarded as part of the student's Fares Allowance for the journey 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.



107.8 Overnight accommodation

Costs associated with overnight accommodation may be met if the purpose of the approved travel requires an approved traveller to stay one night or longer:

- at an in-transit location, i.e. not the permanent home or the place of study, which is not the responsibility of the carrier; or
- at a location other than the normal place of residence.

Travellers eligible for assistance with expenses are entitled to:

- the reasonable cost of meals and accommodation for the stopover, if accommodation is arranged by the education institution, Centrelink or community; or
- accommodation allowance where accommodation is arranged by the student.

Where the accommodation provider provides reception services as part of an all inclusive charge, this may also be met. Approved travellers are students, parents/guardians, community representatives and chartered transport drivers/pilots who are approved to provide transport for part or all of a journey.

See Chapter [105](#) for details on Dependant and other Non-student travel.

Chapter 108 Booking Student Travel

Chapter Content

This chapter contains the following topics:



[Booking responsibilities](#)



[Financial Assistance for Travel](#)



[Variations to booked travel](#)



[Missing booked travel](#)

108.1 Booking responsibilities

It is expected that, unless the student is travelling by transport chartered by Centrelink. The student, parent/guardian, board provider or education institution will be responsible for booking student travel.

Qantas is currently Centrelink's approved travel service provider for student travel and agreed Qantas procedures should be explained.



108.2 Financial Assistance for Travel

Fares Allowance may be provided in the form of:

- a travel ticket authorised by Centrelink through the authorised travel service provider or, where the authorised travel service provider cannot make the booking, directly with the public transport carrier; or
- reimbursement of travel costs at the rate of entitlement assessed in accordance with those outlined in this topic; or
- chartered transport organised by Centrelink or the education institution.

Where Fares Allowance in the form of a travel ticket is required for the student, sufficient advance time is required for the authorisation to be prepared.



108.3 Variations to booked travel

Variations to booked travel are to be authorised by Centrelink first. Arrangements can then be made by Centrelink, the student, parent/guardian, board provider or education institution directly with the travel carrier provided there is no additional cost to Centrelink.

108.4 Missing booked travel

108.4.1 Where travel is not undertaken

If travel is arranged, or a ticket authorised, for a student and the student subsequently does not travel or advise Centrelink of a change in circumstances, a tertiary student or independent Schooling student or pensioner Schooling student will not have travel re-booked or paid for in advance by Centrelink.

Where a student still wishes to undertake travel for that journey, the student will be responsible for purchasing their own ticket. Students purchasing their own ticket will be reimbursed for the purchase under the following provisions:

- the purchase of the ticket is within the guidelines for the rate of Fares Allowance – see Section [103.3.1](#);
- the travel provider has not charged Centrelink for the ticket of the missed journey;
- and the student is able to provide the travel ticket as evidence of the purchase.

A dependant schooling student will be allowed one “no show” each calendar year where there is no valid reason for the travel not being undertaken or advising Centrelink of a change in circumstances. This will apply for the duration of his/her course (usually to the completion of secondary schooling).

108.4.2 No show penalty

Any penalty charged by the travel providers as a result of the student missing booked travel (unless 108.4.3 applies) is to be recovered directly from the applicant and not from an entitlement directed to a boarding establishment. This penalty should be applied for the first ‘no show’ occurrence and any subsequent occurrences.

108.4.3 Circumstances beyond the student’s control

If the ‘no show’ was due to circumstances beyond the control of the student, the penalty will not be applied.

Chapter 109 Superseded, see Chapter 107 above

Chapter 110 Circumstances negating entitlement to Fares allowance

This chapter describes the circumstances where fares allowance is not payable or is restricted.

Chapter Content

This chapter contains the following topics:



[Students who have completed tertiary course interstate](#)




[Restrictions on students undertaking certificate and enabling courses](#)



[Approval of interstate courses](#)

110.1 Students who have completed tertiary interstate course

Independent and pensioner students who have travelled to, and resided, interstate to undertake a tertiary course through on-campus studies, are considered residents of that study location. They therefore relinquish fares entitlement for any further studies undertaken after completing the initial tertiary qualification.

 *Note: This does not include students who travelled interstate solely to participate in Away-from-base activities.*

 *Interstate travel generally will not be approved for:*

- field trips and placements, and
- students undertaking certificate or enabling courses, including attending residential schools (see next block).



110.2 Restrictions on students undertaking certificate and enabling courses

✘ *Students undertaking certificate and enabling courses will not normally be approved for Fares Allowance to interstate locations.*

Interstate travel may be approved *only where*:

- it is more cost-effective to travel interstate than to an intrastate location, or
- a course in a particular field is not available in the student's home State or Territory, and
- the institution has applied to DEST and has been granted an exemption from this rule.

In such cases, the student may be approved to travel to the nearest most cost-effective interstate location.

110.3 Approval of interstate courses

The decision whether or not a course is available in a particular State or Territory is made by DEST. 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 must make an annual written request to the:

Group Manager
Indigenous & Transitions Group

Loc: 161

DEST GPO Box 9880

CANBERRA ACT 2601

or by fax to 02 6240 7667, for consideration.

Chapter 111 Superseded, see Chapter 105 above

Chapter 112 Superseded, see Chapter 106 above

Part VII I

Common Allowances

Summary Details of ABSTUDY Allowances

Part 7I Content

This part contains summary details of ABSTUDY allowances that can be used as a quick reference guide to more detailed information on specific allowances.

This part contains the following chapters:



[Key Features of ABSTUDY Allowances](#)

Chapter 113 Key Features of ABSTUDY Allowances

This chapter shows the key features of the following ABSTUDY allowances:



[Assistance for Away-from-base Activities](#)



[Boarding Supplement \(Under 16\)](#)



[Fares Allowance](#)



[Incidentals Allowance](#)



[Additional Incidentals Allowance](#)



[Lawful Custody Allowance](#)



[Living Allowance](#)



[Pensioner Education Supplement](#)



[School Term Allowance](#)



[School Fees Allowance](#)



113.1 Assistance for Away-from-base Activities

Table 20 - Key features of assistance for Away-from-base activities


Features of Allowance	Details
Availability	<ul style="list-style-type: none"> • Schooling B Award • Tertiary Award • Part-time Award • Testing and Assessment Award • Masters and Doctorate Award • Student in Lawful Custody Award.
Away-from-base activities	<ul style="list-style-type: none"> • Testing and assessment programmes • Residential schools • Field trips for tertiary courses, and • Tertiary placements.
Approvals	<p>All course activities require:</p> <ul style="list-style-type: none"> • an Away-from-base course activity submission form to be lodged by the education institution, and • separate approval requirements for mainstream and Indigenous special courses.
Entitlements	<ul style="list-style-type: none"> • Fares Allowance • Residential expenses or travel allowance; and • Living Allowance except for students in lawful custody.
Limits to entitlements	<p>The following limits will apply to Away-from-base assistance:</p> <ul style="list-style-type: none"> • up to six return trips; and • up to 40 days residential costs or • the number of days which applied to the approved course prior to 1998. • Masters and Doctorate students costs must not exceed

	<p>\$2080 in a calendar year.</p> <p>Secondary courses, including those offered by higher education and VET institutions are not eligible to attract Away-from-base funding for field trips. When in doubt refer to Determination 2002/1, Appendix B.</p>
Residential expenses and travel allowance - purpose	To cover costs associated with accommodation and meals while away from the normal place of residence.
Features of residential expenses	<p>Assistance with residential expenses:</p> <ul style="list-style-type: none"> • meets the actual cost of meals and accommodation if these costs are reasonable; • is paid only where education institution or other organisation arrange accommodation; and • is the preferred form of entitlement - applies unless impracticable or unreasonable in the circumstances.
ABSTUDY meal allowance rates	If meals are not included in residential expenses, ABSTUDY meal allowance may be provided at the rates listed at Table 15 . May also be paid to students attending a placement where travel allowance is approved.
Features of travel allowance	<ul style="list-style-type: none"> • Provides a set allowance to cover cost of accommodation; • paid in circumstances where residential arrangements are impracticable or unreasonable; and • rates aligned to FaCS Motor Vehicle Allowance, DEST accommodation and meals component
Eligibility for Living Allowance	<ul style="list-style-type: none"> • Paid if student suffers a loss of regular income; and • Living Allowance paid for the duration of the activity is subject to income-testing.
Payment features - residential expenses and travel allowance	<ul style="list-style-type: none"> • May be paid in advance, subject to acquittal; • Residential expenses paid to education institution or organisation incurring expense; and • Travel allowance (accommodation component) paid to student.
Acquittal	Required from institutions within four weeks of completion of the activity.
Taxation status	Residential expenses and travel allowance not taxable.
Indexation status	Travel allowance reviewed periodically.



113.2 Boarding Supplement (Under 16)

Table 21 - Key features of Boarding Supplement

Features of Allowance	Details
Availability	To boarding schools that cater for a significant proportion of Indigenous students. To qualify for the Supplement, the school must have an enrolment of 10% Indigenous students within its overall student population or have a minimum of 20 Indigenous students enrolled. For schools to be eligible to receive a payment on behalf of Indigenous students under 16 years of age, the school must be included on the list of eligible boarding schools sent annually to Centrelink by DEST.
Purpose	To assist boarding schools that cater for a significant proportion of Indigenous students to overcome the shortfall between boarding costs and the amount of ABSTUDY Living Allowance payable to students aged under 16 years.
Eligibility conditions	<p>The School:</p> <ul style="list-style-type: none"> • is a boarding school defined at 64.2; and • at least 10% of students must be Indigenous students, or a minimum of 20 Indigenous students must be enrolled. <p>The Student:</p> <ul style="list-style-type: none"> • meets the schooling B Award criteria; and • is younger than 16 years old on the relevant census date ie, the 3rd Friday of first semester and the 3rd Friday of for second semester; and • is boarding at a school that is eligible for the payment, and • is receiving the away rate of Living Allowance.
Entitlement	Per capita rate paid to school for each eligible student.
Rates	See the Centrelink publication ' A guide to Australian Government payments 
Payment features	<ul style="list-style-type: none"> • Processed and paid on receipt of a claim lodged by school; • payment made for each semester; • paid to the school.
Taxation status	Non-taxable.
Indexation status	Indexed each year, calculated from Living Allowance rates.





113.3 Fares Allowance

Table 22 - Key features of Fares Allowance

Feature of Allowance	Details
Availability	Schooling B, Tertiary, Part-time, PES and Masters and

	Doctorate Awards, including for Away-from-base activities.
Purpose	To cover the cost of specified travel for students to fully participate in the approved course of study.
Eligibility conditions	<ul style="list-style-type: none"> • Meets the relevant award criteria; and • meets one of the conditions of approval to live away from home or to participate in an approved Away-from-base activity.
Entitlement	Entitlement matched to the actual cost of most appropriate and cost-effective form of transport.
Standard rate	<p>The standard rate is an amount equivalent to the cost of an economy class rail or bus fare;</p> <ul style="list-style-type: none"> • where travel by economy class rail or bus is impracticable or unreasonable, the rate may be pegged to: • economy air fare or rail fare with sleeping berth • Motor Vehicle Allowance rate • cost of chartered transport; or -other appropriate means of transport.
Provision of entitlement	<ul style="list-style-type: none"> • Travel ticket authorised by Centrelink; • cost of travel reimbursed to person incurring expense; and • transport chartered by Centrelink.
Other conditions	<ul style="list-style-type: none"> • Independent and pensioner students who have travelled interstate to undertake a tertiary course will be considered residents of their study location for any further studies undertaken after completing the initial tertiary qualification, thus relinquishing fares entitlement. • Interstate travel is not available for students undertaking certificate and enabling courses (including those offered by universities) at interstate locations, except where the conditions of are met. <p>In such cases, the student may be approved to travel to the most cost-effective interstate location.</p>
Payment features	<ul style="list-style-type: none"> • Payable on submission of claim from: • travel carrier or travel agent for Centrelink-authorized or Centrelink chartered travel, or • student or person or education institution incurring cost.
Taxation status	Non taxable income for the student.
Indexation status	Not applicable.


 ***Note 1:** Travel costs to a school with available boarding places in the student's home state should be compared with commercial travel costs to the interstate school for which ABSTUDY fares allowance has been requested.

 ****Note 2:** Students should not be forced to go interstate, unless this is requested by the applicant, regardless of cost.



113.4 Incidentals Allowance


Table 23 - Key features of Incidentals Allowance

Feature of Allowance	Details
Availability	<ul style="list-style-type: none"> • Tertiary • Part-time • Schooling B • Masters and Doctorate Awards. <p> Note: Schooling Award students must be 18 years or older at 1 January in the year of study to be eligible.</p>
Purpose	To assist in meeting expenses associated with study in the approved course, such as general purpose education institution fees, textbooks, equipment and stationery.
Eligibility conditions	<ul style="list-style-type: none"> • Meets relevant Award criteria, and • Allowance is not income-tested.
Entitlement	Initial entitlement - Period of enrolment <ul style="list-style-type: none"> • <12 weeks; • 12 - 16 weeks; • 17 - 23 weeks (1 semester) • 24 weeks to 1 year.



113.5 Additional Incidentals Allowance

Table 24 - Key features of Additional Incidentals Allowance

Feature of Allowance	Details
Additional Incidentals Allowance	<ul style="list-style-type: none"> • Essential course costs exceed the prescribed amount, • Itemised claim verified in writing by the Head of School or Faculty <p></p>

	not available to students on the Part-time Award.
Rate of IA for each year of study per Award	<ul style="list-style-type: none"> See the Centrelink booklet 'A guide to Australian Government payments' for current rates.
Other entitlement features	<ul style="list-style-type: none"> entitlement to initial Incidentals Allowance (IA) established by commencement of study in the course; Additional IA may be claimed by full-time students if essential course costs exceed the prescribed amount; There is a maximum to the amount of Additional IA which can be claimed in a year. <p>See the Centrelink booklet 'A guide to Australian Government payments' for current rates.</p>
Payment features	<ul style="list-style-type: none"> initial IA initiated from assessment of claim form; paid in lump sum up to four weeks in advance of study; paid to the student, and Additional IA initiated by claim from student verified in writing by Head of School or Faculty.



113.6 Lawful Custody Allowance


Table 25 - Lawful Custody Allowance

Policy Rules	Details
Purpose	The purpose of the allowance is to assist with reimbursement of study expenses for ABSTUDY students held in lawful custody within a correctional institution. The course of study must be an approved course.
Eligibility	<ul style="list-style-type: none"> Students who are eligible for the Students in Lawful Custody Award, Meets relevant Award criteria Allowance is not income tested
Entitlement	<ul style="list-style-type: none"> Entitlement is established by commencement of study in the approved course. Reimbursement is for essential course expenses such as general purpose education institution fees, textbooks, equipment, stationery and daily travel costs
Payment	Payment is to be made following lodgement of a claim supported by evidence of expenditure.
Taxation status	Non taxable.
Indexation status	Not applicable.



113.7 Living Allowance

Table 26 - Key features of Living Allowance

Feature of Allowance	Details
Availability	<ul style="list-style-type: none"> • Schooling B • Tertiary and • Masters and Doctorate Awards, and • some students eligible for Away-from-base assistance.
Purpose	To assist in meeting day-to-day living costs of the student.
Eligibility conditions	<ul style="list-style-type: none"> • Meets eligibility criteria for relevant award; • is not in lawful custody or in receipt of a pension; and • qualifies under income tests on: <ul style="list-style-type: none"> • student income; • parental income, assets and family actual means if a dependent student; • partner income, assets and family actual means if married or in de facto relationship.
Entitlement	<ul style="list-style-type: none"> • Age - Under 16; 16-17; 18-20; 21+ • Student status - at home, away from home, independent, and • Family status - single, married, single has/had a dependent child, married has/had a dependent child.
Maximum rates	<ul style="list-style-type: none"> • See the Centrelink booklet 'A guide to Australian Government payments' for current rates.
Period of entitlement	<ul style="list-style-type: none"> • 1 January - 31 December if studying for full academic year; • 1 January - 30 June if studying semester one only of a full year course; • 1 July - 31 December if studying semester two only of a full year course or a semester length bridging course which continues on to at least a full year course in semester 1 of the following year; and • from commencement to end of classes if other study period, however, also see Articulated Short Courses, Competency Based Training and Study through Open Learning Australia.
	 <p>Exceptions:</p> <ul style="list-style-type: none"> • of study;

	<ul style="list-style-type: none"> • transfer from FaCS benefit; • returning to study after a break; • transfer from CDEP; • change of student status; or • discontinuation of full-time study.
Other entitlement features	<ul style="list-style-type: none"> • loss of entitlement occurs when the student ceases full-time study; may also occur for excessive periods of absence from school or classes; • tertiary students may have the cost of residential college or hostel expenses met by ABSTUDY and receive a reduced rate of Living Allowance; • students with dependent partners and a dependent child or children may be eligible for an increase in their Living Allowance.
Payment features	<ul style="list-style-type: none"> • rates are aligned, with FaCS payment rates; • the rate of allowance payable is affected by the level of student and parental or partner income; • initiated from assessment of claim form; • paid fortnightly in arrears; • paid to: <ul style="list-style-type: none"> • the student for Tertiary and Masters and Doctorate Awards; or • the parent/guardian, board provider or student for Schooling Awards; • payments to board institutions may be made fortnightly in arrears or by term in advance.
Taxation status	<ul style="list-style-type: none"> • for students under 16 years of age - not taxable; or • for students over 16 years of age- taxable as income of the student.
Indexation status	Indexed to CPI and adjusted annually.



113.8 Pensioner Education Supplement

Table 27 - Key features of PES

Feature of Allowance	Details
Availability	Schooling B Awards, Tertiary Awards, and Masters and Doctorate Awards.
Purpose	To supplement the pension and assist with ongoing expenses associated with study as an inducement for pensioners to take up study.

Eligibility conditions	Eligibility requirements for relevant award, and is a pensioner student.
Entitlement	For qualifying payment see the Centrelink booklet ' A guide to Australian Government payments ' for current rates.
PES Rates for new students from 2000 policy changes who are not maintained at 1999 rates.	<p>Ineligible for ABSTUDY PES from 1/1/2000 policy changes</p> <ul style="list-style-type: none"> • Age Pension or age service pension; • Bereavement allowance (previous widowed person Allowance); • Defence widow(er) pension, war widow(er) pension or partner service pension where the pensioner does not have any dependent children; • Wife pension where the husband receives the age pension; • Partner service pension where the partner receives the age service pension; ñ Mature age allowance; or ñ Mature age partner allowance. <p>Eligible for ABSTUDY PES (1/1/2000 policy changes - see Centrelink publication 'A guide to Australian Government payments' for current rate.)</p> <ul style="list-style-type: none"> • Widow allowance, Widow B pension; • Disability support pension or invalidity service pension; • Special benefit if a sole parent; • Defence widow(er) pension, war widow(er) pension or partner service pension if the pensioner has a dependent child; • Wife pension where the husband receives the disability support pension or a disability wage supplement; • Partner service pension where the partner receives the invalidity service pension; • Parenting payment (single); or • Carer service pension or carer payment.
Payments period	As for Living Allowance.
Payment features	<ul style="list-style-type: none"> • Initiated from assessment of claim form; • paid fortnightly; and • paid to the student.
Taxation status	Tax exempt.
Indexation status	Not indexed.



113.9 School Term Allowance

Table 28 - Key features of School Term allowance

Feature of Allowance	Details
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Availability	Schooling A Award applicants
Purpose	To assist with expenses associated with equipping the student for school, eg, uniforms, textbooks, materials.
Eligibility conditions	<ul style="list-style-type: none"> • Meets eligibility criteria for Schooling A Award; and • the student is of dependent status, and: <ul style="list-style-type: none"> • the applicant or the applicant's partner qualifies for a prescribed form of Australian Government assistance, or • the student would, but for age, qualify for independent status as an orphan, a student whose parent(s) cannot exercise parental responsibilities, or as a homeless student, or • the student is in State care and living with foster parents, or -the applicant or the applicant's partner is receiving a CDEP wage as a participant of the project, not as the administrator, or • the applicant or the applicant's partner has a current Health Care Card.
Applicant	Applicant is the dependent student's parent(s)/guardian(s).
Rate	\$540.80 a year
Payments period	Four instalments as follows: <ul style="list-style-type: none"> • Term 1 \$187.20 1 January - 31 March • Term 2 \$83.20 1 April - 30 June • Term 3 \$187.20 1 July - 30 September • Term 4 \$83.20 1 October - 31 December
Other entitlement features	Entitlement established by commencement of study in the term.
Payment features	<ul style="list-style-type: none"> • Initiated from assessment of claim form, • paid term in advance, • paid to the applicant.
Taxation status	Non taxable.
Indexation status	Not indexed.



113.10 School Fees Allowance

Table 29 - Key features of School Fees allowance

Feature of Allowance	Details
Availability	Schooling A and Schooling B Awards.
Purpose	To assist in meeting the costs of school fees levied by the approved education institution for the student.
Eligibility conditions	Meets the relevant award criteria and is either:

	<p>Group 1</p> <ul style="list-style-type: none"> • under 16 years of age and living at home or does not meet the criteria for the away, independent or pensioner rates; and: • the applicant or the applicant's partner qualifies for a prescribed form of Australian Government assistance; or • the student would, but for age, qualify for independent status as an orphan, a student whose parent(s) cannot exercise parental responsibilities, or as a homeless student; or • the student is in State care and living with foster parents, or • the applicant or the applicant's partner is receiving a CDEP wage as a participant of the project, not as the administrator; or • the applicant or the applicant's partner has a current Health Care Card/Low Income Card; or <p>Group 2</p> <ul style="list-style-type: none"> • meets the criteria for the Away rate of Living Allowance; • would meet a criterion for the away rate but for the presence of a local non-government school which the student attends; or • qualifies for independent status as a homeless student, an orphan or a student whose parent(s) cannot exercise parental responsibilities.
Level of entitlement	<p>Group 1</p> <p>There are 2 rates of allowance:</p> <ul style="list-style-type: none"> • for students under 16 years of age on 30 June in the year of assistance; • for students turning 16 years of age in the period 1 January -30 June in the year of assistance. <p>Group 2</p> <ul style="list-style-type: none"> • See the Centrelink publication 'A guide to Australian Government payments ' for current rates.
Other entitlement features	<p>Entitlement is through commencement of study in the school year.</p> <p>Institutional board students may qualify for excess boarding costs to be met from unused School Fees Allowance</p>
Payment features	Group 1

	<ul style="list-style-type: none"> • Annual entitlement paid direct to the school <p>Group 2</p> <ul style="list-style-type: none"> • Paid to school annually or by the term on lodgement of a claim.
Taxation status	<p>Not taxable if used as School Fees Allowance.</p> <p>Taxable as income of students 16 years and older if used to pay excess boarding costs.</p>
Indexation status	<p>Group 1 - Not indexed.</p> <p>Group 2 - Indexed to CPI and adjusted annually.</p>

Part VIII

Income, Assets & Actual Means Testing

Part 8 Content

This part contains the following sections:



[Part 8 A - Income Testing](#)



[Part 8 B - Assets Tests](#)



[Part 8 C - Family Actual Means Tests](#)



[Part 8 D - Taxation, Fringe Benefits and Negative Gearing](#)



[Part 8 E - ABSTUDY Allowance Rates and Student Income Bank](#)

Income Testing

Part 8A Content

This part contains the following chapters:



[Introduction to Income Testing](#)



[Compensation](#)



[Income Testing](#)



[Student Income Tests](#)



[Parental Income Tests](#)



[Partner Income](#)



[Current Income Concessions](#)



[Increase in Current Year Income](#)



[Special Assessment](#)

Chapter 114 Introduction to Income Testing

Where a student meets the ABSTUDY general eligibility criteria, income details must be provided to assess the level of assistance that student may receive. All assessable income is taken into account for the income tests. This chapter explains the general income requirements for ABSTUDY eligibility.

Chapter content

This chapter contains the following topics:



[Assessable income](#)



[Some common assessment issues](#)

114.1 Assessable income

Student, parental and partner income tests take into account income from all sources that is assessable for ABSTUDY purposes, less any deductions allowable by the Australian Taxation Office (ATO). The resulting amount is taxable income and is shown on the ATO Tax Assessment Notice (TAN).

Where a payment in the nature of income is not specifically exempt, it should be regarded as income for ABSTUDY purposes.

114.2 Some common assessment issues

114.2.1 Maintenance payments

Amounts paid for the maintenance of children or a former partner are deducted from assessable income to arrive at a figure for total income. Any maintenance received is added to assessable income to arrive at a figure for total income.

114.2.2 Negative income

It is not possible for one parent's loss or negative income to reduce the effect of the other parent's positive income. The loss should be treated as zero income and the other parent's income will be the family's total taxable income.

114.2.3 Income averaging

Income averaging for self employed primary producers is not provided for under the ABSTUDY income test.

Chapter 115 Compensation

Chapter content

This chapter contains the following topics:



[Payments affecting ABSTUDY entitlements](#)



[Living allowance](#)



[School Fees Allowance \(Group 2\)](#)



[Payments not affecting ABSTUDY entitlements](#)

115.1 Payments affecting ABSTUDY entitlements

115.1.1 Types of compensation payments

The following compensation payments affect ABSTUDY entitlements:

- periodic personal injury compensation for economic loss, and
- lump sum personal injury compensation for economic loss.

115.1.2 ABSTUDY Allowances

The following ABSTUDY entitlements are affected by compensation payments:

- [Living Allowance](#)
- [School Fees Allowance](#) (Group 2).




115.2 Living allowance

Living Allowance is affected by taxable compensation payments as follows in [115.2.1](#) and [115.2.2](#).

115.2.1 Taxable compensation lump sum payments

Taxable compensation payments which are paid in a lump sum are regarded for ABSTUDY purposes as the assets of the person to whom the compensation payment was made and affect the student in accordance with the personal assets and family assets tests.

 **Note:** *Non-taxable compensation payments paid in a lump sum are not regarded as an asset for ABSTUDY purposes.*

115.2.2 Ongoing taxable compensation payments

Taxable compensation payments paid on a regular and ongoing basis are treated according to the type of recipient:

- the parent(s)/guardian(s) of the student
- the student, or
- the partner of the student.

115.2.2.1 the parent(s)/guardian(s) of the student:


The compensation payment forms part of the parent(s)/guardian(s) Parental Income for the normal application of the Parental Income test (including Current Income Assessment).

115.2.2.2 the student

The compensation payment forms part of the student's ordinary income for the application of the student's personal income test.

115.2.2.3 the partner of the student

The compensation payment forms part of the partner's ordinary income for the application of the partner income test.

 **Exception:** *Where a student has a partner who is in receipt of a FaCS payment where the rate of that payment has been calculated on the basis of the student being in receipt of a compensation payment, the compensation payment should not affect the student's ABSTUDY. Where a student has a partner who is serving a Compensation Preclusion Period and that preclusion period cannot be adjusted to take into account any affect on the student's ABSTUDY payments, the compensation payment should not affect the student's ABSTUDY. That is, ABSTUDY Payments should not be affected where the effect of the compensation payment on ABSTUDY cannot be reflected in the effect of a couple's FaCS entitlements.*



115.3 School Fees Allowance (Group 2)

ABSTUDY School Fees Allowance (Group 2) is affected by compensation payments made to the parent(s)/guardian(s) of a dependent student to the extent that a compensation payment forms part of the parent(s)/guardian(s) taxable income in the application of the Parental Income Test.

115.5 Payments not affecting ABSTUDY entitlements

For the purposes of assessing entitlements to ABSTUDY, the following payments, ordinarily considered to be compensatory in nature, are not considered to fall within the definition of compensation given immediately below.

- 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 income or means tests. Minister Kemp made this determination on 30 November 1999.

Chapter 116 Income Testing

This chapter details ABSTUDY allowances subject to income tests and the types of income tests applied in the year that the student is studying.

Chapter content

This chapter covers the following topics:



[Types of Income Tests](#)



[Income-tested allowances](#)



[Allowances not subject to income-testing](#)



[Applying income tests](#)



[Summary of income tests](#)



[Income testing periods](#)



[Proof of Income](#)



[Overseas Income](#)


116.1 Types of Income Tests

Some ABSTUDY allowances are subject to income tests. Tests are normally made on:

- **student income**
- for all students, except those under 16 years of age

and either

- **parental income**
- for all dependent students, or
- **partner income**
- for all independent students who have a partner.


 **Note:** *Special assessment may apply where a parent/guardian/partner is receiving certain government income support payments).*



116.2 Income-tested allowances

Allowances subject to income testing are:


- Living Allowance
- Group 2 School Fees Allowance greater than the non-income tested threshold, and
- Masters and Doctorate Award Living Allowance, Relocation Allowance, Thesis Allowance and payment of compulsory course fees or HECS.

 **Note:** *School Term Allowance and Group 1 ('at home' rate) School Fees Allowance are indirectly income tested on the basis of qualifying or receiving other government income support assistance.*

116.3 Allowances not subject to income-testing

Allowances not subject to income testing are:

- Group 2 School Fees Allowance less than the non-income tested threshold
- Pensioner Education Supplement
- Incidentals Allowance
- Additional Incidentals Allowance
- Fares Allowance
- Lawful Custody Allowance
- Away-from-base entitlements
- Remote Area Allowance, and
- Pharmaceutical Allowance.

 **Note:** Rent Assistance is indirectly income tested on the basis of qualifying or receiving other government income support assistance.



116.4 Applying income tests

The status and age of the student determines which of the income tests apply, as follows:

- Dependent students are subject to:
 - the student income test unless the student is under 16, and
 - the parental income test
- Independent students are subject to:
 - the student income test, and
 - the partner income test if the student has a partner.

116.5 Summary of income tests

The following table summarises the main features of each test.

Type of Test	Definition of Income	Income Period
Student	Taxable income (income less all deductions allowed by ATO), plus or minus maintenance payments.	Relevant period as detailed in 117.2 .
Parental	Taxable income (income less all deductions allowed by ATO), plus or minus maintenance payments.	Previous financial year, unless current income applies.
Partner	Taxable income (income less all deductions allowed by ATO), plus or minus maintenance payments.	Relevant period as detailed in 119.2 .



116.6 Income testing periods

116.6.1 Normal testing

Income testing normally applies to the fortnightly income of the student in the year of study (the relevant year) and to the combined taxable income of the student's parents/guardians for the financial year ending on 30 June of the preceding year.

116.6.2 Different tax accounting periods

If the student's parents, under Section 18 of the *Income Tax Assessment Act 1936*, adopted a 12 month accounting period which ends on a date other than 30 June in the year preceding the relevant year, the assessment is based on taxable income (plus or minus maintenance payments if applicable, see [131.7.1](#)) in that accounting period.

This does not alter income test period principles. In particular:

- the normal test period remains the 12 month accounting period ending before the current year of study i.e, before 1 January in the year of study. This applies whether or not the student is eligible or qualifies for ABSTUDY from that date;
- the current income test period remains the 12 months accounting period ending during the current year of study ie, 1 January to 31 December in the year of study. This applies whether or not the student is eligible or qualifies for ABSTUDY for the whole or part of the year; and
- there is no provision to take into account a 12 month accounting period which finished after the current year of study, that is after 31 December in the year of study. This applies whether or not the student is eligible or qualifies for ABSTUDY until the end of the year.

116.6.3 Current income assessment

In certain cases the income test may be applied to the parents'/guardians' income for the financial year ending on 30 June in the year of study. The current income assessment applies when there has been:


- a marked and sustained fall in income, or
- a 25% or more increase in the parents' income since the previous financial year.



116.7 Proof of Income

116.7.1 Documentation

Parents/guardians and the partner applying for Living Allowance are required, prior to payment, to submit documentation supporting income details provided on the ABSTUDY claim.

 *Persons receiving a FaCS or DVA pension are exempt from the requirements to provide proof of income.*

116.7.2 Certification that income details are correct

Parents'/guardians'/partners' signatures, certifying that income details provided are correct, are required on the ABSTUDY claim form.

116.7.2.1 Difficulty obtaining signatures

If Centrelink is satisfied that it is difficult to obtain a signature for reasons such as long illness, mental incapacity, prolonged absence of the parent/guardian/partner (for example because they are in lawful custody), entitlement may be determined without any signatures on the basis of the proof of income provided.

If a student who is 16 years or older, or independent, is unable to obtain signatures because of the parent's/guardian's/partner's unwillingness to sign, benefits may not be paid unless proof of income has been provided.



116.8 Overseas Income

116.8.1 Calculating Overseas Income

116.8.1.1 Converting taxable overseas income to Australian amounts

Taxable income earned overseas will need to be converted to Australian dollars if the income is included in the taxable income figure on an overseas country's tax notice of assessment or similar document.

If the income is shown on an Australian notice of assessment, it has already been converted from overseas dollars to Australian dollars.

Non taxable income earned in an overseas country is *not* to be included in the income tests but will be included in the family actual means test.

116.8.1.2 Use of exchange rates to convert overseas income

When a person has taxable income from an overseas source, the overseas figure is converted to Australian dollars by the appropriate exchange rate from the CBA.

Chapter 117 Student Income Tests

Income tests apply for Living Allowance, Rent Assistance, and the 'at home' rate of School Fees Allowance. Income tests are applied to most students claims with a few exempt categories. This chapter describes the income tests which are applied for ABSTUDY assistance.

Chapter content

This chapter contains the following topics:



[How does student income affect ABSTUDY?](#)



[Income test assessment periods](#)



[Student income included in testing](#)



[Income deductions](#)



[Educational assistance and income testing](#)



[Exemptions from income testing](#)

117.1 How does student income affect ABSTUDY?

The student income test is based on how much a student may earn each fortnight. Students will also have access to the Student Income Bank which allows a student to earn money during breaks from study without affecting their Living Allowance.

See the Centrelink booklet '[Guide to Commonwealth Government payments](#) ' for current rates.



117.2 Income test assessment periods

117.2.1 Fortnightly entitlement

The student income test period applies to taxable income that the student receives during the period that they are eligible for ABSTUDY. This varies per allowance and personal circumstances.

The relevant period begins on the day a student becomes entitled to ABSTUDY income tested allowances and ends on the last day a student is eligible for income tested allowances.

Student's income is assessed for each the fortnightly entitlement period.

117.2.2 16th birthday

A student becomes subject to the student income test from her/his 16th birthday or if they have independent status before they turn 16 years of age. The relevant period also applies from this date regardless of whether income tested allowances were payable before the student turned 16 years of age or gained independent status.

117.2.3 Pensioner student


Where a student is a pensioner for a period during the year, this period as a pensioner student does not form part of the relevant period.



117.3 Student income included in testing

Student income includes:

- taxable income, (except principal income derived from Norfolk Island)
- overseas income earned and taxed in a foreign country
- for independent students - maintenance or alimony whether paid for the student's own benefit or for the benefit of the student's dependents, including maintenance paid by the Child Support Agency or by way of a trust or other entity. Payment to a third party of school fees, household utilities, rates, rent, mortgages or for any other purpose that is for their, or their child's direct or indirect benefit, must be included.

 **Note:** For a dependent student this maintenance would be counted as income in the hands of the (custodial) parent.

- received by the student from a trust if it is assessable for tax purposes. Generally, trust income is not assessable where it has already been taxed in the trustee's hands. (Amounts paid from the capital of a deceased estate are generally not taxable income.)
- full-time Australian Defence Force (Navy, Army or Air Force) Reserve pay and allowances (payments to part-time reservists are not taxable and do not count as income)
- lump sum and other retirement/redundancy and similar payments to the extent that they are assessable income for tax purposes
- prizes if they are provided as an employment benefit, or they carry an obligation to undertake further studies
- taxable income received under a training agreement from a current or future employer
- superannuation pensions, including those received by a student as a dependent child or a partner of a deceased member of a superannuation fund (eg Comsuper, DFRDB, etc)
- certain forms of educational assistance, and
- compensation payments are included to the extent they are taxable. Payments that are made in place of income are generally taxable, while those that are for loss of future earning capacity such as compensation/ damages/pain and suffering/reimbursement of expenses, are not usually counted as income for tax purposes. Compensation payments for victims of crime should be treated in the same way.



117.4 Income deductions

117.4.1 Maintenance

Maintenance paid by the student for the upkeep of a non-custodial child and/or former partner is deducted from the student's income for the income test period.

117.5 Educational assistance and income testing

117.5.1 Assistance to be included in income testing

Where a student is not excluded from ABSTUDY assistance because s/he is receiving another form of government assistance to study, education assistance counts as assessable income if it is paid to or in respect of the student principally or solely for the purpose of assisting the student to study. This includes:

- institutional scholarships and bursaries, including the value of any free board provided as part of the scholarship - the value of board should be determined by comparison with the institution's normal costs for similar board for other students
- payments for a student's education from a family trust or a special education trust, (eg Vietnam Veteran's Trust Education Assistance Scheme)
- assistance paid to another person (eg, a student's parents) to help the students education
-
- educational scholarships from industry or cultural foundations, and
- State payments to or in respect of students who live away from home or come from isolated families.



Note: This does not apply to independent boarding school scholarships

117.5.2 Assistance not included

Educational assistance should not be included as student's income if it is:

- ABSTUDY itself
- tuition fee scholarships for students;
- assistance provided in relation to a course which is not ABSTUDY-approved (eg, for an intensive language course in the summer vacation)
- assistance provided by a Commonwealth/State/Territory government because the student is the child of a victim of a natural disaster or industrial accident
- reimbursement by the State Government of tuition fees, and
- reimbursement of travel expenses (as opposed to course cost grants).



Note: Income received under a training agreement is included.



117.6 Exemptions from income testing

117.6.1 Students exempt from income testing

A range of student categories are exempted from income testing. These are:

- students under 16 years old
- part-time students
- students who are, or have been living, under an officially approved substitute care arrangement
- students receiving a social security pension or an income support pension from DVA, and
- students in lawful custody.

117.6.2 Pensions and benefits

These benefits and pensions are not included in the personal income test:

- Family Tax Benefit A & B
- Double Orphan Pension
- Child Disability Allowance

- Domiciliary Nursing Care benefit
- CRS services not related to the course
- payments received by the student for the care of a ward other than themselves (payments to students because they are themselves wards are included as student income)
- special assistance to the Textile, Footwear and Clothing industry (TCF Special Allowances) to the extent these are not counted as taxable income by the ATO, and
- Transition to Independent Living Allowance (TILA)

117.6.3 Other income

The following payments are also **not** included as part of a student's income:

- maintenance paid by a parent to or in respect of a dependent student - such maintenance counts as assessable income in the hands of the (custodial) parent
- prizes are not regarded as income unless they are provided as an employment benefit or an obligation to be used to assist study
- loans in general are not regarded as income. A loan made to a student under the Commonwealth's Special Assistance to Students Program (SASP) is not regarded as income
- part-time Australian Defence Force Reserve pay and allowances (payments to full-time Reservists are taxable and hence regarded as income)
- Disability pensions paid by the DVA to veterans and ex-service personnel because of a war caused injury or illness are not included, even if they are received by the student as these payments are not taxable, and
- payments made directly to the institution on the student's behalf for HECS.

Chapter 118 Parental Income Tests

Income tests apply for Living Allowance, Rent Assistance, and the 'at home' rate of School Fees Allowance. In general, parental income tests are applied to dependent students claims with a few exempt categories. After applying parental income test, a personal income test is applied.

This chapter describes the income tests which are applied for ABSTUDY assistance.

Chapter content

This chapter contains the following topics:



[How does parental income affect ABSTUDY?](#)



[Parental income test period](#)



[Historical basis for income testing](#)



[Students subject to parental income test](#)



[Categories of parents for income testing](#)



[Change of parent](#)



[Separated parents](#)



[Students not normally living with parents](#)



[Allowances not subject to parental income testing](#)

118.1 How does parental income affect ABSTUDY?

If students are not independent, a parental income test applies.


Where the adjusted family income of parents exceeds the annual threshold¹, ABSTUDY Living Allowance will be reduced.




118.2 Parental income test period

The parental income test of parents is usually assessed for the financial year ending before the year of study. For most students, this financial year ends on 30 June of the previous year. However, the most recently completed financial year accounting period may end on another date if:

- the student's parents have, under Section 18 of the *Income Tax Assessment Act 1936*, adopted a 12 month accounting period which ends on a date other than 30 June, or
- parental income consists principally of income from a foreign country which uses a different taxation accounting period from that ending on 30 June (for example, New Zealand has a taxation period of 1 April to 31 March). The financial year ending before 1 January of the year of study is considered.

 **Note 1:** Where combined adjusted family income increases by 25% or more, ie from the previous to current financial year, the student's entitlement is reassessed with effect from 1 October in the year of study.

 **Note 2:** Where parental income suffers a substantial and lasting fall, a concession is available to take into account income in a financial year (or accounting period) no later than the financial year or last accounting period which ends during the year in which ABSTUDY is sought.

118.3 Historical basis for income testing

Income testing is based on historical (previous financial year) income.

When use of historical income is unreasonable special rules apply. These apply where:

- there is a substantial and lasting fall in income under the current income concession
- a parent starts getting a Commonwealth pension or benefit, or is in receipt of a Health Care Card / Low Income Card under the special assessment provision, or
- parental income increases by 25% or more after the normal (previous financial year) income test period .



118.4 Students subject to parental income test

[Dependent students](#) who are under 16 years old and eligible for Living Allowance, or who are 16 years of age and over, are subject to income testing on the combined taxable income of both their parents/guardians, irrespective of whether they [live at home](#) or away from home.

Parental income is taken into account whether or not parents/guardians actually provide financial assistance or support.

118.4.1 Dependent students

If a student claims a person other than a natural or adoptive parent (or the parent's partner) for parental income test purposes, the case will be considered on its merits to determine if:

- the person does support the student wholly or substantially; and
- the arrangement is bona fide i.e., it is not an arrangement to avoid assessment on the basis of the income of the student's natural or adoptive parent or their partner (married or de facto).

A student is not wholly or substantially dependent on another person if the parent (or parent's partner, married or de facto) is:

- supporting the student in the other person's home, or
- is providing financial assistance, directly or indirectly, to that person in respect of the student.

The other supporting adult cannot be the student's partner (married or de facto).

118.4.2 Students living at home

Students `normally live with' a parent and/or the parent's partner (married or de facto) if they maintain a permanent home there. Students `normally live with' the parent or parent's partner (married or de facto) even though they live away while studying, or are temporarily absent from the home on a holiday.

A student should be regarded as not normally living with a person if the student maintains a separate permanent home (including vacation and holiday periods).



118.5 Categories of parents for income testing

118.5.1 Divorced or separated parents

If the natural or adoptive parents are divorced or separated, the parent, for the purposes of the parental income test, is:

- the natural or adoptive parent with whom the student normally lives, ie with the custodial parent, or
- the parent on whom the student was dependent at the start of the eligibility period in the year of study if normally living with neither parent, or
- the parent on whom s/he was last dependent if dependent on neither parent at that time, or
- if each equally shares custody of the student, both natural or adoptive parents are taken into account where they are separated or divorced.

If the parents reunite, the student's entitlement is reassessed with effect from the date of the reunion, taking into account the previous financial year incomes of both parents. In some cases current income may be applicable.

The income taken into account in the case of divorced or separated parents includes any payments made by way of maintenance to the parent on whom the student is dependent. However, any maintenance payments made to a former partner or in respect of other children are deducted from total income.

118.5.2 Step parents

Natural or adoptive parents also include step-parents. If the parent or the person on whom the student was last dependent remarries or enters a de facto relationship, the income of the step-parent is taken into account.

The step-parent's income may be disregarded only where:

- the step-parent is not the student's adoptive parent, and
- s/he is able to provide a statutory declaration to confirm s/he did not provide the student with any form of support at the start of the eligibility period in the year of study. In this case it would be expected that the other parent had sufficient income to support the student and that the step-parent was not the provider of food and/or shelter.

118.5.3 Other than natural or adoptive parent

If a student was wholly or substantially dependent at the start of the eligibility period in the year of study on a person who was not her/his natural or adoptive parent, that person is considered to be the student's parent even if one or both of the natural or adoptive parents are living.

118.5.4 De-facto relationships


A de facto relationship is recognised between a student's natural or adoptive parent and her/his de facto partner from the date the de facto relationship starts if the student 'normally lives with' the parent and the parent's partner .



118.6 Change of parent

In most cases, the parental income test will apply to the parents on whom the student is dependent at the start of eligibility. However, ABSTUDY will be reassessed if the student's parents change during the period of eligibility, so that, if a student:

- loses a parent by death or separation, ABSTUDY is reassessed based on the remaining parent from the date of change of circumstance (where separated/divorced parents share custody)
- gains a parent (for example because a natural or adoptive parent remarries, or gains a de facto partner **and** the student normally lives with the partner), ABSTUDY is reassessed from the date of change of circumstances taking into account the combined income of the original parent and the new partner
- changes parents, ABSTUDY is reassessed from the date of change of circumstances. For example, the student:
 - stopped living with one parent and moved in with the other; -started or stopped normally living with a parent's partner, or
 - started or stopped being wholly or substantially dependent on another adult.

 *Note: Reassessment is based on the income of the parent(s) for the previous financial year unless the current income concession or special assessment applies.*

118.7 Separated parents

118.7.1 Death of custodial parent

Where:

- a student has been living with one parent for a considerable time and that custodial parent subsequently dies, and
- there has been little or no contact with the non-custodial parent,

it would be unreasonable to require that ABSTUDY be based on the income of the surviving parent given that essentially no parental role (financial support or otherwise) has been played by the surviving parent for a long time, if at all.

The student's claim under the homeless provisions should be reviewed. This is on the basis that it would be unreasonable for students to live in the home of their surviving parent because of extreme family breakdown.

118.7.1.1 Student Homeless Rate

Students need to apply for Student Homeless Rate in the usual way, including the provision of appropriate evidence/statements to support their claim.

118.7.1.2 Granting independent status to student

The following indicators should be met before independent status is granted under this provision:

- the student's parents had been separated for a considerable length of time (discretion may be applied depending on individual circumstances)
- the surviving non-custodial parent has not provided support, either directly or indirectly, to the student or her/his former partner in that time (eg, child support payments, payment of school fees, etc)
- the student has had no recent contact with the surviving parent
- the surviving parent has not resumed a parental role following the death of the previously custodial parent
- the student has no other supporting adult, and
- the other homeless provisions do not apply.

118.7.2 Shared custody arrangements

Where separated or divorced parents share custody of the student, the following arrangements apply:

- where custody is shared between the parents, the income test is applied to the income of the parent with whom the student normally lives, and that parent's partner, married or de facto (if applicable), or
- where one natural parent has primary custody of the student (i.e. has custody of the student for a greater proportion of the time), the income test is applied to the income of that parent, and their partner, married or de facto (if applicable).

In the very rare cases of shared custody where the student spends an equal amount of time with each parent, the lower family income (taking into account the income of the relevant natural parent and her/his new partner, where applicable) may be used to calculate the student's entitlement subject to statements being provided confirming and setting out the custodial (i.e., turnaround period) and maintenance payment arrangements (e.g., legal documentation from the Family Court or solicitors, or statements from each parent).



118.8 Students not normally living with parents

If a student's parents live permanently apart, the parental income test applies only to the parent with whom the student normally lives. This applies whether or not the parents are legally divorced.

If a student's parents live permanently apart, but the student does not normally live with either parent, the parental income test applies:

- to only that parent with whom the student last lived if the parents stopped living together when the student last lived with them, or
- to both parents if they were not living permanently apart when the student last lived with them.

Where parents are 'separated but living under the one roof' for Family Law purposes, and the student normally lives in or last lived in the house shared by both parents, the income of both parents is taken into account.

Where parents live apart temporarily, (for example, because of absence due to work commitments as with some mining, fishing, sales representative or other occupations) and the student normally lives with, or last lived with, both parents, the income of both parents is taken into account.

118.9 Allowances not subject to parental income testing

Allowances for the following ABSTUDY students are not affected by the parental income test:

- part-time students
- pensioner students
- students who are or have been living under an officially approved substitute care arrangement
- independent students
- students in lawful custody, and
- dependent students whose parents/guardians are receiving a Commonwealth income tested pension or benefit .

1 See the Centrelink booklet [Guide to Commonwealth Government payments](#)  for current rates.

Chapter 119 Partner Income

Income tests apply for Living Allowance, Rent Assistance, and the `at home' rate of School Fees Allowance. Partner income tests are applied to independent students claims where applicable.

This chapter describes the income tests which are applied for ABSTUDY assistance.

Chapter content

This chapter contains the following topics:



[How does partner income affect ABSTUDY?](#)



[Partner income test period](#)



[Students subject to partner income testing](#)

119.1 How does partner income affect ABSTUDY?

A student's partner can have income up to the disqualifying income limits of Youth Allowance if

- the student is under 21 years, or
- Newstart if the student is 21 years and over,

without it affecting the student's ABSTUDY Living Allowance.

Partner income which exceeds cut-out point reduces fortnightly allowance by 70 cents in the dollar.²




119.2 Partner income test period

A relevant period is generally the income test period when a partnered student is eligible to receive ABSTUDY assistance.

119.2.1 Periods the partner income test does not apply

The partner's income test is not applied for any period in a year when students:

- do not have a partner, or
- are divorced or separated from their partner.

 *Note: Where the student and her/his partner are 'separated but living under the same roof' for Family Law purposes, the partner's income is taken into account.*

119.3 Students subject to partner income testing

Independent students are subject to income testing on the income of their partner if relevant.

119.3.1 Students over 21 years

Students 21 years and over are aligned with Newstart rates. Students under 21 years

Students below the age of 21 years are aligned to Youth Allowance rates.

119.3.2 Student under 16 yrs

When an independent student under 16 years old has a partner, the partner is subject to the partner income test.

² See the Centrelink booklet ['Guide to Commonwealth Government payments'](#)  for current rates.

Chapter 120 Current Income Concessions

This chapter explains income concessions.

Chapter content

This chapter contains the following topics:



[Period of current income assessment](#)



[Circumstances justifying Current Income Assessment](#)



[Drop in Income](#)



[Reasons not accepted for Current Income Assessment](#)



[Calculating Adjusted Income](#)

120.1 Period of current income assessment

Current income assessment is a concession that allows the ABSTUDY income test to be applied to the student's parents/ guardians income in the year for which assistance is sought (instead of being applied to income earned in the previous, typical financial year).

If the drop occurs before 1 January of the year for which assistance is sought, the entitlement for the whole of the year of study will be assessed on a current income basis.

If the drop occurs after 1 January and before 1 July of the year for which assistance is sought, current income assessment will apply only in assessing the allowance payable for that part of the year of study following the date of the drop. Normal assessment will apply up to that date.

There is no provision for the parental income test to be applied to any period later than the financial year accounting period ending 30 June in the year of study for a current income assessment.



120.2 Circumstances justifying Current Income Assessment

Current income assessment may be approved if a normal assessment is unreasonable because of circumstance where a large and long-lasting drop in income has occurred. Approval can be given to any student in this situation except:

- a single, independent status student, or
- a student who is partnered.

In most instances, when current income assessment is approved, the income test will be applied to estimated income figures, which are subject to verification.

120.2.1 All students

The circumstances under which assessment may be made on current income for all students are:

- permanent invalidity, retirement or any similar circumstance which removes or reduces the earning capacity of a student's parent, or

- drought, bushfire, flood, cyclone or other circumstances beyond the control of a parent and:
 - a situation of hardship is caused to the person
 - the income is expected to be adversely affected for a period of two years from the date of the drop, or 1 January in the year of study, whichever is the later, and
 - it would be unreasonable to assess the student using routine financial assessment.

120.2.2 Additional situations for dependent students

In addition, assessment may be made on current income for dependent status students where:

- a parent dies
- the parents separate, or
- the student moves from one parent's care to the other parent's care and it would be unreasonable to assess the student using routine financial assessment.

120.2.2.1 Current income assessment not needed

If, in the case of a dependent student, a parent dies before 1 January in the year for which assistance is sought, or if the parents are separated at that date, there is no need for current income assessment.

A normal assessment is made on the remaining parent's income. Where the parents reunite, reassessment using both parents' regular incomes is made with effect from the date of the reunion.



120.3 Drop in Income

The Adjusted Family Income for the financial year ending on 30 June in the year for which assistance is sought should have a substantial drop in the normal assessment period.

120.3.1 Concession start date

The drop in income may occur at any time during the two years up to June in the year for which assistance is sought. The current income concession cannot be granted if income drops after that date.

In most cases the date from which income has dropped will be readily established. However, if income is affected by circumstances such as drought, an approximate date will need to be established.

If no precise date is available, the date chosen would be the first of the most relevant month.

120.3.2 Necessary duration of the drop in income

Normally it is expected that the duration of the drop in income should be at least two years taken from the date of drop or 1 January in the year for which assistance is sought, whichever is the later, except in those cases where a student's parents separate or a parent dies.

If a parent dies the concession applies immediately. If a student's parents separate, the concession also applies immediately. If the parents reunite, entitlement is reassessed and based on both parents' income but without retrospective effect.

120.3.3 Lump sum leave payments

If a person retires from employment and receives a lump sum payment of leave entitlements that is to be included as income the date of income should be regarded as the end of the period of leave and not the date of cessation of actual work.



120.4 Reasons not accepted for Current Income Assessment

120.4.1 Seasonal falls in income

Seasonal falls such as occur where income normally fluctuates (as in the case of primary producers) are not a basis for current income assessment.

120.4.2 Short period of unemployment

A short period of unemployment does not warrant current income assessment. If the parent is likely to be unemployed for a long period, or if re-employed, is likely to be receiving a substantially lower income than before, such a case can be considered if the usual criteria of the size and duration of the income reduction are met.

120.5 Calculating Adjusted Income

120.5.1 Dependent students

To calculate the adjusted income of parents for dependent students:

- include the income of any person who is a parent of the student at the start of the eligibility period in the year for which assistance is sought
- if a person, through separation, ceases to act as the student's parent between the start of the eligibility period and 30 June in the year for which assistance is sought, the income test is not applied to her/his whole year's income. The proportion of the current income financial year during which s/he acted as parent is determined and a similar proportion of her/his annual income in that year is used in the income test, and/or
- allow dependent adjustment only for children who at 30 June of the year of study, i.e. the end of the current financial year, were dependent on persons who were the student's parents at the start of the eligibility period in the year of study.

120.5.2 Rise in income

If the income rises above the level expected in the current income financial year, the applicant is required to notify Centrelink. If the rise in income means that the current financial year's income exceeds the original estimate, all assistance must be reassessed and any overpayment is liable to recovery.

120.5.3 Married and independent students

There is no current income concession for partnered or single independent students.

Chapter 121 Increase in Current Year Income

This chapter explains the impact of an income increase on ABSTUDY entitlements.

Chapter content

This chapter contains the following topics:



[Income increase](#)



[Reverse current income](#)



[Income testing and accounting periods](#)

121.1 Income increase

Where there has been an increase in income by 25% since the previous financial year, current year income will be taken into account to reassess entitlement from 1 October to 31 December.

121.1.1 Income after the current financial year

There is **no** provision for the parental income test to be applied to any period later than the financial year accounting period ending 30 June in the year of study.

121.1.2 Basis for entitlement

If the income increases, ABSTUDY entitlement is based on **Adjusted Family Income (AFI)** in the financial year ending *during* the year of study.



121.2 Reverse current income

121.2.1 When does reverse current income apply?

Reverse current income applies where there has been a substantial increase in parental taxable, overseas or other income.

Reverse current income applies from 1 October in the year of study when income earned in the financial year ending 30 June in the year of study has increased by 25% or more since the previous financial year.

121.3 Income testing and accounting periods

The parental income test under Section 18 of the *Income Tax Assessment Act*, adopts a 12 month accounting period which ends on a date other than 30 June.

This does **not** alter income test period principles. In particular:

- the normal test period remains the 12 month accounting period ending prior to the current year of study, i.e. **before** 1 January. This applies whether or not the student is eligible or qualifies for ABSTUDY from that date
- the current income test period remains the twelve months accounting period ended **during** the current year of study, 1 January - 31 December. This applies whether or not the student is eligible or qualifies for ABSTUDY for the whole or part of the year, and
- there is no provision to take into account a twelve month accounting period which finishes after the current year of study, that is after 31 December . This applies whether or not the student is eligible or qualifies for ABSTUDY until the end of the year.

Chapter 122 Special Assessment

This chapter explains the basis and application of special assessments.

Chapter content

This chapter contains the following topics:



[Effect of special assessment](#)



[Period of special assessment](#)



[Basis for special assessment](#)



[Cessation of payment, pension or allowance](#)

122.1 Effect of special assessment

Special assessment applies to the parental income test. This means that subject to the student income test, the student is entitled to the maximum relevant rate of Living Allowance during the period of special assessment.



122.2 Period of special assessment


Special assessment applies for the period that the parents/partner receives a pension, benefit, allowance or payment recognised for special assessment purposes during the year of study.

122.3 Basis for special assessment

122.3.1 Pensions and allowances

To be eligible for a special assessment at least one of the student's parents must be in receipt of one of the following payments:

- a social security pension or income support payment, or a similar provision from the DVA (excluding DVA disability pension)
- ABSTUDY Living Allowance
- assistance under Farm Household Assistance administered by the Department of Primary Industries and Energy
- Exceptional Circumstances Relief Payment (ECRP)
- Farm Help Income Support
- assistance under the New Enterprise Incentive Scheme (NEIS), or
- a Textiles, Clothing and Footwear special allowance.

 **Note:** Special Assessment cannot be applied solely on the basis of a parent receiving Family Tax Benefit.

If a student's parent receives ABSTUDY living allowance or Youth Allowance/Austudy payment, the parental income test is waived.

122.3.2 Low Income Health Care Card

A special assessment applies when one or both of the student's parents holds a valid Health Care Card for any reason except where a parent only holds a Health Care Card in respect to a child for whom a Carer's Allowance is received.

 **Note:** Reference to Health Care Card includes Low Income Cards.

A parent who has a Pensioner Concession Card is not entitled to the special concession unless s/he is currently receiving an eligible social security pension or allowance.

Special assessment does not apply to holders of the Commonwealth Senior Health Card (CSHC).

122.3.3 CDEP

A special assessment applies where either parent on whom a student is dependent is receiving a CDEP Scheme wage as a participant, that is the CDEP wage is not paid to administer a CDEP project which is an Aboriginal and Torres Strait Islander Commission (ATSIC) programme.

Special assessment no longer applies to the partner of a student or to a parent/guardian who is a CDEP administrator, but a continuing student may be eligible for maintained entitlements (see below).

122.3.3.1 Maintained Entitlement

Students who were receiving ABSTUDY Living Allowance immediately prior to the policy change but who will lose this entitlement because of the change to special assessment eligibility, will continue to receive Living Allowance until the end of their current course of study if their partner or parent/guardian remains on CDEP.

For the entitlement to be maintained:

- the student's partner must have been receiving a CDEP wage continuously since 1 July 1995, **or**
- in the case of CDEP administrators, the student's parent/guardian must continue to receive a CDEP wage for which eligibility commenced prior to 1 January 1997.

122.3.4 Exceptional Circumstances Relief Payment (ECRP)

Students from families receiving ECRP can apply for ABSTUDY under special assessment provisions. The usual parental or partner (as applicable) income test is waived.

While special assessment applies, the student can receive the maximum appropriate rate of Living Allowance subject to the student meeting the usual scheme requirements (including the student income test).

Applicants for special assessment on the basis of receiving ECRP need to:

- have the student complete and lodge an ABSTUDY claim, and
- provide a statement confirming their eligibility for ECRP.

 *Students are ineligible for ABSTUDY where they themselves receive ECRP.*

122.3.5 Farm Help Income Support (FHIS)

The two key elements of the Farm Help Income Support (FHIS) are the payment of income support (similar to Newstart, but without the activity test) and access to re-establishment grants by eligible farming families.

122.3.5.1 Income support component

Families applying for and receiving the income support payment under FHIS will, for scheme purposes, be treated the same way as families receiving Newstart and the like. Hence 'special assessment' provisions apply, but only for the actual period of receipt of FHIS income support.

Students are ineligible for ABSTUDY where they themselves receive the income support component under FHIS.

122.3.5.2 Re-establishment grant

Grants of up to \$45,000 are available to eligible families who choose to leave farming. Grants are paid when the family farm is sold. However, a family's receipt of a re-establishment grant does not by itself provide any concessional treatment under the ABSTUDY income tests.



122.4 Cessation of payment, pension or allowance

122.4.1 Exceptional Circumstances Relief Payment ceases

Where special assessment has been applied due to the family being in receipt of ECRP, this assessment is to continue to the end of the calendar year in which the 'exceptional circumstance recovery period' ends, even though ECRP is not paid past the recovery period,

providing the student does not become ineligible for another reason, (eg change in income or study status).

If payment of ECRP ceases before the end of the exceptional circumstance recovery period because the family ceases to be eligible then the usual income test applies.

122.4.2 Pension or allowance ceases

Where the pension, benefit, allowance or payment ceases for the parent during the period of ABSTUDY eligibility, the entitlement must be reassessed. The reassessment applies from the date the period of assistance ceases and does not affect the entitlement for the period while the pension, benefit, allowance or payment was received.

Part VIII B

Assets Tests

Part 8B Content

This part contains the following chapters:



[Assets Testing](#)

Chapter 123 Assets Testing

This chapter describes the assets tests and limits which are applied for ABSTUDY.

Chapter content

This chapter contains the following topics:



[Asset items](#)



[Family Assets Test](#)



[Personal Assets Tests](#)

123.1 Asset items

123.1.1 Items included in testing

The following items are included for ABSTUDY Asset Testing purposes:


- All funds, investments, property, cars, boats, household contents and personal effects
- money in approved deposit-funds or other roll-overs which can be withdrawn
- ownership or interests in a trust or company
- the surrender value of life policies
- money lent out
- assets disposed of on or after 15 December 1998 (Government announced Assets Testing for ABSTUDY Living Allowance) for an unreasonably low value, and
- overseas assets.

123.1.2 Items not included in testing

The following items are excluded for ABSTUDY Asset Testing purposes:

- the principal family home which includes any land around the home used primarily for private and domestic purposes if the land and the ground floor of the home are 2 hectares or less

- a garage or storeroom of a flat or home unit that is used primarily for private or domestic purposes
- the principal behind an annuity or superannuation pension that can't be withdrawn, sold or borrowed against
- funds frozen in a financial institution (unless they can be withdrawn after a waiting period)
- assets which you have the right to use but which you may not sell or borrow against (eg. a life interest under a deceased estate)
- personal disability aids.

 **Note:** non-taxable compensation payments paid in a lump sum are not regarded as an asset for ABSTUDY purposes.



123.2 Family Assets Test

ABSTUDY is not payable if the value of a family's total assets exceeds the designated limit³. All of the family's assets are included, except:

- the assets of independent children, and
- the assets of the partner's independent children, and
- farm assets, if a current drought relief exceptional circumstances certificate has been issued.

123.2.1 Exemptions from family assets test

The family assets test does not apply to parents or their partners who receive:

- an income support payment
- payment under the *Farm Household Support Act 1992*.

123.2.2 Discount for business assets

75% of a customer's interest in the value of a business, including farms, is disregarded if the customer owns the business and is wholly or mainly engaged in that business.



123.3 Personal Assets Tests

123.3.1 Personal and Spouse Assets Test

Asset limits are indexed each year and take effect from 1 July each year. ABSTUDY is not payable if the value of total assets exceeds these limits⁴.

123.3.2 Exemptions

The personal assets test does not apply to:

- dependent students, or
- independent students with a partner receiving:

- an income support payment
- a payment under exceptional circumstances provisions; or

- farm assets if the student or their partner has current drought relief exceptional circumstances certificate.

3 See the Centrelink publication '[Guide to Commonwealth Government payments](#)  ' for the current Family Assets threshold.

4 See the Centrelink publication '[Guide to Commonwealth Government payments](#)  ' for current Asset limits.

Part VIII C

Family Means Tests

Part 8C Content

This part contains the following chapters:



[Introduction to Family Actual Means Test](#)



[Designated Parents](#)



[Exempt Funds](#)



[Current Year Means Assessments](#)

Chapter 124 Introduction to Family Actual Means Test

This chapter explains the Family Actual Means Test which is applied to ABSTUDY.

Chapter content

This chapter contains the following topics:



[Assessable Family](#)



[Family Actual Means Test](#)



[Actual Means](#)




[Exemption from FAMT](#)

124.1 Assessable family

An applicant's assessable family for the purposes of FAMT are:

- the applicant


- the parent (s)/guardian(s) whose income and assets are being taken into account under the ABSTUDY parental income and family assets tests
- any dependent children under 16 years of age, and
- and dependent children in the family aged 16 to 24 years of age who do not meet the independence criteria.

 **Note:** *That only the details of the spending, savings and deductions for those persons covered by this definition are to be provided for the purposes of this FAMT. For example, if any grandparents or non-dependent children live with the family, then exclude all of their spending, savings and deductions from the amounts in the FAMT.*



124.2 Family Actual Means Test

Family Actual Means Test (FAMT) is a test applied to dependent students whose parent (s)/guardian(s), or the parent/guardian's partner is in a designated category for the FAMT. The spending and savings of all assessable family members (see definition of family members) are taken into account to determine the dependent student's rate of ABSTUDY. The lesser of the two rates calculated under the Income Test and FAMT is the student's entitlement.

 **Note:** *The [designated parent\(s\)/guardian\(s\)](#) for the FAMT can be the student's natural or adoptive parent(s) or parent's partner.*

124.3 Actual Means

124.3.1 What is included as actual means

The spending and savings of all family members in the base tax year are taken into account to determine a family's actual means. This excludes spending or savings equivalent to the income received from exempt funds.

Where the applicant and/or other members of the assessable family live away from home all of their separate expenses under the various areas of spending must be included.

All spending and savings must be included from all sources including related entities, third parties and financial institutions eg. payments made by the business, friends and relatives for and on behalf of the family.

124.3.2 Areas of family spending

The following table shows the main areas of family spending and examples of each. Each area includes repayments of principal and interest on any loans for associated costs from a financial institution, taken out before the beginning of the base tax year.

Table 30 - Areas of family spending

Area of Spending	Examples
Principal Home	<ul style="list-style-type: none"> • purchase and running costs • mortgage repayments, rent and insurance

	<ul style="list-style-type: none"> • rates, gas, electricity and water • repairs and extensions • furniture and appliances.
Transport	<ul style="list-style-type: none"> • purchase costs, including lease payments • maintenance, repairs and running costs • insurances and registration, and • public transport.
Education	<ul style="list-style-type: none"> • school, tuition and boarding fees • books, uniforms and amenities fees, and • evening and leisure classes.
General Living	<ul style="list-style-type: none"> • food and clothing • entertainment • holiday costs • insurances, medical and pharmaceutical expenses not covered by Medicare or private health insurance; • books, newspapers, magazines • non-refundable child care expenses, and • telecommunication costs (phone and fax).
Other	<ul style="list-style-type: none"> • other loan costs • expenditure on investments, such as real estate, shares, art and coin collection • tax deductible business expenditure not necessary for carrying on the business, such as donations to charities, and • the taxable value of any fringe benefits, covering what would have been an expense to the family.

124.3.3 Family saving

The following table shows the main areas of family saving and examples of each. Each area includes repayments of principal and interest on any loans for associated costs from a financial institution, taken out before the beginning of the base tax year.

Table 31 - Family savings

Area of Saving	Examples
Financial institutions	The net increase, including interest, in any bank, building society or credit union account. A decrease in the amount owed on loan or credit card is a repayment under the spending categories.
Retained profits	The value of a family member's base tax year share of: <ul style="list-style-type: none"> • any undistributed profits from, and retained earnings in, a private or unlisted public company • any increase in their partnership capital accounts and/or current accounts, and

	<ul style="list-style-type: none"> undistributed trust profits if the family member is a beneficiary or trustee.
Superannuation	Contributions above: <ul style="list-style-type: none"> the minimum amount required under the Superannuation Guarantee (Administration) Act 1992 for an employee, or \$3,000 per family member.
Other	Loans by a family member to a related entity.

124.4 Exemption from FAMT

Families are exempt from the FAMT while receiving an Exceptional Circumstances Relief Payment (ECRP) for the remainder of the calendar year. It should be noted that the holding of a Drought Exceptional Circumstances Certificate while not in receipt of ECRP, or the receiving of a payment under the Farm Family Restart Scheme does not give an exemption from FAMT.

Chapter 125 Designated Parents

Chapter content

This chapter contains the following topics:



[Designated parent categories](#)



[Trusts excluded from FAMT](#)



[Self-employment](#)



[Partner in a partnership](#)



[Overseas income at or above \\$A2,500](#)



[Salary or wage earner with a business loss](#)



[Overseas assets at or above \\$A2,500](#)



[Business migrant](#)



125.1 Designated parent categories

The FAMT is only applied to dependent students when their parent's circumstances come under one or more of the following seven designated categories.

A student's natural or adoptive parent, or their partner is a designated parent if they:

- had an interest in a trust, private company or unlisted public company in the base tax year, or
- were self-employed (except as a sole trader engaged wholly or mainly in a primary production business) in the base tax year, or
- were a partner in a partnership in the base tax year (includes primary producers who lodge a partnership return for taxation purposes), or
- derived income of \$A2,500 or more from a source in Norfolk Island or overseas in the base tax year that is not wholly from a pension or similar payment, or
- were a salary or wage earner for any period in the base tax year, who claimed or will claim a tax deduction for a business loss (whether current or carried forward) that does not consist only of a passive business loss, or
- have a current interest to the value of \$A2,500 or more in any assets located outside Australia and its external territories, or
- first entered Australia under a permanent visa or entry permit in a business skills category in the 10 years prior to 1 January in the current calendar year.

125.2 Trusts excluded from FAMT

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 administrator
- 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 eg. body corporate trusts and most managed investment funds
- charitable trusts, and
- trusts created by the operation of law.

A person holds an interest in a trust if they are a trustee, beneficiary, or unit holder, but not an agent creditor or employee of a trust.



125.3 Self-employment

A self-employed person is defined as someone who works 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 a parent is 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.

125.4 Partner in a partnership

A partnership does not need a written agreement to exist. Sharing profits and losses may indicate a partnership exists. A joint owner of an asset is not necessarily in a partnership for the purposes of the FAMT, even if they derive an income from that ownership.

A parent involved in a partnership must:

- provide evidence and supporting documents to show a partnership has been dissolved, and
- declare income or losses in their Individual Income Tax Return.

125.5 Overseas income at or above \$A2,500

The \$A2,500 threshold relates to any income a parent receives from overseas.

Income from a taxable overseas pension should be shown as overseas income under the parental income test. Parents are also included in this category if they earn \$A2,500 or more by working overseas in the base tax year⁵.



125.6 Salary or wage earner with a business loss

A parent is a salary or wage earner if they earn income on a regular basis under a contract of employment, whether implied or expressed.

125.7 Overseas assets at or above \$A2,500

An asset is an overseas asset valued at or above \$A2,500 if:

- a parent would normally be obliged to declare it under the ABSTUDY asset test, and
- it is normally located outside Australia.

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 \$A2,500 or more. Parents must provide evidence of:

- disposal of asset, or
- the value of their interest reducing below \$2,500.

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.

125.8 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 being applied for, 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.

5 See the Centrelink booklet [Guide to Commonwealth Government payments](#)  for current rates.

Chapter 126 Exempt Funds

Chapter content

This chapter contains the following topics:



[Exempt funds](#)



[Exempt and deductible](#)



[Tax deductible business expenditure](#)



[Government income assistance](#)



[Sale of assets](#)



[Non-taxable compensation payments](#)



[Deduction for income of dependent child](#)



[Boarding Concession under FAMT](#)



126.1 Exempt funds

The following are exempt from the FAMT:

- tax deductible business spending necessary for the carrying on of the business
- spending to acquire or modify property necessary to assist a family member with a disability
- spending or maintenance payments for a former partner or child not in the day to day care of the assessable family member, and/or
- spending covered by scholarships except where paid by a family trust or other related business entity.

126.2 Exempt and deductible

Funds from the following sources are exempt for the FAMT and are able to count as a deduction because they do not affect a dependent applicant's entitlement. These are:

- a financial institution or arms length loan (equivalent to the terms of a loan from an institutional loan)
- prior year savings i.e. the reduction from the opening balance as at 1 July to 30 June in the base tax year
- sale of assets which were held at the beginning of the base tax year
- non taxable compensation payments
- windfall gains but not gifts
- Defence Reserve Payments (maximum \$6,000 each)
- Government Benefits such as non taxable income assistance and payments for educational purposes
- isolated or secondary boarders, and/or
- dependent children's employment (maximum of \$6,000 each).

However, the spending from such sources must be included i.e. the amount of the deduction must correspond with the amount of spending.



126.3 Tax deductible business expenditure

All tax deductible business spending necessarily incurred in carrying on the business is exempt from the FAMT, except:

- losses carried forward from the previous financial year
- superannuation contributions that are:
 - above the minimum required under the *Superannuation Guarantee (Administration) Act 1982*, if a person is employed by the business, or
 - the lesser of \$3,000 and the total voluntary contributions made by family members who were sole traders or partners in a partnership
- donations to charity.

126.4 Government income assistance

The income assistance payments that are exempt from FAMT are:

- a Youth Allowance received by a person who is undertaking full-time study
- an Austudy payment

- a payment under the *Social Security Act 1991* (except a family tax payment), or the *Veterans' Entitlement Act 1986*, that is exempt income tax
- a payment under the ABSTUDY or the Assistance for Isolated Children schemes
- a payment under a scholarship, and
- a payment by a State or Territory, or a State or Territory authority, to assist the primary, secondary or tertiary education of a student.

126.5 Sale of assets

Spending or savings equivalent to income sourced from the sale of assets may be excluded from the FAMT. However, the assets must have been held before the commencement of the appropriate tax year.



126.6 Non-taxable compensation payments

A non-taxable compensation payment is the amount of a compensation payment that is not required to be included in taxable income under the *Income Tax Assessment Act 1936* or *1997*. This is usually because the payment does not represent lost income. The deduction may relate to some or all of the compensation payment.

126.7 Deduction for income of dependent child

Families are able to claim a deduction of up to a maximum of \$6,000 for each eligible family member from independent employment. However, only amounts earned after the dependent child has reached 16 years of age may be claimed, and all amounts claimed must be earned income and declared to the ATO.

126.8 Boarding Concession under FAMT

The cost of boarding for Assistance for Isolated Children or secondary boarders is exempted from the FAMT, including an ABSTUDY student if s/he is a dependent secondary student who:

- has a sibling receiving a boarding allowance under the Assistance for Isolated Children scheme, or
- is receiving an away from home rate as a secondary student.

Only the maximum concession rate will be allowed⁶.

⁶ See the Centrelink publication "[Guide to Commonwealth Government payments](#)  ' for current maximum rate.

Chapter 127 Current Year Means Assessments

Where a family has experienced a substantial reduction in their actual means from the base tax year to the following financial year, they can request that their actual means be assessed on the current tax year i.e. the tax year immediately following the base tax year.

Chapter content

This chapter contains the following topics:



[Current year assessment conditions](#)



[Period of effect of assessment](#)



[Decrease in actual means](#)

127.1 Current year assessment conditions

The conditions for using a current year assessment are similar to those used for the parental income test. The criteria are as follows:

- the drop in actual means is due to an event (or events) beyond the control of a family member, or
- there is no longer a designated parent for the FAMT (see [125.1](#)), or
- a family member has taken up full-time study in the tax year following the base tax year.

In addition the drop in the actual means must be expected to last for at least 2 years from 1 January in the year of ABSTUDY payment or the date of the event whichever is the later.

Finally the same rule applies as to an assessment using the base tax year ie. the lesser amount using both the Income Test and FAMT for the current year is the amount payable.



127.2 Period of effect of assessment

The following table shows the period of effect of current year assessment according to the date of the event that caused the decrease in actual means.

Table 32 - Current year assessment

If...	The period of effect is...
the event occurred on or before 1 January of the current year	<ul style="list-style-type: none"> • for the full calendar year from 1 January, or • from the start of the period of ABSTUDY qualification to the end of the calendar year, if less than a full calendar year.
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"> • the end of the calendar year, or • the period of ABSTUDY qualification.
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"> • the calendar year; or • the period of ABSTUDY qualification.



127.3 Decrease in actual means

127.3.1 Reasons for a decrease in actual means

For a current year assessment to be used, the reasons for the decrease in actual means must be beyond the control of a:

- Parent
- Student, or
- family member or whoever is relevant to the decrease in actual means.

Documentary evidence may be required to substantiate the claim.

127.3.2 Actual means decreased due to study

Current year actual means assessment is used if total family actual means decrease because a parent or a dependent student gives up substantial employment to take up full-time study.

127.3.3 Documentary evidence

Documentary evidence of financial decreased actual means may be required before a current year assessment is granted.

Part VIII D

Taxation, Negative Gearing & Fringe Benefits

Part 8D Content

This part contains the following chapters:

[Chapter 128 Taxation](#)

[Chapter 129 Negative Gearing](#)

[Chapter 130 Fringe Benefits](#)

Chapter 128 Taxation

This chapter explains the taxation issues relating to ABSTUDY allowances and the conditions under which there is a requirement for the provision of tax file numbers.

Chapter content

This chapter contains the following topics:



[Taxable ABSTUDY Allowances](#)



[Taxation instalments](#)



[Payment Summaries](#)



[Tax File Number \(TFN\)](#)



[Regarded as having provided a TFN](#)




[Payment of ABSTUDY](#)


128.1 Taxable ABSTUDY Allowances

128.1.1 Taxable income

Payments intended to support the students' day-to-day living costs and certain other allowances are assessable forms of income for income tax purposes. Those allowances that are forms of taxable income are:

- Living Allowance, for students 16 years or older (including the Living Allowance component of the Masters and Doctorate Award), and
- additional assistance where it is paid as a supplement to a fortnightly allowance.

 **Note:** *ABSTUDY taxable allowances are regarded as income, even if an allowance is actually paid to a parent/guardian applicant or an agent. This includes unused Schools Fees Allowance which has been transferred to pay excess boarding fees.*

 **Note:** *Under the Income Tax Assessment Act 1936 student assistance allowances paid on behalf of, or directly to students under 16 years of age (regardless of their status) are not regarded as taxable income.*

128.1.2 Living allowance

For students who live in a residential college or hostel and who elect to have residential fees paid directly by ABSTUDY, only the reduced Living Allowance entitlement is assessable as taxable income of the student.



128.2 Taxation instalments

Students may elect to have tax deducted from taxable ABSTUDY allowances.

128.3 Payment Summaries

Payment Summaries will be issued to the student at the end of the financial year. These will detail:

- 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.

128.4 Tax File Number (TFN)

128.4.1 Applicants who must provide a TFN

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

- students aged 16 or older
- parents/guardians of students aged less than 16 years, and
- parents/guardians of all students aged 16 years or older, upon whom the student is financially dependent, and
- the student's partner.

128.4.2 Applicants not required to provide a TFN

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


- customers who supplied their TFN to Centrelink for a previous claim
- 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 FaCS or DVA income support pension or benefit.
- students, 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, 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; and
- parents or partners who are temporarily overseas - a TFN must be provided on their return to Australia.



128.5 Regarded as having provided a TFN

A student and student's partner or student'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.

 **Note:** A student and student's partner or parent/guardian who do not provide the required documentation described above will be considered not to have supplied a TFN.

128.6 Payment of ABSTUDY

Payments may not commence on an ABSTUDY claim until either the TFN has been provided from the relevant people (see [128.4](#)) or a TFN claim has been lodged with Centrelink for passing on to ATO.

Chapter 129 Negative Gearing

The partner and parental income tests include the value of income losses claimed by individuals. This type of taxation deduction is often referred to as "negative gearing". This chapter details which losses (negative gearing) are to be included in the income tests.

Chapter content

This chapter contains the following topics:



[Rental property](#)



[Losses against taxable income](#)



[Valuing negative gearing](#)

129.1 Rental property

"Rental property" owned by an individual person includes:

- a house, home unit or flat
- a room in a house, home unit or flat
- an on-site caravan
- a house-boat
- an overseas rental property, or
- any other similar rental property.

129.2 Losses against taxable income

Items for which losses may be claimed against taxable income include:

- share portfolios, and/or
- partnership, trust and company rental property losses.

129.3 Valuing negative gearing

Only the amount allowed as a taxable income deduction claimed by the individual relevant taxpayer (ie parent or partner) will be added to their income.

For example: A relevant person's taxable income may be reduced by \$4,000 in claimable rental property losses, although other, non-claimable losses amounted to a further \$3,000. Only the amount of \$4,000 will be added to that person's income for ABSTUDY purposes.

Chapter 130 Fringe Benefits

The value of fringe benefits is taken into account for income testing purposes. As ABSTUDY is aligned to Youth Allowance for students under 21 and Newstart for students 21 years and over, refer to Social Security law and the Social Security Guide for details of Fringe Benefits.

Chapter content

This chapter contains the following topics:



[What is a Fringe Benefit?](#)



[Income testing](#)



Overseas Fringe Benefits

130.1 What is a Fringe Benefit?

Fringe benefits include the value of any employer provided benefit received during the base tax year. An employer provided benefit is any right, privilege, service, in kind payment or facility that an employee receives (or assigns to someone else) from their employment.

Employees may `sacrifice' an amount of their cash salary and receive the value of the amount as a fringe benefit. In other cases, a fringe benefit may be a fixed part of the employee's salary package.

130.2 Income testing

The value of reportable fringe benefits is used for the purposes of the ABSTUDY parental income test. The amount to be declared is the `Reportable Fringe Benefits Total' as reported on the employee's Payment Summary.

Fringe benefits apply to both aspects of current income, so that increases of 25% or more in income, including fringe benefits, and substantial decreases in income, may warrant reassessment based on current income.

130.2.1 Ministers of religion

The assessment of adjusted fringe benefits for ministers of religion is also based on the grossed fringe benefit recorded on their Payment Summary..

130.3 Overseas Fringe Benefits

The Australian equivalent of the value of fringe benefits provided overseas is taken into account for income testing purposes. If a student's partner or parents are working overseas and receiving any of those fringe benefits, the Australian equivalent of the value of the benefits is to be included.

130.3.1 Use of exchange rates to convert overseas fringe benefit values

The overseas value of the fringe benefit must be converted to an Australian value using CBA exchange rates.

Part VIII E

Student Income Bank & Allowance Rates

Part 8E Content

This part contains the following chapters:

[Chapter 131 Calculating ABSTUDY Rates](#)

[Chapter 132 Student Income Bank](#)

Chapter 131 Calculating ABSTUDY Rates

This chapter explains how the rates are calculated and lists the rates of Living Allowance.

Chapter content

This chapter contains the following topics:



[Calculation of ABSTUDY Rates](#)



[Calculating UILs](#)



[Qualifying for Living Allowance](#)



[No minimum payment](#)



[Dependent child/student Adjustments](#)



[Income Bank Formula and how it works](#)



[Impact of student, parental or partner income on ABSTUDY entitlements](#)



[Calculating Adjusted Family Income](#)

131.1 Calculation of ABSTUDY Rates

Annual ABSTUDY Living Allowance rates are calculated by multiplying last year's annual rate by the CPI index factor and rounding to the nearest dollar.

The fortnightly rate is then calculated by dividing the new annual rate by the number of days in the year and multiplying by 14 days.



131.2 Calculating UILs

To calculate the UILs you need to use the allowable income limit, abatement interval and abatement rate (shown above) and the maximum fortnightly rates of Living Allowance.

Table 33 - Calculating UILs

Step	Description of Step
1	Calculate the Actual Annual Payment (AAP). The formula for the AAP is: (Fortnightly rate #14) x days in the year. When you get the answer ignore the cents.
2	To calculate the UIL, use the following formula: AAP x AI + (AIL + AI - AR). This is the last whole dollar of student, partner, dependent partner or parental income that can be earned before the student becomes ineligible for Living Allowance ⁷ .

131.3 Qualifying for Living Allowance

131.3.1 Maximum Living Allowance

To qualify for the maximum rate of ABSTUDY Living Allowance, the student's income and her/his parents'/guardians' or partner's income must not be higher than the allowable income limits. All relevant income tests must be met.

131.3.2 Reduced Living Allowance

A reduced rate of Living Allowance may be payable where income is above the allowable income limits, but less than the upper income limits.



131.4 No minimum payment

A student can be paid any amount of entitlement owed.

131.5 Dependent child/student Adjustments

Each dependent child in the student's family provides an adjustment to the parents'/guardians' or partner's income for partnered students over 21. Children are defined as either dependent students or dependent children.

131.5.1 Children who do not attract adjustment

The following children do not attract a dependent child/student adjustment:

- a child who is regarded as independent under the ABSTUDY rules or is in State care
- a child who is living with the parents/guardians under a student exchange program, or
- a child who does not live with that parent but for whom that parent is paying maintenance.

131.5.2 Change in number of dependent students

Where there is a change in the number of dependent students, reassessment of ABSTUDY benefits will take place as described below:

131.5.2.1 Loss of a dependent student

If a student received income-tested assistance due to a dependent student adjustment causing the Adjusted Family Income (AFI) or Adjusted Partner Income (API) (for partnered students 21 years and over) to fall below the Family or Partner Income Limit, the claim must be reassessed with effect from the day that the dependent student:

- ceases to be a full-time student, or
- is granted independent status under ABSTUDY/Youth Allowance.

If the student does not qualify for income-tested assistance without the dependent student, entitlement ceases from that day.

131.5.2.2 New dependent student

If a student who has not qualified for income-tested assistance gains a dependent student through the year, the claim must be reassessed to take into consideration the effect of a dependent student in adjusting the AFI or API (for partnered students 21 years and over) to below the Family or Partner Income Limit.

The student's entitlement commences on the day s/he gains the dependent student.

131.5.3 Change in number of dependent children

When there is a change in the number of dependent children, reassessment of ABSTUDY benefits will take place as described below:

131.5.3.1 Loss of a dependent child

If a student received income-tested assistance due to a dependent child adjustment causing the AFI/API (for partnered students 21 year and over) to fall below the Family or Partner Income Limit, the claim must be reassessed with effect from:

- the date from which s/he commenced receiving benefits under ABSTUDY/Assistance for Isolated Children
- the date from which s/he commences to be a dependent student (as defined on the previous page)
- the date from which s/he ceases to be dependent upon the parents/ guardians.

If the student does not qualify for income-tested assistance without the dependent child, entitlement ceases from that day.

131.5.3.2 New dependent child

If a student who has not qualified for income-tested assistance gains a dependent child through the year, the claim should be reassessed to take into consideration the effect of a dependent child in adjusting the AFI/API (for partnered students 21 years and over) to below the Family or Partner Income Limit.

The student's entitlement commences on the day s/he gains the dependent child.

131.5.4 Dependent adjustment calculations

All dependent adjustments are calculated on the number of dependent children on a continuing basis. ABSTUDY must be reassessed if the number of, or circumstances of dependent children in a family, changes.



131.6 Income Bank Formula and how it works

The formula is:

$$(\text{Income} - \text{Income Bank}) = \text{Excess}$$

If the Excess is less than \$236 there is NO reduction to ABSTUDY.

If the Excess is between \$236 and \$316:

$$\text{Then } (\text{Excess} - 236) \times 0.5 = \text{Affecting Income}$$

If the Excess is greater than \$316 then:

$$[9\text{Excess} - \$316] \times 0.7 + 40 = \text{Affecting Income.}$$

If the income is equal to the free area there is no effect on payment or income bank.

131.7 Impact of student, parental or partner income on ABSTUDY entitlements

131.7.1 Maintenance payments

The income taken into account in the case of divorced or separated parents includes any payments made by way of maintenance to the parent/guardian on whom the student is dependent. Maintenance includes:

- payments made in respect of the student and any other children (including step children) as well as for the upkeep of the custodial parent,
- payments made to a third party for school fees, household utilities, rates, rent, mortgages or for any other purpose that is for the parent's, or their child's direct or indirect benefit; and
- payments made by the Child Support Agency as these have originated from the non-custodial parent.

131.7.2 Negative income by one parent

It is not possible for one parent's loss or negative income to reduce the effect of the other parent's positive income. The loss is treated as zero income and the other parent's income will be the family's total taxable income.

131.7.3 Averaged income

Averaged income as used for certain taxation purposes eg, by primary producers, is not taken into account for ABSTUDY purposes. Income for the previous financial year is used unless current income or special assessment applies.



131.8 Calculating Adjusted Family Income

Add the following to the parent income threshold (AFI).

- a dependent child adjustment for the first child and an adjustment for each other child (other than the applicant) who is not an eligible dependent student, and
- a dependent student adjustment for each dependent student (other than the applicant) who is not an eligible dependent child, and
- a dependent student adjustment that applies to a tertiary student approved to live away from home who has a tertiary student sibling also approved to live away from home.

131.8.1 Adjusted income figure

The final figure is the AFI and is compared to the Family (parental) Limit.

131.8.2 Comparison of AFI/API Income Limits

If the AFI exceeds the family (parental) limit the student is not entitled to any income tested form of assistance.

7 See the Centrelink booklet [Guide to Commonwealth Government payments](#)  for current rates.

Chapter 132 Student Income Bank

The Student Income Bank allows a student to accumulate any unused part of their allowable income limit per fortnight up to the maximum accumulated limit while studying without affecting

their Living Allowance. This chapter explains access to the student income bank and higher income free area.

Chapter content

This chapter contains the following topics:



[Student Income Bank](#)



[Access to Student Income Bank and Higher Income Free Area](#)



[Operation of Student Income Bank](#)

132.1 Student Income Bank

It has been designed to reflect the fact that students generally earn income through the holiday periods, rather than throughout the year. The Student Income Bank operates by saving the unused part of the fortnightly income free area as credits. The saved credits are then available to offset the personal income/earnings in future fortnights.

132.1.1 Credit rules

The following rules apply to the student income bank:

- the maximum credit that can be saved is maximum \$6000;
- the balance is not set to zero annually;
- all credits are annulled when a student stops full-time study; and
- continuing students retain their credits over vacation periods.



132.2 Access to Student Income Bank and Higher Income Free Area

Students have access to both the student income bank and the higher income free area commencing from their ABSTUDY eligibility start date.

132.2.1 Cessation of access to Student Income Bank and Higher Income Free Area

A student ceases to be eligible to access the Student Income Bank and Higher Income Free Area on the date that the course ends or their last day of study.

132.3 Operation of Student Income Bank

The following table shows how the student income bank operates when a student has ordinary income in a fortnight.

Table 35 - Operation of Student Income Bank

If the income is	Then...	And...
Less than the income	subtract the income from the	add the saved amount to the

free area	income free area to determine the saved amount	student's student income bank credits
Equal to the income free area	there is no effect on payment	there is no effect on the student income bank
Greater than the income free area, but less than or equal to the student income bank credit	subtract the income free area from the income to determine the reduction for income	subtract the reduction to income from both the student income bank credit and the ordinary income. The effect is that there is no ordinary income for the fortnight
Greater than both the free area and the student income bank credit	subtract the student income bank credit from the income to determine the student income bank debit	reduce the student income bank credit to zero. The income bank does not run into minus amounts

Part IX

Overpayment and Recovery of Allowances

Part 9 Content

This Part contains the following chapters:

[Chapter 133 Overpayment and Recovery of Allowances](#)

Chapter 133 Overpayment and Recovery of Allowances

Chapter content

This chapter contains the following topics:



[Legislation](#)



[Responsibility for Overpayments](#)



[Parent / guardian as responsible payee](#)



[Student as responsible payee](#)



[Boarding institution as responsible payee](#)



[School as responsible payee](#)



[Tertiary education as responsible payee](#)

133.1 Legislation

The *Student Assistance Act 1973* is the legislation covering, among other things, ABSTUDY overpayment and recovery matters.



133.2 Responsibility for Overpayments

The person responsible for repaying any overpaid amount is usually the person who received the ABSTUDY payment.

133.2.1 Exceptions

Exceptions are:

- where a parent/guardian redirects payments to a private board provider for an approved boarding student, the [parent/guardian is responsible](#) for repaying any overpaid amount, and
- 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.

133.3 Parent / guardian as responsible payee

For ABSTUDY Schooling students, a parent/guardian as the applicant, 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
- Living Allowance (in the case of an approved boarding student), paid on behalf of the parent/guardian to a private board provider
- Fares Allowance paid for under 16 boarding students, and
- Additional Assistance paid for an under 16 year old student.



133.4 Student as responsible payee

An applicant 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, and
- Additional Assistance.

133.5 Boarding institution as responsible payee

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.

The amount of the overpayment will be dependent on an individual boarding institution's policy on refunds as stated in its terms and conditions.



133.6 School as responsible payee

A school will be responsible for overpayments of:

- School Fees Allowance, and
- Additional Assistance paid to the school.

The amount of the overpayment will be dependent on an individual boarding school's policy on refunds as stated in its terms and conditions.

133.7 Tertiary education as responsible payee

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
- HECS or course fees where paid to the tertiary education institution.

Part X

Reviews and Appeals

Part 10 Content

This part contains the following chapters:

[Chapter 134 Reviews](#)

[Chapter 135 Appeals](#)

Chapter 134 Reviews

Chapter content

This chapter contains the following topics:



[Review of ABSTUDY eligibility or entitlement decisions](#)

134.1 Review of ABSTUDY eligibility or entitlement decisions

Where an applicant is dissatisfied with a decision Centrelink has made about their ABSTUDY eligibility or entitlement, they may request Centrelink to review the decision. Students on whose behalf a claim has been made may also request Centrelink decisions be reviewed.

The review will be undertaken by an officer who was not involved in the original decision. This includes decisions in relation to Away-from-base submissions from individuals and educational institutions.

134.1.1 Rights of review

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 [135.1](#), while debt recovery decisions are made under the provisions of the Student Assistance Act 1973 (see [135.2](#)).

Chapter 135 Appeals

Chapter content

This chapter contains the following topics:



[Appeals to the Minister](#)



[Right to appeal debt recovery decision](#)



[Types of debt recovery decisions](#)



[Waiver of debt](#)



[Legislation](#)

135.1 Appeals to the Minister

If a person 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 entitlements.

The responsible Minister is:

Dr Brendan Nelson

Minister for Education, Science and Training

Parliament House

CANBERRA ACT 2600.

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.



135.2 Right to appeal debt recovery decision

ABSTUDY debt recovery decisions are made under the provisions of the *Student Assistance Act 1973*. Customers who are dissatisfied with a **debt recovery** decision may apply for a review of the decision by Centrelink. If they are dissatisfied with the outcome, they can apply to the Social Security Appeals Tribunal (SSAT) for a review of the decision. If they are not satisfied with the SSAT decision, they can apply to the Administrative Appeals Tribunal (AAT).

Brochures for appeal to the SSAT are provided with the review of decision by Centrelink 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™ 1800 011 140.

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 their web site at www.aat.gov.au  Appeals to the AAT are lodged directly with the Tribunal.

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 under subsection 42(3) of the Act may not review the decision by the Secretary to issue a garnishee order against a third party in order to recover the debt, nor can they review an ABSTUDY policy decision.

135.3 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.



135.4 Waiver of debt

A debt can be waived under the conditions set out in the *Student Assistance Act 1973* legislation.

135.5 Legislation

The relevant legislation is contained in the *Student Assistance Act 1973*.

For *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).

Part XI

Appendices

Part 11 Content

This Part contains the following appendices:

[Appendix A Standard Hostels and Boarding Schools Agreement](#)

[Appendix B Determination No. 2002/01](#)

[Appendix C National Centre for Vocational Education Research Course Classifications](#)

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 for eligible students.

Agreements are valid for financial year periods and new Agreements must be renegotiated each year.

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.

A1.3 Completing the Agreement

The delegate must ensure that all relevant information has been included in the Agreement, the terms have not been altered, each page is initialled and both parties have signed in the appropriate places. Agreements are to be renegotiated each financial year.

A1.4 Hostels in New South Wales

Hostels in New South Wales must comply with the New South Wales Child Protection Legislation, "*Working with Children*" and the "*Commission for Children and Young People Act (NSW) 1998*".



A1.5 Hostels in Queensland

Hostels in Queensland must comply with the "*Commission for Children and Young People Act (QLD) 2000*".

AGREEMENT NUMBER:

AGREEMENT FOR INDIGENOUS STUDENT HOSTEL AND BOARDING SCHOOL ACCOMMODATION

THIS AGREEMENT IS BETWEEN

THE COMMONWEALTH OF AUSTRALIA acting through  Centrelink ("us")

having a postal address of:

AND

("you")

having a postal address of:

Overview To provide for direct payments by **us** to **you** where residential accommodation at a Hostel is provided by **you** to students entitled to payment of benefits under the ABSTUDY scheme.

1. DEFINITIONS:

"**ABSTUDY Policy Manual**" means the Policy Manual for the ABSTUDY scheme approved by the Minister from time to time;

"**ABSTUDY scheme**" means a scheme administered by **us** which provides for financial assistance for Australian Aboriginal and Torres Strait Islander students;

"**agreement**" means this agreement;

"**Centrelink**" means **us**;

"**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 ;

"**Living Allowance**" means an allowance payable under the ABSTUDY scheme;

"**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 subclauses 4.2 or 4.3;

"**Residential Charge**" means the amount notified by **you** to **us** in accordance with subclause 3.2;

"**School Fees Allowance**" means an amount payable to an Entitled Student, under the ABSTUDY scheme, 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;

"**school**" means the educational facility that Entitled Students are required to attend;

"**Student Services office**" means the body responsible for processing an Entitled Student's application for assistance under the ABSTUDY scheme, and in this context means the Student Services office which has had the responsibility for administering your agreement;



2. GENERAL:

- | | | |
|-----------------------------------|-----|---|
| Policy Manual | 2.1 | The ABSTUDY Policy Manual, as revised from to time form part of this agreement between you and us . |
| Hostels in New South Wales | 2.2 | Hostels a in New South Wales must comply with the New South Wales Child Protection legislation: - The <i>Child Protection</i> |

(Prohibited Employment) Act 1998; - The Commission for Children and Young People Act 1998; and - The Ombudsman Amendment (Child Protection and Community Services) Act 1998. Under the legislation Hostels are required to obtain a 'prohibited person' declaration from all people registered to provide services in New South Wales.

- | | |
|--------------------------------------|---|
| Hostels in Queensland | 2.3 Hostels in Queensland must comply with the Queensland Child Protection legislation: - <i>The Commission for Children and Young People Act (QLD) 2000</i> . Under the legislation Hostels are required to obtain a 'prohibited person' declaration from all people registered to provide services in Queensland. |
| Entitled Students | 2.4 We will make payments to you under this agreement only in relation to Entitled Students. |
| Transfer of Living Allowances | 2.5 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 will arrange and provide for those Entitled Students living at the Hostel, adequate nutritional and physical needs and a safe environment.

You will ensure that the hostel buildings meet the relevant building codes and health regulations for your State or Territory.

You will allow Commonwealth officers or their agents to inspect the hostel premises at periodic intervals following a written request giving 7 days notice. |
| Notification of Residential Charge | 3.2 You will advise us in writing, prior to each of the terms of the school year, of the amount you will charge for each of these terms.

The charges which we will pay you are limited to the maximum allowable rates set under the ABSTUDY guidelines. |
| Notification of Entitled Students details | 3.3 You will 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 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 guidelines 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 3.3 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 number of days the Entitled Student is resident in the Hostel during that term over the total days in the term.
- Notification Arrangements** 4.4 **You** agree that within 14 days after an Entitled Student leaves the Hostel **you** will notify **us** of the full name and address of each Entitled Student who has left the Hostel and the date on which they left.
- Repayment and Retention of Funds where an Entitled Student leaves the Hostel** 4.5 **You** agree that:
- a. if an Entitled Student leaves the Hostel :
- i. within the first six weeks of **taking up residence**; or
- ii. after the first six weeks residence but ceased to attend classes at the school during the first six weeks;
- 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 first six weeks of that residence;
- b. if an Entitled Student leaves the Hostel and ceased to attend classes at the school:
- i. after the first six weeks of taking up residence,
- 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 payable to the end of the fortnightly payment period when the Entitled Student both attended the school and also resided at the Hostel.

- Compensation for Late Payment** 4.6 If money owing to us is not paid or refunded by the due date for payment, **you** will 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 The interest charge described in subclause 4.6 will begin to run 21 days after the Entitled Student leaves the Hostel.

5. MISCELLANEOUS:

- Period of agreement** 5.1 This agreement is effective from the date the agreement is signed by both **us** and **you**, up to 30 June
- Termination of agreement** 5.2 **We** may terminate this agreement at any time. If **we** decide to do so, we shall cease all payments to **you**. **You** must then repay to **us** all unspent moneys that **we** have paid to **you**.
- 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** otherwise.
- 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 Records to be maintained** 6.1 **You** must maintain details of the following:
- 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 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 **us**, 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 **us** to copy it;
- b. allowing **us**, at all reasonable times, unhindered access to **your** financial accounts and records as described in subclause 6.2 and allowing **us** to copy them;
- c. providing reasonable assistance to **us** to locate and copy any material relating to the provision of the services under this agreement and **your** financial accounts and records;
- d. allowing **us**, 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.

SIGNATURES

<p>SIGNED by Us</p>	<p>SIGNED by You</p> <p>Your Common Seal was affixed in accordance with your Articles of Association or Rules of Incorporation, whichever is applicable, in the presence of</p>
<p>Signature:</p> <p>On behalf of Centrelink</p> <p>Name: Position:</p>	<p>Signature:</p> <p>On behalf of</p> <p>Name: Position:</p>

Date:	Date:
Witnessed by:	Witnessed by:
Signature:	Signature:
Name:	Name:
Position:	Position:

Appendix B Determination No. 2002/01

Commonwealth of Australia

Student Assistance Act 1973

**DETERMINATION OF EDUCATION INSTITUTIONS AND COURSES
UNDER SUBSECTIONS 3(1) AND 5D(1)
OF THE *STUDENT ASSISTANCE ACT 1973***

Determination No. 2002/1

I, BRENDAN NELSON, Minister for Education, Science and Training make the following Determination under subsections 3(1) and 5D(1) of the *Student Assistance Act 1973*.

Dated 17 October 2002

(Signed)

BRENDAN NELSON

Minister for Education, Science and Training

Citation

1. This Determination may be cited as Determination No. 2002/1 - Determination of Education Institutions and Courses under subsections 3(1) and 5D(1) of the Student Assistance Act 1973.

Commencement

2. This Determination shall commence on January 1 2003.

Repeal

3. The Student Assistance Act 1973 Determination No 1999/2, entitled "Determination of Education Institutions and Courses under subsections 3(1) and 5D(1) of the Student Assistance Act 1973" and made on 26 November 1999, is repealed.

Interpretation

4. In this Determination, unless the contrary intention appears:

"accredited higher education course" means a course that is:

- (a) accredited as a higher education course by the authority responsible for the accreditation of higher education courses in the State or Territory in which the course is conducted; or
- (b) if a higher education institution is authorised by a law of the Commonwealth or a 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;

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

"accredited vocational education and training course" means a course accredited as a vocational education and training course by:

- (a) the authority responsible for the accreditation of vocational education and training courses in the State or Territory in which the course is conducted; or
- (b) if the State or Territory in which the course is conducted recognises the accreditation of vocational education and training courses in another State or Territory - the authority responsible for the accreditation of vocational education and training courses in that other State or Territory;

"Act" means the *Student Assistance Act 1973*;

"AQF" means the Australian Qualifications Framework guidelines;

"AQTF" means the Australian Quality Training Framework;

"education institution" has the same meaning as in paragraph 5 of this Determination;

"endorsed training package" means a training package listed on the National Training Information Service of the Australian National Training Authority;

"ESL course" means a course of instruction in English as a second language;

"higher education institution" has the same meaning as in paragraph 5 of this Determination;

"Masters qualifying course" means a bridging course which gives participants the qualifications necessary for entry into a Masters degree course, but does not include any course which forms part of a Masters degree course;

"NBCOTP" means the National Office of Overseas Skills Recognition Bridging Course for the Overseas Trained Programme;

"New Apprenticeships Access programme" means a vocational education and training programme funded by the Department of Education, Science and Training under the New Apprenticeships Access Programme;

"preparatory course" means

(a) an accredited vocational education and training course that provides remedial education or involves preparatory activities to enable participation in subsequent education or social settings, and is of a type that aims to achieve basic skills and standards or to prepare students for further education (including courses previously known as Stream 2000 courses); or

(b) a preparatory course for higher education that is a programme offered by a higher education institution that is designed to assist people to gain entry to higher education level courses (including enabling and bridging courses);

"pre-vocational course" means a programme designed to assist people to gain entry to a specific related accredited vocational education and training programme or a New Apprenticeship, and includes a New Apprenticeships Access Programme;

"registered training organisation" has the same meaning as in paragraph 5 of this Determination;

"secondary school" has the same meaning as in paragraph 5 of this Determination;

"special school" has the same meaning as in paragraph 5 of this Determination;

"vocational education and training programme" means:

(a) an accredited vocational education and training course; or

(b) a sequence of training consisting of one or more subjects or modules where each subject or module is from an accredited vocational education and training course. or

(c) a structured approach to the development and attainment of competencies for a particular AQF qualification specified in an endorsed training package.

Education institutions

5. (1) For the purposes of the Act, the following are regarded as education institutions:

(a) a **"higher education institution"**, being an institution that is established under Commonwealth or State or Territory government legislation as a higher education institution or is registered by the relevant State or Territory higher education recognition authority;

(b) a **"secondary school"**, being an institution located in Australia that is:

(i) a government secondary school; or

(ii) a non-government secondary school that is recognised as a secondary school under the law of a State or Territory in which the school is located.

(2) For the purposes of the Act, the following institutions, authorities or bodies are to be regarded as education institutions:

(a) a "**registered training organisation**", being an organisation that is registered by the relevant State or Territory training recognition authority in accordance with the Australian Quality Training Framework to provide one or more vocational education and training programmes;

(b) a "**special school**", being an institution located in Australia that is conducted primarily for students with a disability and is:

(i) a government school; or

(ii) a non-government school that is recognised as a school under the law of a State or Territory in which the school is located.

Secondary Courses

6. (1) For the purposes of the Act, a course specified in Column 1 of Schedule 1 and conducted by an education institution specified for that course in Column 2 of Schedule 1 is a secondary course.

Tertiary Courses

7. (1) For the purposes of the Act, a course specified in Column 1 of Schedule 2 and conducted by an education institution specified for that course in Column 2 of Schedule 2 is a tertiary course.

(2) For the purposes of the Act, no course accredited at Masters or Doctoral level offered by a higher education institution is a tertiary course unless expressly specified in Schedule 2.

SCHEDULE 1 - SECONDARY COURSES

Column 1 - Course	Column 2 - Education institution
Accredited secondary course	Secondary school Registered training organisation Higher education institution Special school
ESL course	Secondary school Special school
Preparatory course	Secondary school Registered training organisation Higher education institution Special school
A course leading to an accredited secondary course qualification involving accredited secondary and accredited vocational education and training course subjects	Secondary school Registered training organisation Higher education institution
School-based apprenticeship or traineeship	Secondary school

SCHEDULE 2 - TERTIARY COURSES

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 authority to conduct the course
A vocational education and training programme that is not a secondary course specified in Schedule 1.	Higher education institution Registered training organisation
Combined course - Vocational education and training, consisting of two or more separate vocational education and training programmes undertaken concurrently and each of which leads to the award of a qualification or statement of attainment	Higher education institution Registered training organisation
Undergraduate or postgraduate accredited higher education course which is at the level of: <ul style="list-style-type: none"> • associate degree; • associate diploma; • diploma; • advanced diploma; • Bachelor degree; • graduate degree; • graduate certificate; • graduate diploma; • NBCOTP funded course; • Master's qualifying course; or • a combined course which leads to two of these awards, • and is classified as such in the institution's handbook and is not: a secondary course specified in Schedule 1; or • a course at the level of a Masters or Doctoral degree unless otherwise specified in Schedule 2. 	Higher education institution Registered training organisation

SCHEDULE 2 - TERTIARY COURSES (continued)

Column 1 - Course	Column 2 - Education institution
Open Learning -a programme of assessment based study provided through the Open	Higher education institution participating in the Open Learning programme

Learning Agency, Melbourne	Registered training organisation participating in the Open Learning programme
Combined course - Higher education and vocational education and training, consisting of concurrent study in an accredited higher education course and a vocational education and training programme leading to the award of a separate qualification at each institution and that is classified in each institution's handbook as a combined course	Higher education institution Registered training organisation
Integrated undergraduate/postgraduate course leading to a Masters degree, excluding that year or years of the integrated course in excess of the normal full-time duration of the related undergraduate accredited higher education course or related undergraduate and postgraduate accredited higher education courses that are not at the Masters level. (That is, excluding the year or years relating to study at the Masters level).	Higher education institution

EXPLANATORY STATEMENT

Subsections 3(1) and 5D(1) of the *Student Assistance Act 1973*

Determination of Education Institutions and Courses under subsections 3(1) and 5D(1) of the *Student Assistance Act 1973*

Determination No. 2002/1

Issued by the authority of the Minister for Education, Science and Training

Reason for the Determination

Subsections 3(1) and 5D(1) of the *Student Assistance Act 1973* have the effect of providing that the Minister may determine what is an approved education institution and an approved course for the purposes of the Act.

Since 1 July 1998 the *Social Security Act 1991* has required that, to qualify for Youth Allowance payments to students, Austudy payments or the Pensioner Education Supplement, a person must be enrolled in and undertaking study at an education institution and in a course determined by the Minister under the *Student Assistance Act 1973*.

Since 1 July 2000, the *A New Tax System (Goods and Services Tax) Act 1999* has provided that a supply of secondary and tertiary courses, as determined by the Minister under the *Student Assistance Act 1973*, will be GST-free.

This Determination does not change the coverage of education institutions or courses provided by Determination 1999/2. Some wording has been amended to clarify this coverage and to address changes in terminology in the education sectors since the last review in 1999 (Determination 1999/2).

It has been necessary to clarify the definition of "vocational education and training programme". The definition in the 1999/2 Determination was open to an interpretation which was not intended by the underlying legislative policy. As a result payments had been made to persons undertaking "vocational education and training programmes" that included subjects or modules that were not from an accredited vocational education and training course.

In light of that it is necessary to amend the definition to ensure that payments are made to persons undertaking vocational education and training programmes that included all subjects and modules from an accredited vocational education and training course. Any students who were receiving Youth Allowance or Austudy based on an unintended interpretation of the 1999/2 Determination will no longer be eligible.

However, as unaccredited vocational education and training courses are typically of short duration, it is expected that these students will have completed their courses by 1 January 2003 when the new Determination takes effect.

Reason for Tabling the Determination of Education Institutions and Courses

Subsections 3(2A) and 5D(3) of the *Student Assistance Act 1973* provide that Ministerial Determinations are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901* and therefore must be gazetted and tabled in the Parliament.

The Determination of Education Institutions and Courses

Determination 2002/1 will revoke Determination 1999/2 made on 26 November 1999, will commence on 1 January 2003 and shall remain in force until revoked.

Determination 2002/1 describes the types of education institutions, and secondary and tertiary courses provided by these institutions, that are approved for the purposes of the *Student Assistance Act 1973*. Through reference to the Determination, the *Social Security Act 1991* identifies these courses as secondary and tertiary courses approved for the purposes of payments to students. Also through reference to the Determination, the *A New Tax System (Goods and Services Tax) Act 1999* identifies these courses as secondary and tertiary courses, the provision of which is GST-free.

NOTE: This Determination was gazetted on Wednesday, 6 November 2002 in Government Notices No. GN 44, pages 2966 to 2974.

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.

Part XII

References

Part 12 Part Content

This part contains the following topics:

[Glossary](#)

Glossary

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [X](#) | [Y](#) | [Z](#) |

A

Abatement rate

An abatement rate is a system of gradual reduction in assistance as individual (student), parental or partner income levels rise.

Aboriginal or Torres Strait Islander

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.



Note: *The terms Indigenous, Aboriginal or Aboriginality are used throughout this manual to refer to both Australian Aboriginal and Torres Strait Islander people.*

ABSTUDY

ABSTUDY is the Aboriginal and Torres Strait Islander Study Assistance Scheme. It has three components of assistance:

- Schooling
- Tertiary, and
- Masters and Doctorate.

Activity Agreements

An activity agreement is a record of the agreed activities that a secondary school student will undertake to meet their activity test requirements. For secondary school students who are not full-time, these activities are formulated as an outcome of negotiations between the secondary school student and Centrelink.

Additional Assistance

Additional Assistance is financial assistance provided to the student which is over and above a student's normal entitlements where the student can provide evidence of extreme financial difficulties associated with education costs.

Adjusted Family Income (AFI)

Adjusted Family Income (AFI) is the parental income, after adjustments to take into account the number of children in the family, used in the parental income test to determine whether the student qualifies for a Living Allowance.

Age

Age, for the purposes of determining the rate of Living Allowance (Basic Age Payment) on any day, is the student's actual age on that day.

Aboriginal Hostels Limited (AHL)

Aboriginal Hostels Limited (AHL) provides boarding facilities for Aboriginal and Torres Strait Islander students.

Assistance for Isolated Children (AIC)

The Assistance for Isolated Children (AIC) Scheme provides distance education, boarding and second home allowances for primary and secondary students who have no reasonable daily access to appropriate Government schooling.

Allowable Adjustment

Allowable adjustments are amounts by which gross income may be reduced to obtain the income figure on which the income test is based.

Allowable Income Limit

The allowable income limit is the income threshold point at which Living Allowance starts to abate (reduce). Maximum Living Allowance is payable where student and parental or partner income is below the relevant allowable income limits.

APA

Australian Postgraduate Award (APA) scheme.

Adjusted Partner Income (API)

Adjusted Partner Income (API) is the partner income which applies to 21 year olds and over, after adjustments to take account of the number of children in the family, used in the partner income test to determine if the student qualifies for a Living Allowance.

Applicant

An applicant is a person who has lodged an ABSTUDY claim form with Centrelink. This is usually a parent/guardian or student.

Approved Absences

An approved absence is a period of absence that results from circumstances beyond the secondary school student's or applicant's control. Such absences have no effect on Living Allowance, Rent Assistance, Remote Area or Pharmaceutical Allowances.

Approved Course

An approved course is an academic programme for which ABSTUDY assistance is awarded.

Approved Institution

An approved institution is an institution which is registered by a State/Territory accrediting authority and meets the requirements for Schooling Awards and Tertiary Awards.

APS

Australian Public Service (APS).

Asset Test

An asset test is one of the measures used to establish eligibility for Living Allowance -there are family and personal asset tests.

ASSPA

http://www.dest.gov.au/schools/indigenous/forms/2004/2004_index.htm

ATO

Australian Taxation Office (ATO).

ATSIC

Aboriginal and Torres Strait Islander Commission (ATSIC).

Austudy

Austudy is the student assistance scheme administered by Centrelink for Australian students 25 years and over from 1 July 1988.

Award

An Award is an entitlement to specified benefits made under the ABSTUDY provisions unless otherwise stated.

Away-from-base activities

There are two broad categories of ABSTUDY away-from-base:

- Travel, accommodation and meals for special activities -

- Such as field trips, practical placements or testing and assessment programmes that are essential for a course. In this category, the student attends the institution in the normal way, usually on a daily basis to attend lectures and tutorials. Travel allowance may be paid in advance or reimbursed by Centrelink and the student may also receive money to help meet meals and accommodation costs. For this type of assistance students continue to apply to Centrelink.
- Travel and accommodation for 'mixed-mode' courses. In this category, 'mixed-mode' is a term used to describe courses delivered through a combination of distance education and face-to-face teaching. It is for students who are study off campus and need time on campus or for lecturers to travel to an off campus location to conduct such activities. Eligible students in receipt of one or more ABSTUDY allowances have travel, accommodation and meal costs paid for by the institution. This component is administered by DEST.



B

Base Tax Year

The base tax year means the financial year that ended on 30 June in the calendar year before the year in which the ABSTUDY allowance is being claimed.

Boarding Fees

Boarding fees are fees charged for boarding costs (accommodation, meals, etc) for students living away from home.



Note: *These fees are distinguished from school fees.*

Bridging Programme

A bridging programme 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. Programmes which form part of a formal award course or for which credit will or may be given towards an award course are not considered to be bridging programmes.



C

CDEP

The Community Development Employment Projects (CDEP) scheme is a programme administered by ATSIC which enables Aboriginal and Torres Strait Islander communities and organisations to take control of their own community, economic and social development and to provide employment for people in their communities.

Coherent Course Sequence

A study load concession for tertiary students studying two associated courses where one merges with or leads into the other course.

Compensation

Compensation is a payment that is made wholly or partly in respect of lost earnings or lost capacity to earn within or outside of Australia.

Continuing Students

Continuing students are those students continuing study as a full-time student without interruption from the previous academic year.



Note: Continuing students aged 21 years or more who have been receiving the 1999 rate of the ABSTUDY Living allowance will be maintained at the 1999 rate of Living Allowance until the completion of the course. Similarly, Pensioner Education Supplement recipients will be maintained at 1999 levels until the completion of the course.

Current Income Concession

Current income assessment is a concession available for students whose parents or partner experience a substantial drop in income from the previous financial year. They are therefore approved to be income tested on the basis of income for the current financial year.

Current course of study

The definition of a 'current course of study' means:

- regular undergraduate courses
- articulated courses, such as those where a series of courses can be linked to count towards a higher level of qualification
- a continuing course in the same field of study undertaken at different institutions or at a different campus
- a natural progression of courses, 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 Bachelor degree that is a prerequisite for a Graduate degree, or
 - an Honours or Masters Qualifying year followed by a Masters.

Cut-off limit

Cut-off limit is the amount immediately past the upper income limit for the income tests on personal (student) income, parental income, family actual means and partner income, beyond which Living Allowance is not payable.



D

Debtor

The person responsible for repaying any overpaid amount/s.

DEST

Commonwealth Department of Education, Science and Training (DEST).

Dependent Child

A dependent child is a child who is:

- under 16 years of age;
- not receiving ABSTUDY, Assistance for Isolated Children, Youth Allowance or Veteran's Children's Education Scheme benefits; and
- wholly or substantially dependent on her/his parents/guardian.

Dependent Child Adjustment

A dependent child adjustment is an amount that may be added to income in respect of other dependent children in a family for the purposes of the parental income test.

Dependent Partner

For the purposes of ABSTUDY a dependent partner is a legal or de facto husband or wife who is wholly or substantially dependent on the student and there is a dependent child or dependent student.

Dependent Status

For the purposes of ABSTUDY students are considered to be of dependent status if they:

- do not meet any of the criteria for [independent status](#) under ABSTUDY, and
- do not receive a pension under the Social Security Law or the Veterans' Entitlement Act 1991, and
- are not in lawful custody.

Dependent Student

A dependent student is:

- aged 16 to 24 years, and
 - in a full-time secondary or tertiary course approved for ABSTUDY, Assistance for Isolated Children or Youth Allowance
 - not eligible for the independent rate of ABSTUDY or Youth Allowance, and
 - not receiving assistance from a Commonwealth education allowance other than ABSTUDY, Assistance for Isolated Children, Youth Allowance or Veteran's Children's Education Scheme, or
- under 16 years of age, and
 - is receiving ABSTUDY, Assistance for Isolated Children, Youth Allowance or Veteran's Children's Education Scheme, and
 - is not eligible for the independent student adjustment.

Dependent Student Adjustment

Dependent student adjustment is an amount that may be subtracted from taxable income in respect of other dependent students for the purposes of the parental income test and adjusted partner income (API), for 21 year olds and over).

Disability

A disability is defined as:

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

DVA

Commonwealth Department of Veterans' Affairs (DVA).

DVA Pensions

DVA provides different types of pensions.

- DVA Service Pension - full income support Living Allowances to returned service personnel and/or their dependants, for example on the grounds of age or permanent and total incapacity. A person cannot get ABSTUDY Living Allowance while receiving a service pension (s/he may qualify for Pensioner Education Supplement).
- DVA Disability Pension - compensation-type payments for partial disability or health impairment related to war service. A DVA Disability Pension does not stop a student from getting an ABSTUDY Living Allowance.
- The Veterans' Children Education Scheme (VCES) is 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&PI). Students who choose to take up the VCES benefits become ineligible for assistance under ABSTUDY.



E

Enabling Courses

An enabling course is a programme of study which provides bridging or supplementary education for the purpose of enabling a person from a designated disadvantaged group to undertake an award course. See [Appendix B](#): Determination of Educational Institutions and Courses (No. 2002/1) - Schedules 1 and 2 for secondary enabling courses; Schedule 3 for tertiary enabling courses.

Students undertaking enabling courses are exempt from HECS. Programmes which form part of a formal award course for which credit will or may be given towards an award course are not considered to be enabling courses.

Extreme family breakdown

Family breakdown will be considered to be extreme, rather than mild, serious or severe, where:

- there is a history of on-going conflict (existing for 6 months or more) between the student and his or her parent(s) and/or other family members; and
- the social worker confirms that the conflict is extreme and is currently irreconcilable.



F

FaCS

The Department of Family and Community Services (FaCS).

Family Members

An applicant's assessable family for the purposes of Family Actual Means Test (FAMT) are:

- the applicant
- the parent (s)/guardian(s) whose income and assets are being taken into account under the ABSTUDY parental income and family assets tests
- any dependent children under 16 years of age, and
- and dependent children in the family aged 16 to 24 years of age who do not meet the independence criteria.



Note: *That only the details of the spending, savings and deductions for those persons covered by this definition are to be provided for the purposes of this FAMT. For example, if any grandparents or non-dependent children live with the family, then exclude all of their spending, savings and deductions from the amounts in the FAMT.*

FAMT

Family Actual Means Test

Family Actual Means Test (FAMT) is a test applied to a dependent student whose parent is a designated parent. The expenditure and savings of all assessable family members are taken into account to determine the dependent student's rate of ABSTUDY.

Foster Care

Foster care is where a student has been placed in substitute care through a State or Territory Department of Welfare or through legal process.

Full-time student

A full-time student is a student enrolled in and undertaking at least 75% of the accredited full-time workload for the course. A student may also be considered full-time for ABSTUDY purposes if s/he qualifies for a study load concession.



G

Group 1 (at home) students

Group 1 students are defined as:

- under 16 years of age, and
 - living at home, or
 - do not meet the criteria for the Away rate of Living Allowance, and
- the parent/guardian meets the general schooling eligibility criteria.

Group 2 (boarding) students

Group 2 students are defined as:

- meeting the criteria for the Away rate of Living Allowance, and
- satisfying the Income Test requirements, or
- meeting a criterion for the Away rate but for the presence of a local non-government school which s/he attends, or
- qualifying for independent status as a homeless, an orphan or a student whose parent(s) cannot exercise parental responsibilities.

Guardian

A guardian is a person who has assumed the financial and custodial responsibilities of a parent for a student.



H

HECS

Higher Education Contribution Scheme (HECS) is the scheme under which students pay part of the cost of their higher education. HECS liability depends on study load.

Higher education institutions

For ABSTUDY purposes, a higher education institution is:

- an institution that receives Commonwealth Government funding under the Higher Education Funding Act 1988, or
- is a private institution:
 - which conducts courses accredited by the relevant State; or Territory accreditation authority as being a higher education course; or

whose awards have been determined by a private institution that has been given the power under State or Territory legislation to confer awards in higher education.

Homeless Student

A homeless student is a student of at least the required minimum school leaving age for her/his State or Territory who is living away from the parental home because of serious risk to their physical or emotional health. [\[more detail\]](#)



I

Income Bank

An Income Bank allows a student to earn money during breaks from study without affecting their Living Allowance.

Income Test

An income test is the measure used to establish eligibility for Living Allowance - there are student, parental and partner income tests.

Independent Status

For ABSTUDY purposes, the term 'independent' means that a student is independent of, or exempt from, the normal parental income, assets and family actual means tests.

ABSTUDY independent Living Allowance provisions are not necessarily intended to reflect community expectations of what 'independence' means for other purposes. For example, they may not be a reflection of a student's personal maturity or lifestyle choice.

While independent students are not subject to the parental income, assets and family actual means tests, they must meet the student income test. If they have an assessable partner, the partner income, assets and family actual means tests are also applied.

Independent homeless

A person is independent under the homeless criteria if:

- (a) the person cannot live at the home of either or both of his or her parents;
- (i) because of extreme family breakdown or other similar exceptional circumstances; or
- (ii) because it would be unreasonable to expect the person to do so as there would be a serious risk to his or her physical or mental wellbeing due to violence, sexual abuse or other similar unreasonable circumstances; or
- (iii) are unable to provide the person with a suitable home because they lack stable accommodation; and
- (b) the person is not receiving continuous support, whether directly or indirectly and whether financial or otherwise, from a parent of the person who is acting as the person's guardian on a long-term basis; and
- (c) the person is not receiving, on a continuous basis, any payments in the nature of income support (other than a social security benefit) from the Commonwealth, a State or a Territory.

Indigenous Special Course

An Indigenous special course of study is a course (subject) which is developed specifically for Australian Aboriginal and Torres Strait Islander students.

Indigenous

Indigenous means a member of the Indigenous race of Australia and includes a descendant of the Indigenous inhabitants of the Torres Strait Islands.

Indigenous Education Unit

Indigenous Education Units (IEUs) are part of DEST and are responsible for the local administration and delivery of elements of the Indigenous Education Direct Assistance (IEDA) programme. These are the Aboriginal Tutorial Assistance Scheme (ATAS), Aboriginal Student Support and Parent Awareness (ASSPA) programme and the Vocational and Educational Guidance for Aboriginals Scheme (VEGAS).

Itinerant

Families whose lives and occupations demand constant relocation are described as itinerant families.



L

Late Starting Course

A late starting course is not a short course, but starts between 1 April and 30 June or between 1 August and 31 December inclusive.

Lawful Custody

A student is considered to be in lawful custody for ABSTUDY purposes if s/he is, for a period of more than two weeks, imprisoned or detained in a correctional institution, remand centre or youth training centre.

Living Allowance/Basic Payment

A term used by Centrelink which refers to ABSTUDY Living Allowance.



M

Mainstream Course

A mainstream course is a course which is developed for members of all sections of the Australian community. See Appendix B: Determination of Education Institutions and Courses ([Determination No.2002/1](#)) that also applies to all mainstream course approvals for ABSTUDY.

Minimum School Leaving Age

The table following shows the minimum school leaving ages for each State and Territory.

State or Territory	Minimum school leaving age
NSW	15th birthday
VIC	15th birthday
QLD	15th birthday
SA	16th birthday (effective 1 January 2003)
WA	end of school year in which the student turns 15
TAS	16th birthday
NT	15th birthday
ACT	15th birthday

Minister

The Minister is the Commonwealth Minister for Education, Science and Training.

Mixed-mode

'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 time on campus.

MVA

Motor Vehicle Allowance

Where use of a private vehicle is necessary or appropriate, the Department of Family and Community Services rates will be used for ABSTUDY.



N

NEIS

New Enterprise Incentive Scheme (NEIS).

Non-approved course

A non-approved course is a mainstream or Indigenous special course which is not approved for ABSTUDY assistance.



O

Orphan

An orphan is a person whose natural or adoptive (legal or traditional) parents are dead or legally missing and presumed dead. [\[more detail\]](#)



Note: A student cannot be regarded as an orphan while at least one natural or adoptive parent is known, or presumed, to be alive.

Overpayment

An overpayment occurs when payments which have been made in respect of a student exceed the amount to which s/he is entitled.



P

Parent

A parent is a natural or adoptive (legal or traditional) parent, step parent, de facto partner of natural or adoptive parents with whom the student normally lives, and/or any other person who is fully or substantially responsible for the student (not including the de facto partner of the student). Does not include foster parents.

Parental income test

The parental income test takes into account income from all sources, less any deductions allowable by the ATO. The resulting amount is taxable income and is shown on the ATO Taxation Assessment Notice.

Maintenance payments received from or paid to a former partner are also taken into account.

Partner

For the purposes of ABSTUDY, partner means:

- a married husband or wife, or
- an unmarried person who is living with a person of the opposite sex in a de facto relationship;
 - which is of at least six months duration, or
 - there is a child in the relationship who is dependent on the student or the de facto partner.

Partner income test

The partner income test takes into account the assessable income for taxation purposes from all sources, less any deductions allowable by the ATO. The resulting amount here is taxable income and is shown on the ATO Tax Assessment Notice.

Maintenance payments received from or paid to a former partner are also taken into account.

Part-time Student

A part-time student is a student who is enrolled in, and undertaking, an approved course but is not carrying a full-time workload.

Payee

A payee is a person to whom ABSTUDY assistance is paid.

Pensioner Education Supplement (PES)

The Pensioner Education Supplement (PES) is a benefit paid to students who continue to receive a pension under the *Social Security Law* or the *Veterans' Entitlement Act 1991* during the period of study.

Pensioner Student

A pensioner student is a student receiving a pension under the *Social Security Law* or the *Veterans' Entitlement Act 1991*.

Permanent Home

A permanent home is defined as follows:

Type of Student	Definition
Dependent	The place at which the student normally lives when not studying (prior to study and during vacations), usually with a parent or guardian.
Independent and Pensioner (for secondary and initial tertiary study)	The place where the student lived immediately prior to the commencement or recommencement of the approved course (for secondary studies and initial tertiary qualification only).
Independent and Pensioner (for further tertiary studies)	The place where the student is studying, that is the place to which the student has relocated for their studies.

Permanent Independent Status

Permanent independent status is granted on the basis of a condition which cannot change in a way that will substantially affect the independence of a student.

Pharmaceutical Allowance

The Pharmaceutical Allowance (PhA) is a payment for pensioner students who are incapacitated for study, to assist with the cost of pharmaceutical prescriptions under the Pharmaceutical Benefits Scheme.

Prescribed Event

A comprehensive list of prescribed events will be provided when the upcoming regulations are passed.

Property losses

A parent or partner who reduces their taxable income by claiming losses against any non-property investments, eg share portfolios, owned in their own name must add back the value of that deduction.



R

Registered Training Organisation

Under Determination No. 2002/1 ([Appendix B](#)) TAFES are now included in the definition of 'a registered training organisation' (RTO).

Relevant Period

Generally the income test period applies to the period that the student is eligible to receive ABSTUDY assistance (see Part 6 - Income and Rates).

Rental property losses

A parent or partner who reduces their taxable income by claiming a loss against rental property owned in their own name will have to add back the value of the rental property deduction (commonly known as negative gearing) for ABSTUDY purposes. Rental property losses flowing through to the individual parent or partner, from rental property owned in a partnership, trust or company, are not taken into account for the ABSTUDY income test.

Any substantial changes in taxable income deductions from rental property losses (negative gearing), may warrant reassessment because of the effect on current or reverse current income.

Remote Area Allowance (RAA)

The Remote Area Allowance (RAA) helps to meet additional costs associated with residence in remote areas. RAA makes a contribution towards some of the higher costs associated with living in particularly remote areas.

Reviewable Independent Status

Reviewable independent status is granted on the basis of a condition that can change in a way that may substantially affect the independence of a student for ABSTUDY purposes.



S

Scheme

The Scheme is the Aboriginal and Torres Strait Islander Study Assistance Scheme (ABSTUDY).

School Fees

School fees are those charged by a school for all students enrolled in a particular programme. School fees include:

- 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.

School Fees Allowance

School Fees Allowance is a benefit paid under ABSTUDY Schooling Awards to assist with the cost of school fees.

School Term Allowance

The School Term Allowance is a benefit intended to help meet the costs associated with equipping an under 16 year old student, living at home, for school.

School year

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 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.

Sexual abuse

Sexual abuse is any act of a sexual nature which is threatened or imposed on a young person by another person taking advantage of a position of authority or trust. The sexual abuse or harassment must be the reason why the student cannot live in a parent's home without serious risk to her/his health.

Short Course

A short course is not more than 30 weeks in duration; i.e. the first and last days are not more than 30 weeks apart.

SHR**Student Homeless Rate**

Student Homeless Rate (SHR) is the rate of Living Allowance paid to students approved under the ABSTUDY Homeless provisions.

Special Assessment

Special assessment is a concession allowing the parental/partner income test to be waived if the parent(s)/partner are, or become, dependent on certain Commonwealth Government assistance.

Special Course

To qualify as a special course, the course must be one of the following:

- a full-time secondary course where the student receives a formal specialising qualification on completion
- a secondary course which is an essential prerequisite for entry to a specific postsecondary course
- a secondary course containing agricultural subjects
- specialist secondary studies in drama, music, art, ballet, sport or technology, or
- a secondary course containing Indigenous Australian studies.

State Care

State care is where a student has been placed in substitute care through a State or Territory Department of Welfare or through legal process.

Student

A student for the purposes of the ABSTUDY scheme is a person who is enrolled, or is intending to enrol in study at school, TAFE, university or other approved education/training provider.

Student Assistance Act

The *Student Assistance Act 1973* is the legislation covering, among other things, ABSTUDY overpayment and recovery matters.

Student income test

The student's income test takes into account the assessable income from all sources, less any exempt categories.

Maintenance payments received from or paid to a former partner are also taken into account.

Student Status

Students are categorised as being either:

- dependent
- independent
- pensioner
- in State care, or
- in lawful custody.

Supplementary programme

A supplementary programme is one which is provided for students subsequent to their commencement of a formal award course, and which is undertaken concurrently with that course. Such programmes provide supplementary teaching in the form of a separate, discrete programme.

The supplementary programme is systematic, structured and aimed at addressing difficulties experienced by particular types of disadvantaged students undertaking the award course. Programmes which form part of a formal award course, or for which credit will or may be given towards an award course, are not considered to be supplementary programmes.

Support

Support is not confined to monetary payments. It can take the form of goods or services, eg, food, meals, laundry, use of a family car, or beneficial arrangements, eg, part-time employment in a family or associated company.



T

TAFE institutions

For ABSTUDY purposes, a TAFE institution is an institution:

- registered as an institution providing vocational education and training by the appropriate State or Territory authority, and
- receiving or is eligible to receive funding from the appropriate State or Territory authority, and
- provides courses that are accredited under State or Territory requirements, for the accreditation of vocational education and training courses, and
- not conducted for profit.

TAN

Tax Assessment Notice (TAN).

TFN

A Tax File Number (TFN) is usually required for:

- each student 16 years or older who applies for an allowance
- the parents/guardians of dependent students, and
- the partner of students who are married/living in a de facto relationship.

Travel Allowance

Travel Allowance entitlement is to cover the cost of accommodation for students who are at a transit location or attending an Away-from-base activity.

Travel 'no show'

Travel 'no show' refers to authorised or chartered travel booked for a student who did not travel and did not advise Centrelink that the travel would not be undertaken.



U

Unapproved Absences

An unapproved absence is a period of absence that is not an approved absence. Such absences may reduce Living Allowance entitlement.

Unreasonable circumstances

For the purposes of Student Homeless Rate, this refers to any cause of serious risk to the student's physical or mental health in the family home other than sexual abuse or violence. For Student Homeless Rate to be granted, the circumstance must be of comparable gravity and severity to sexual abuse or violence.

Upper Income Limit

The UIL is the last amount of income a guardian or partner can earn before the student becomes ineligible for ABSTUDY Living Allowance.



V

Vacation

A short vacation is any one of the two or three major vacations (depending on the State or Territory) occurring between terms within a school year.

A long vacation is that which occurs between the end of one year and the commencement of the next.

VEGAS

Vocational and Educational Guidance for Aboriginals. For more detail refer to

http://www.dest.gov.au/schools/indigenous/forms/2004/2004_index.htm

Violence

For the purposes of Student Homeless Rate, violence refers to physical abuse or attacks. Abuse of a covert or psychological nature is covered by 'other exceptional circumstances'.



W

Waiver

A waiver is a written request by a parent or a student to have all or part of an allowance to which s/he is entitled paid to another person or institution.

Y

YHA

Young Homeless Allowance (YHA) is an allowance paid by Centrelink on behalf of FaCS to homeless and unemployed youth.

Youth Allowance

Youth Allowance is an income support payment for young people who are studying, looking for work, training or are sick. A customer can go from study to training to job hunting without changing payments.