Rural Tertiary Hardship Fund Scheme 2011

Social Security Act 1991

I, CHRIS EVANS, Minister for Tertiary Education, Skills, Jobs and Workplace Relations, determine this Scheme under subsection 1061ZZFW (1) of the Social Security Act 1991.

Dated 3rd February 2011

Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Part 1 Introductory

1.1 Name of Scheme

This Scheme is the Rural Tertiary Hardship Fund Scheme 2011.

1.2 Commencement

This Scheme commences on the day after it is registered.

1.3 Definition

In this Scheme:


ASGC means the Australian Standard Geographical Classification, published by the Australian Bureau of Statistics, as in force immediately before this Scheme commences.

assistance means the assistance mentioned in subsection 1061ZZFW (1) of the Act.
Section 1.4

*Commonwealth supported place* means a place on a course at a higher education institution for which the Commonwealth provides funding to the provider of the higher education for some or all of the cost of a person’s education.

*scheme period* means the period starting on 1 January 2011 and ending on 30 June 2013.

*Note* A number of terms used in this Scheme are defined in the Act, including *child*, *higher education institution*, *parent* and *partner*.

1.4 Purpose of Scheme

For subsection 1061ZZFW (1) of the Act, this is a scheme for paying $20 million, in the scheme period, for assistance for the undertaking of higher education by people under 25 who:

(a) have their main place of residence in a rural or regional area; and

(b) would experience financial hardship in undertaking higher education without the assistance.

*Note* Part 3 identifies people who qualify for assistance.

Part 2 Assistance

2.1 Form of assistance

The form of assistance is a payment of $3,000.

*Note* A person is eligible for 1 payment during the scheme period.

Part 3 Which people qualify for assistance?

3.1 Eligibility for consideration

(1) A person who is mentioned in section 1061ZZFW of the Act is eligible to be considered for assistance if the requirements of this section are met.

Age

(2) If the person applies for assistance in relation to study in the first semester of a year, the person must be under 25 on 1 March in the year.

(3) If the person applies for assistance in relation to study in the second semester of a year, the person must be under 25 on 1 August in the year.

Citizenship

(4) The person must be:

(a) an Australian citizen; or

(b) a permanent resident within the meaning of the *Australian Citizenship Act 2007*; or
Which people qualify for assistance?

Part 3

Section 3.1

(c) the holder of a permanent humanitarian visa within the meaning of the Migration Regulations 1994.

Main place of residence

(5) The person’s main place of residence at the time of applying for assistance must not be in a Major City of Australia as described in the ASGC.

Course of study

(6) The person must be enrolled in a higher education course at a higher education institution for the award of a bachelor degree or an equivalent qualification.

(7) The higher education course must not be an enabling or preparatory course.

(8) The person must be undertaking a higher education course of any kind:
   (a) for the first time; or
   (b) for the first time if deferrals of enrolments in other higher education courses and withdrawals from other higher education courses within 35 days after commencement are disregarded.

(9) The person must be enrolled on:
   (a) a full-time basis; or
   (b) another basis that the Minister is satisfied is an appropriate basis of study, having regard to the person’s circumstances.

   Example that may be considered for paragraph (b)
   The person’s study load may be less than full time because the person has a disability or parenting responsibilities.

(10) The person’s place on the higher education course must be a Commonwealth supported place.

(11) If the person’s main place of residence at the time of claiming the payment is in Inner Regional Australia as described in the ASGC:
   (a) the person must have made arrangements to undertake the course of study at the tertiary institution; and
   (b) the distance and time required for travelling to or from the institution must be considered to be excessive in the way in which that concept would be used to determine that a person is eligible for payment of the Away From Home rate of Youth Allowance.

Parental income

(12) If the person is a dependant of either or both of the person’s parents, the income of the parent, or the combined income of the parents, for the year of tax before the application for assistance is made must not exceed $150 000.
Section 4.1

*Previous payments*

(13) The person must not already have been paid assistance under this Scheme during the scheme period.

**Part 4 Applying for payment**

**4.1 Application**

(1) A person may apply to the Minister for assistance under this Scheme.

(2) The application must be made:
   (a) in writing; and
   (b) using a form approved in writing by the Minister.

(3) The form must require the applicant to provide the following information about the applicant:
   (a) the applicant’s income for the year of tax before the application for assistance is made;
   (b) a description of the applicant’s liquid assets and their value;
   (c) the number of dependent children (if any) in the applicant’s family;
   (d) a description of the applicant’s current means of support;
   (e) a description of the financial hardship being experienced, whether it is likely to continue, and (if so) for how long;
   (f) a description of any other personal or family disadvantage which affects the applicant, whether it is likely to continue, and (if so) for how long.

(4) The form must require the applicant to provide as much of the following information about the applicant’s parents as is relevant:
   (a) the combined income of the applicant’s parents for the year of tax before the application for assistance is made;
   (b) a description of the parents’ liquid assets and their value.

(5) The form must require the applicant to provide as much of the following information about the applicant’s partner (if any) as is relevant:
   (a) the partner’s income for the year of tax before the application for assistance is made;
   (b) a description of the partner’s liquid assets and their value.

(6) For an applicant who is not in receipt of a means-tested income support payment paid by the Commonwealth, the form must also require the applicant to provide an explanation of why the applicant is not in receipt of a payment.

*Note* The applicant may not be in receipt of a payment because the applicant is ineligible or has not applied for a payment.
(7) The form must also require the applicant to declare that the person has not previously received assistance under this Scheme.

(8) The form may require the applicant to give other information or make other declarations.

4.2 Consideration of application

(1) If the Minister receives an application under section 4.1, the Minister must:
   (a) consider it; and
   (b) approve the application or refuse it as soon as practicable.

(2) The Minister is required only to consider the information given in the application, and is not required to:
   (a) seek additional information from the applicant; or
   (b) clarify information given in the application.

(3) The Minister may, in writing, approve:
   (a) 1 or more methods of comparing applications and ranking applications in an order of priority for approval; and
   (b) arrangements by which an applicant’s financial hardship can be assessed as being sufficient to make it appropriate to approve the applicant’s application; and
   (c) a total amount of assistance that is to be paid in a period to applicants.

(4) The Minister must approve the application if the Minister is satisfied that:
   (a) the applicant is described in subsection 1061ZZFW (1) of the Act; and
   (b) the applicant has given the information required by the application form; and
   (c) the person would experience financial hardship in undertaking higher education without the payment; and
   (d) after considering the application with all other applications received in the relevant period, the applicant’s financial hardship is sufficient to make it appropriate to approve the application; and
   (e) enough of:
      (i) the $20 million mentioned in subsection 1061ZZFW (1) of the Act; or
      (ii) if a part of that amount that has been approved for a period under paragraph (3) (c) — that amount;
          is available to be used for the payment.

(5) The Minister must notify the applicant of the Minister’s decision as soon as practicable after making it.

Note see Part 6 for review of a decision to refuse an application.
Part 5  Making payments

5.1  When payments are made
If the Minister approves an application under Part 4, the Minister must ensure that the payment is made to the person as soon as practicable.

Part 6  Review

6.1  Review of decisions
(1) If the Minister refuses an application, the Minister must include in the notification to the applicant under subsection 4.2 (4) information about the effect of this section.

Discussion with Department
(2) An applicant whose application has been refused may request a discussion of the refusal with the Department.

Note  When this Scheme commenced, the contact point was the Program Manager, Rural Tertiary Hardship Fund (rthf@deewr.gov.au). The Department’s website for the Scheme will advise whether the contact point has changed.

Request for review
(3) An applicant whose application has been refused may request the Secretary, in writing, to review the refusal.
(4) A request for review must be made within 13 weeks after the applicant is notified of the decision under subsection 4.2 (4).
(5) If the Secretary receives a request for review, the Secretary must:
   (a) review the refusal as soon as practicable; and
   (b) apply any matters approved under subsection 4.2 (3); and
   (c) substitute a decision to approve the application if the Secretary is satisfied as to the matters in paragraphs 4.2 (4) (a) to (e); and
   (d) confirm the refusal if the Secretary is not satisfied as to those matters.
(6) The substitution of a decision is taken to have effect from the day on which the application was refused.

Note  A decision of the Secretary to confirm the refusal of an application is not reviewable under the Administrative Appeals Tribunal Act 1975.
Part 7     Administrative matters

7.1     Dates for applications

(1) The Minister must publish, on a website or by other means:
    (a) the dates by which applications for assistance are to be made in a period; and
    (b) the periods in which the Minister proposes to make decisions on applications.

(2) The Minister may also publish other information about how applications are made or considered under the Scheme.

7.2     Delegations

(1) The Minister may, in writing, delegate his or her powers under this Scheme to an SES employee or an APS employee performing duties in the Department.

(2) The Secretary may, in writing, delegate his or her powers under subsection 6.1 (5) to an SES employee or an APS employee performing duties in the Department.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See http://www.frii.gov.au.