



Abstudy Supplement Regulations

Statutory Rules 1992 No. 454 as amended

made under the

Student and Youth Assistance Act 1973

This compilation was prepared on 25 March 2003
taking into account amendments up to 1998 No. 179

Prepared by the Office of Legislative Drafting,
Attorney-General's Department, Canberra

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1 Citation [see Note 1]

These Regulations may be cited as the ABSTUDY Supplement Regulations.

2 Commencement

These Regulations commence on 1 January 1993.

3 Interpretation

In these Regulations, unless the contrary intention appears:

ABSTUDY means benefits under the ABSTUDY scheme (also known as the Aboriginal Study Assistance Scheme).

Act means the *Student Assistance Act 1973*.

adjusted parental income means the parental income worked out in accordance with the parental income test under the ABSTUDY scheme.

category 1 student means a student who, in a year, qualifies, or apart from Part 4A of the Act would qualify, for a prescribed benefit under the ABSTUDY scheme for the year or a part of the year.

category 2 student means a student:

- (a) in relation to whom, in a year, adjusted parental income is less than the amount prescribed by regulation 7; and
- (b) who would, except for the parental income test applicable under the ABSTUDY scheme, qualify for a prescribed benefit under the ABSTUDY scheme for the year, or a part of the year.

grant eligibility period means:

- (a) in relation to a category 1 student — the period in a year during which a living allowance or pensioner education supplement is payable;
- (b) in relation to a category 2 student — the period in a year during which:
 - (i) a living allowance or pensioner education supplement would be payable if the student were not

disqualified from receiving the benefit only because of his or her parents' adjusted parental income; and

- (ii) his or her parents' adjusted parental income is lower than the amount prescribed under regulation 7.

living allowance means living allowance under the ABSTUDY scheme.

pensioner education supplement means pensioner education supplement under the ABSTUDY scheme.

short course means a course that lasts for 30 weeks (including vacations) or less.

supplement eligibility period means:

- (a) in relation to a category 2 student who is not undertaking or proposing to undertake a short course — the period worked out in accordance with regulations 12 and 14; or
- (b) in relation to a category 2 student undertaking or proposing to undertake a short course — the period worked out in accordance with regulations 13 and 14.

4 Definition of office

For the purposes of section 3 (1) of the Act, ***office*** means a branch office and does not include an agency or administrative office.

5 Prescribed courses

- (1) For the purposes of paragraph 12C (1) (a) of the Act, a course or a part of a course that has been approved as a tertiary course for the ABSTUDY scheme is prescribed in relation to ABSTUDY.

Note Section 12C of the Act sets out the circumstances in which a person is eligible for financial supplement.)

6 Prescribed benefits

For the purposes of Part 4A of the Act, each of the following benefits under the ABSTUDY scheme is declared to be a prescribed benefit:

- (a) living allowance;

- (b) pensioner education supplement.

7 Prescribed parental income

For the purposes of subparagraph 12C (1) (b) (ii) of the Act, the amount of \$54,785 is prescribed.

7A Prescribed parental income — years after 1997

- (1) Despite any other provision of these Regulations, the amount prescribed in regulation 7 is altered annually in accordance with this regulation.
- (2) In this regulation *indexable amount* means:
- (a) subject to paragraph (b), the amount set out in regulation 7; or
 - (b) if an amount set out in regulation 7 has previously been taken to be altered by substituting another amount — the last substituted amount.
- (3) After 1997, on 1 January of each year (in this regulation called *the relevant year*) the indexable amount is taken to be altered by substituting an amount worked out using the formula:

$$\text{previous indexable amount} \times \text{indexation factor}$$

where:

previous indexable amount means the indexable amount immediately before 1 January in the relevant year;

indexation factor means the number for the relevant year using the formula:

$$\frac{\text{index number for the June quarter in the later reference period}}{\text{index number for the June quarter in the earlier reference period.}}$$

earlier reference period means the year before the later reference period.

later reference period means the year before the relevant year.

- (3A) If an indexation factor worked out under subregulation (3) would end with a number greater than 4 if it were worked out to 4 decimal places, the factor is to be rounded up to the third decimal place.

- (3B) If an indexation factor worked out under subregulation (3) would end with a number of 4 or less than 4 if it were worked out to 4 decimal places, the factor is to be rounded down to the third decimal place.
- (4) If, apart from this subregulation, an amount altered under subregulation (3) would be an amount of dollars and cents, the amount is to be rounded to the nearest dollar and, if the amount to be rounded is 50 cents, rounded up.
- (5) If the Australian Statistician publishes an index number for a quarter in substitution for an index number previously published by the Australian Statistician for the quarter, the publication of the later index number must be disregarded for the purposes of this regulation.
- (6) However, if the Australian Statistician changes the reference base for the Consumer Price Index, then, for the purposes of this regulation after the change is made, regard must be had only to the index numbers published for the new reference base.

8 Minimum amount of financial supplement

For the purposes of subparagraph 12F (1) (b) (i) of the Act, \$500 is prescribed as the minimum amount of financial supplement that a student is eligible to obtain.

9 Maximum amount of financial supplement for category 1 students

- (1) For the purposes of subparagraph 12F (1) (b) (i) of the Act, the maximum amount of financial supplement that a category 1 student is eligible to obtain in relation to a grant eligibility period of 1 year is the lesser of:
 - (a) \$7,000; and
 - (b) the amount worked out using the formula in subregulation (3).
- (2) For the purposes of subparagraph 12F (1) (b) (i) of the Act, the maximum amount of financial supplement that a category 1 student is eligible to obtain in relation to a grant eligibility period of less than 1 year is the lesser of:

- (a) the amount worked out using the formula in subregulation (3); and
 - (b) the amount worked out using the formula in subregulation (4).
- (3) For the purposes of paragraphs (1) (b) and (2) (a), the formula is:

$$2 \times (\text{annual benefit} - \text{overpayment} - \text{actual benefit})$$

where:

annual benefit is the amount of a prescribed benefit to which the student would be entitled in relation to the grant eligibility period if no financial supplement were obtained by the student; and

overpayment is the amount (if any):

- (a) that is:
 - (i) a student assistance overpayment; or
 - (ii) a special educational assistance scheme overpayment; or
 - (iii) a prescribed educational scheme overpayment; or
 - (iv) a Social Security or Veterans' legislation overpayment; and
- (b) that has been paid, at any time, to, or in relation to, the student; and
- (c) in relation to which there is an unsatisfied liability to the Commonwealth; and
- (d) that the Secretary has determined is to be recovered from the student in the grant eligibility period; and

actual benefit is the amount (if any) of a prescribed benefit that has been paid to the student in relation to the grant eligibility period (except any amount that is, under subsection 7 (8) of the Act, taken never to have been paid to the student).

- (4) For the purposes of paragraph (2) (b), the formula is:

$$\$7,000 \times \frac{\text{number of days in the grant eligibility period}}{\text{number of days in the year}}$$

- (5) In this regulation, a reference to an amount that is:

- (a) the maximum amount of financial supplement to which a category 1 student is eligible; and
 - (b) an amount of dollars and cents;
- is a reference to that amount rounded up to the nearest whole dollar.

10 Maximum amount of financial supplement for category 2 students not in short courses

- (1) For the purposes of subparagraph 12F (1) (b) (i) of the Act, the maximum amount of financial supplement that a category 2 student who is not undertaking or proposing to undertake a short course is eligible to obtain in a year is prescribed as:
 - (a) if the supplement eligibility period is one year — \$2,000; or
 - (b) if the supplement eligibility period is less than one year — the amount worked out using the formula:

$$\$2,000 \times \frac{\text{number of days in the supplement eligibility period}}{\text{number of days in the year}}$$

- (2) In this regulation, a reference to an amount that is:
 - (a) the maximum amount of financial supplement to which a category 2 student is eligible; and
 - (b) an amount of dollars and cents;is a reference to that amount rounded up to the nearest whole dollar.

11 Maximum amount of financial supplement for category 2 students in short courses

- (1) For the purposes of subparagraph 12F (1) (b) (i) of the Act the maximum amount of financial supplement that a category 2 student who is undertaking or proposing to undertake a short course is eligible to obtain in a year is prescribed as the amount worked out using the formula:

$$\$2,000 \times \frac{\text{number of days in the supplement eligibility period}}{\text{number of days in the year}}$$

- (2) In this regulation, a reference to an amount that is:

- (a) the maximum amount of financial supplement to which a category 2 student is eligible; and
 - (b) an amount of dollars and cents;
- is a reference to that amount rounded up to the nearest whole dollar.

12 Supplement eligibility period — category 2 students not in short courses

- (1) This regulation applies to a category 2 student who is not undertaking, or proposing to undertake, a short course.
- (2) If the student lodges his or her application for financial supplement on or before 31 May the supplement eligibility period is the same as the grant eligibility period.
- (3) If the student lodges his or her application for financial supplement after 31 May but before 1 October the supplement eligibility period begins on 1 July or the day on which the grant eligibility period begins (whichever is later) and ends when the grant eligibility period ends.
- (4) If the student lodges his or her application for financial supplement on or after 1 October the supplement eligibility period begins on the day that the application is lodged or the day on which the grant eligibility period begins (whichever is later) and ends when the grant eligibility period ends.

13 Supplement eligibility period — category 2 students in short courses

- (1) This regulation applies to a category 2 student who is undertaking, or proposing to undertake, a short course.
- (2) If the student lodges his or her application for financial supplement within 4 weeks of being sent a notice referred to in paragraph 12F (1) (b) of the Act, the supplement eligibility period is the same as the grant eligibility period.
- (3) If the student lodges his or her application for financial supplement after 4 weeks of being sent a notice referred to in paragraph 12F (1) (b) of the Act, the supplement eligibility period begins on the day that the application is lodged or the

day on which the grant eligibility period begins (whichever is later) and ends when the grant eligibility period ends.

14 Supplement eligibility period and late lodgement of applications for financial supplement

If the supplement eligibility period is not the same as the grant eligibility period because the student has lodged the application for financial supplement after a particular date, then if:

- (a) the student has taken all reasonable steps to ensure that the application would be lodged by that date; and
- (b) the student is prevented from lodging the application by that date because of circumstances beyond his or her control; and
- (c) the student lodges the application as soon as practicable after that date;

the supplement eligibility period is taken to be the same as the grant eligibility period.

15 Maximum financial supplement — simultaneous courses

If a student undertakes or proposes to undertake more than 1 course during a period in a year, the maximum amount of financial supplement which the student can obtain for that period is the maximum amount calculated under regulation 9, 10 or 11 in relation to any one of those courses.

16 Time for payment of financial supplement

Financial supplement is to be paid fortnightly to an eligible student.

Table of Statutory Rules

Notes to the Abstudy Supplement Regulations**Note 1**

The Abstudy Supplement Regulations (in force under the *Student and Youth Assistance Act 1973*) as shown in this consolidation comprise Statutory Rules 1992 No. 454 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1992 No. 454	24 Dec 1992	1 Jan 1993	
1993 No. 365	23 Dec 1993	1 Jan 1994	—
1994 No. 444	30 Dec 1994	1 Jan 1995	—
1995 No. 394	12 Dec 1995	12 Dec 1995	R. 2
1996 No. 255	26 Nov 1996	26 Nov 1996	R. 2
1998 No. 179	30 June 1998	1 July 1998	—

Table of Amendments

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ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	am. 1998 No. 179
R. 3	am. 1995 No. 394; 1998 No. 179
R. 5	am. 1998 No. 179
R. 6	rs. 1995 No. 394 am. 1998 No. 179
R. 7	am. 1994 No. 444; 1995 No. 394; 1996 No. 255
R. 7A.....	ad. 1996 No. 255 am. 1998 No. 179
R. 9	am. 1993 No. 365; 1994 No. 444; 1995 No. 394
Rr. 10, 11	am. 1993 No. 365
R. 16	rep. 1993 No. 365 ad. 1994 No. 444
