



# **Military Rehabilitation and Compensation (Education and Training Scheme) Determination 2025**

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I, Matthew James Keogh, Minister for Veterans' Affairs, approve for the purposes of subsection 258(5) of the *Military Rehabilitation and Compensation Act 2004*, the determination by the Military Rehabilitation and Compensation Commission in the following instrument.

Dated 1 September 2025

Matthew James Keogh  
Minister for Veterans' Affairs

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The Military Rehabilitation and Compensation Commission makes the following determination.

Dated 19 June 2025

The Seal of the  
Military Rehabilitation and  
Compensation Commission  
was affixed to this instrument  
at the direction of:

Alison Frame  
  
President  
Repatriation Commission

Mark Brewer  
AM CSC and Bar  
Deputy President  
Repatriation Commission

Gwen Cherne  
  
Member

Kahlil Fegan  
DSC AM  
Member

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## Part 1—Preliminary

### 1.1 Name

- 1.1.1 This instrument is the *Military Rehabilitation and Compensation (Education and Training Scheme) Determination 2025*.

### 1.2 Commencement

- 1.2.1 This instrument commences on the day after the day it is registered.

### 1.3 Authority

- 1.3.1 This instrument is made under subsections 258(1) and (4) of the *Military Rehabilitation and Compensation Act 2004*.

### 1.4 Repeals

- 1.4.1 The *Military Rehabilitation and Compensation Act Education and Training Scheme 2004* is repealed.

### 1.5 Purpose

- 1.5.1 The purpose of this Scheme is to:
- (a) provide financial assistance;
  - (b) provide special assistance;
  - (c) provide student support services;
  - (d) arrange for guidance and counselling;
- for eligible children to help them achieve their full potential in education or career training.
- 1.5.2 The purpose is to be achieved by cooperation between the Commission, the eligible children and their parents, guardians or trustees.

### 1.6 Administration

- 1.6.1 The Commission is to administer this Scheme, including by deciding:
- (a) a person's eligibility for a benefit; and
  - (b) the level of a benefit for a person; and
  - (c) if a claim is required to be made for a benefit—the claim.
- 1.6.2 The Commission will monitor the operation and performance of the Scheme to ensure it has a positive impact on students.

### 1.7 Definitions

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) Commission;
  - (b) eligible young person.

- 1.7.1 In this instrument, unless the contrary intention appears:

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***ABSTUDY Scheme*** means the Australian Government program designed to rectify the educational disadvantages faced by Aboriginal and Torres Strait Islander people by improving educational outcomes to a level commensurate with the Australian population in general.

***Act*** means the *Military Rehabilitation and Compensation Act 2004*.

***appropriate person*** in relation to a student means:

- (a) a parent, guardian, trustee, or person approved by a parent, guardian or trustee; or
- (b) if none of the people mentioned in paragraph (a) who acted on behalf of the student is alive, willing, able, and suitable to act on the student's behalf—a person approved by the Commission.

***approved full-time tertiary or technical and further education course*** means:

- (a) a tertiary course that is an approved course of education or study under section 541B of the SSA; or
- (b) an apprenticeship undertaken by a new apprentice.

Note: A new apprentice includes a person who has a current Commonwealth registration number in relation to a full-time traineeship or trainee apprenticeship under the scheme known as New Apprenticeships.

***approved scholarship course*** means a course under section 592M of the SSA.

***assistance*** includes any of the following (however described) provided under this Scheme:

- (a) financial assistance;
- (b) student support services;
- (c) guidance and counselling.

***Commonwealth Accommodation Scholarship*** means a scholarship of that name provided for under the Commonwealth Scholarships Guidelines made for the purposes of Part 2-4 of the *Higher Education Support Act 2003*.

***Commonwealth Education Costs Scholarship*** means a scholarship of that name provided for under the Commonwealth Scholarships Guidelines made for the purposes of Part 2-4 of the *Higher Education Support Act 2003*.

***course not otherwise approved*** means a course that is not an approved course of education or study under Part 2.11 of the SSA.

Note 1: See section 8.1.3.

Note 2: Paragraph 541B(1)(c) and subsection 541B(5) of the SSA refer to approved courses.

***Department*** means the Department of Veterans' Affairs.

***disqualifying accommodation scholarship*** means:

- (a) a scholarship:
  - (i) provided for under Part 2-2A of the *Higher Education Support Act 2003* (Indigenous student assistance grants); and
  - (ii) specified under subsection 23(24) of the SSA for the purposes of subparagraph (a)(ii) of the definition of disqualifying accommodation scholarship in subsection 23(1) of that Act; or
- (b) a Commonwealth Accommodation Scholarship.

***disqualifying education costs scholarship*** means:

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- (a) a scholarship:
    - (i) provided for under Part 2-2A of the *Higher Education Support Act 2003* (Indigenous student assistance grants); and
    - (ii) specified under subsection 23(24) of the SSA for the purposes of subparagraph (a)(ii) of the definition of disqualifying education costs scholarship in subsection 23(1) of that Act; or
  - (b) a Commonwealth Education Costs Scholarship.

**eligible child** means a person described in section 2.1.1.

**family tax benefit** means a family tax benefit under the *A New Tax System (Family Assistance) Act 1999*.

**fare** means the amount of money a student must pay to use public or private transport to travel between the student's home and the student's place of study.

Note: See section 7.1.

**FTB child** means an FTB child within the meaning of the *A New Tax System (Family Assistance) Act 1999*.

**full-time**—a student undertakes a course on a **full-time** basis when:

- (a) if the course is of primary education or secondary education—the student has an average of 20 contact hours per week over the duration of the course; or
- (b) if the course is an approved full-time tertiary, technical and further education course or another course of tertiary study—
  - (i) the Commission is satisfied that, throughout the period the student undertakes the course, the student is undertaking full-time study for the purposes of subsection 541B(1) of the SSA; or
  - (ii) the student is deemed as undertaking full-time study under section 2.7.2.

Note: Paragraph 2.7.1(c) covers courses other than an approved full-time tertiary or technical and further education course.

**income support bonus** means the payment of that name in Part 5.

**income support bonus test day** means any of the following days:

- (a) 20 March in every calendar year, beginning on 20 March 2013;
- (b) 20 September in every calendar year, beginning on 20 September 2013.

**new apprentice**—see subsection 23(1) of the SSA.

Note: A new apprentice includes a person who has a current Commonwealth registration number in relation to a full-time traineeship or trainee apprenticeship under the scheme known as New Apprenticeships.

**payday** means the interval specified by the Commission under section 430 of the Act.

**primary education** means education provided at a school at any level:

- (a) beginning in the first year of compulsory schooling; and
- (b) ending in the sixth year of compulsory schooling.

**primary student** means a student undertaking primary education.

**relocation scholarship payment** means the payment of that name in section 8.3.

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**Repatriation Commission** means the body continued in existence under section 179 of the *Veterans' Entitlements Act 1986*.

**responsible Department** means the Department of State of the Commonwealth that is responsible for administering the *Student Assistance Act 1973* or the SSA.

**secondary education** means formal education at a school other than primary education.

**secondary student** means a student undertaking secondary education.

**Scheme** means the *Military Rehabilitation and Compensation (Education and Training Scheme) Determination 2025*.

**SSA** means the *Social Security Act 1991*.

Note: A reference to an Act includes the Act as in force from time to time (see section 10 of the *Acts Interpretation Act 1901*).

**student** means an eligible child in respect of whom assistance is provided under this Scheme.

**tertiary education** means formal education at a college or university.

**tertiary student** means a student who is undertaking tertiary education.

**VEA** means the *Veterans' Entitlements Act 1986*.

**Veterans' Children Education Scheme** or **VCES** means the Scheme determined under section 117 of the VEA.

**youth allowance** means an allowance of that name in Part 2.11 of the SSA.



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## Part 2—Eligibility conditions

### 2.1 Eligible child

- 2.1.1** In this Scheme, *eligible child* means an eligible young person as described in paragraph 258 of the Act, other than an eligible young person to whom Part 3 of the Act does not apply because of section 260 of the Act.

### 2.2 Claim for benefits

- 2.2.1** A claim for a benefit under the Scheme must be:
- (a) in writing; and
  - (b) in accordance with any form approved by the Repatriation Commission for a claim for a similar benefit under the VCES; and
  - (c) given to the Commission in accordance with section 323 of the Act.

Note: A claim is not needed for a referral to guidance and counselling, a student start-up scholarship payment or a relocation scholarship payment (see sections 6.1.2, 8.2.1 and 8.3.1).

### 2.3 Who may claim

- 2.3.1** A claim for benefits under the Scheme may be made by:
- (a) a member or former member, as described in paragraph 258(1)(a) of the Act, of whom the eligible child, in respect of whom the claim is made, is a dependant; or
  - (b) a dependant of the member or former member referred to in paragraph (a), if the dependant has attained the age of 16 years; or
  - (c) an eligible young person described in paragraph 258(1)(b) of the Act; or
  - (d) with the approval of the member or former member (in paragraph (a)), dependant (in paragraph (b)) or eligible young person (in paragraph (c))—another person on behalf of the member, former member, dependant or eligible young person; or
  - (e) if the member or former member (in paragraph (a)), dependant (in paragraph (b)) or eligible young person (in paragraph (c)) is unable to make the claim by reason of physical or mental incapacity—a person approved by the Commission; or
  - (f) on behalf of a dependant (in paragraph (b)) who has not attained 16 years of age—
    - (i) a parent or guardian of the dependant; or
    - (ii) another person approved by the parent or guardian of the dependant; or
    - (iii) if there is no parent or guardian of the dependant alive, or willing, or able to make application on behalf of the dependant or there is no other person approved by the parent or guardian of the dependant alive, or willing, or able to make application on behalf of the dependant—another person approved by the Commission.

### 2.4 Commencement of assistance under the Scheme

- 2.4.1** If a student is eligible for a benefit under this Scheme, the benefit is to be paid with effect from:
- (a) the date of commencement for the first year of compulsory schooling; or
  - (b) the first payday in January of the calendar year in which the claim is made for an eligible child; or
  - (c) the first payday after the student meets the eligibility requirements of the Scheme,

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whichever date is the later, providing that on that date, the student is under 25 years old, and subject to clearances for the purpose specified in section 2.9 with the responsible Departments for those students that are 16 years old or older.

Note: The Administrative Arrangements Order sets out Commonwealth Departments and the legislation they administer and can be viewed on the Federal Register of Legislation website.

## **2.5 Cessation of assistance under Scheme**

- 2.5.1** If the Commission is of the opinion that a primary or secondary student's progress is not satisfactory, it may decide that the student is to stop receiving benefits under the Scheme.
- 2.5.2** The Commission may decide that a tertiary student is to stop receiving benefits under the Scheme if:
- (a) the student is 16 years old or older; and
  - (b) the Commission is of the opinion that, had section 569H of the SSA applied to the student, the student would have failed to satisfy the progress rules in that section.
- 2.5.3** Benefits stopped under section 2.5.1 or 2.5.2 may be restored by the Commission if it is satisfied that the student has resumed satisfactory progress.

## **2.6 Place of study**

- 2.6.1** Subject to section 2.6.2 or unless the Commission considers the particular circumstances of an eligible child are exceptional, to be eligible for benefits under the Scheme an eligible child must:
- (a) be undertaking study within Australia; or
  - (b) have made an application, or have been accepted, to undertake study within Australia.
- 2.6.2** Subject to section 2.6.3, if an eligible child is eligible for an education allowance under Part 3 for secondary education (secondary student) or tertiary education (tertiary student), and the eligible child undertakes a course of study outside Australia, then for the period of the study:
- (a) if the eligible child is a secondary student—the eligible child is eligible for an education allowance at the rate under paragraph 3.8.1(c) for a secondary student who lives away from home; or
  - (b) if the eligible child is a tertiary student—the eligible child is eligible for an education allowance at the rate under section 3.8.3 for a tertiary student who lives away from home.
- 2.6.3** Payment of an education allowance under section 2.6.2 is subject to the following conditions:
- (a) the eligible child must not, in the Commission's opinion, have left Australia permanently; and
  - (b) the course of study outside Australia is part of a full-time course the eligible child has undertaken in Australia; and
  - (c) the allowance is payable only for the duration of the course the eligible child has undertaken in Australia.

Note: Rent assistance, where the student is outside Australia, is dealt with under section 7.5 and is limited to rent assistance for the student's premises in Australia and for a maximum period of 26 weeks.

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## 2.7 Course coverage

- 2.7.1** An eligible child may receive benefits under the Scheme if the eligible child is undertaking on a full-time basis:
- (a) a course of primary education or secondary education; or
  - (b) an approved full-time tertiary or technical and further education course; or
  - (c) a course of tertiary study that would not qualify the student for a youth allowance under Part 2.11 of the SSA, but which:
    - (i) the Commission considers essential for achievement of the eligible child's vocational aim; and
    - (ii) no other course of tertiary study that would qualify the eligible child for a youth allowance under Part 2.11 of the SSA is suitable or available.

**Note:** Section 2.7.2 permits the payment of benefits to students for part-time study in special circumstances.

- 2.7.2** Benefits may be provided to an eligible child for part-time study and such an eligible child shall be deemed for the purposes of the Scheme to be undertaking full-time study, where:
- (a) the Commission is satisfied that the amount of study that the eligible child must complete to finish a course constitutes less than one year full-time study; or
  - (b) through geographical isolation, the eligible child is unable to take advantage of full-time study facilities; or
  - (c) for health, economic or academic reasons, the eligible child has shown ability to undertake full-time studies but needs to study part-time temporarily.

## 2.8 Absences from study for primary and secondary students

- 2.8.1** Where a primary or secondary student ceases to participate in the normal activities of a course for more than fifteen days in any year without reasonable cause, the Commission may review the student's eligibility for continuing benefits under the Scheme and may suspend the payment of allowances.
- 2.8.2** Where the Commission is satisfied that absences referred to in section 2.8.1 are due to sickness or to reasons beyond the student's control, such absences may be disregarded.
- 2.8.3** Where the Commission is satisfied that absences referred to in section 2.8.1 are without reasonable cause and the student's progress has been affected, the Commission may decide that the education allowance, other benefits or both shall be suspended.
- 2.8.4** The Commission may decide that benefits withdrawn under section 2.8.3 be restored if it is satisfied that the student has resumed satisfactory progress.

## 2.9 Effect of other assistance on eligibility

- 2.9.1** An eligible child must not be paid a benefit under the Scheme if, apart from under the Scheme, the eligible child receives from the Commonwealth:
- (a) educational assistance; or
  - (b) an income support payment within the meaning of section 23 of the SSA.
- 2.9.2** However, an eligible child who receives the assistance or payment may be paid a benefit under the Scheme if the assistance or payment:
- (a) is provided (whether directly or indirectly) by the Department or the Commission; or

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- (b) is provided under a disqualifying accommodation scholarship, unless the benefit under the Scheme is a relocation scholarship payment; or
  - (c) is provided under a disqualifying education costs scholarship, unless the benefit under the Scheme is a student start-up scholarship payment; or
  - (d) is a payment received under a grant mentioned in the second column for item 15 of the table in subsection 41-10(1) of the *Higher Education Support Act 2003*, whether the eligible child receives the payment before, on or after the day this paragraph commences.

## **2.10 Allowances mutually exclusive**

- 2.10.1** If a student receives an education allowance under the Scheme, that student is, in the absence of a contrary intention, ineligible to receive any other education allowance under the Scheme.

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## **Part 3—Education allowances**

### **3.1 Purpose of education allowances**

- 3.1.1** The education allowances under the Scheme are paid as compensation and are designed to provide financial assistance towards the cost of an eligible child's education.

### **3.2 Allowances for primary education**

- 3.2.1** Eligible children who are enrolled in primary education are eligible for an annual education allowance.
- 3.2.2** The allowance shall be paid in full in respect of any initial part year.
- 3.2.3** The allowance must be paid to:
- (a) if a parent or guardian of the student is entitled to be paid family tax benefit because the student is an FTB child of the parent or guardian—the parent or guardian; or
  - (b) in any other case—a person approved by the Commission to receive the payment on the student's behalf.

### **3.3 Allowances for secondary and tertiary students living at home**

- 3.3.1** An education allowance for a secondary student or a tertiary student shall be payable fortnightly in advance, in respect of an eligible child living at home and undertaking education as approved by the Commission.
- 3.3.2** The allowance for a secondary student who is under 16 years old must be paid to:
- (a) if a parent or guardian of the student is entitled to be paid family tax benefit because the student is an FTB child of the parent or guardian—the parent or guardian; or
  - (b) in any other case—a person approved by the Commission to receive the payment on the student's behalf.
- 3.3.3** The allowance for a secondary student who is 16 years old or older must be paid to:
- (a) if a parent or guardian of the student is entitled to be paid family tax benefit because the student is an FTB child of the parent or guardian—the parent or guardian; or
  - (b) in any other case—a person approved by the Commission to receive the payment on the student's behalf.
- 3.3.4** A person who is to be paid an education allowance under section 3.3.3 may give written notice to the Commission:
- (a) requesting the Commission to pay the allowance to another person stated in the notice; or
  - (b) varying or revoking the request.
- 3.3.5** If notice is given under section 3.3.4, the Commission must give effect to the notice.
- 3.3.6** An education allowance for a tertiary student must be paid to the student.

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### 3.4 Living away from home allowance for secondary students

**3.4.1** Living away from home rates of education allowance may be paid in respect of a student undertaking full-time secondary education if the Commission is satisfied that additional expenses are incurred because the student is living away from home and:

- (a) educational facilities are not readily accessible from the student's place of residence; or
- (b) the student is enrolled in a special course approved for the payment of allowance under the Commonwealth Assistance for Isolated Children Scheme; or

Note: The Commonwealth Assistance for Isolated Children Scheme is a non-statutory scheme administered by that department of the *responsible Departments* that administers the *Student Assistance Act 1973*.

- (c) the student is physically or intellectually handicapped; or
- (d) the student requires specialised remedial tuition; or
- (e) the student is a member of an itinerant family; or
- (f) the academic needs of that student are not met by local secondary facilities; or
- (g) home conditions are detrimental to the student's educational progress.

**3.4.2** The allowance for the student must be paid to:

- (a) if an institution or individual is providing board to the student—the institution or individual; or
- (b) if paragraph (a) does not apply and a parent or guardian of the student is entitled to be paid the family tax benefit because the student is an FTB child of the parent or guardian—the parent or guardian; or
- (c) if both paragraphs (a) and (b) do not apply—a person approved by the Commission to receive the payment on the student's behalf.

**3.4.3** Also, if the Commission considers it inappropriate to pay the allowance to any of the people mentioned in paragraphs 3.4.2(a) and (b), the allowance must be paid to another person approved by the Commission to receive the payment on the student's behalf.

**3.4.4** Payment under section 3.4.2 may be made either in part or in full, and:

- (a) may be made to an institution a term in advance; or
- (b) may be made to an individual either a term in advance or fortnightly, as determined by the Commission.

**3.4.5** If only part of the allowance is paid to the institution or individual providing board to the student, the remaining part of the allowance must be paid to:

- (a) the parent or guardian mentioned in paragraph 3.4.2(b); or
- (b) in any other case—a person approved by the Commission to receive the payment on the student's behalf.

**3.4.6** A person who is to be paid an allowance under paragraph 3.4.2(a) or 3.4.5(a) may give written notice to the Commission:

- (a) requesting the Commission to pay the allowance to another person stated in the notice; or
- (b) varying or revoking the request.

**3.4.7** If notice is given under section 3.4.6, the Commission must give effect to the notice.

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### 3.5 Living away from home allowance for tertiary students

**3.5.1** Living away from home rates of education allowance may be paid to a tertiary student undertaking an approved full-time tertiary or technical and further education course, where the Commission is satisfied that additional expenses are incurred as a result of the student living away from home; and

- (a) educational facilities are not readily accessible from the student's place of residence; or
- (b) it is a compulsory requirement for the student undertaking an approved course to reside at a hall of residence; or
- (c) home conditions provide an inadequate study environment.

**3.5.2** Allowances paid under section 3.5.1 must be paid to the student.

### 3.6 Homeless student education allowance

**3.6.1** The Commission may grant an education allowance called the "homeless student education allowance" to an eligible child if the child:

- (a) is at least 15 years old; and
- (b) is undertaking a full-time course of education; and
- (c) is independent.

**3.6.2** For the purposes of paragraph 3.6.1(c), an eligible child is independent if the child would be independent for the purposes of a youth allowance.

Note: A *youth allowance* is defined in section 1.7. See also paragraph 543A(1)(b) and section 1067A of the SSA.

**3.6.3** If a student has been granted homeless student status under section 3.6.1, education allowance is to be paid at a rate equivalent to the maximum basic rate payable under point 1067G-B3 of the SSA in respect of a person who is independent.

**3.6.4** Fortnightly payment of the allowance under section 3.6.3 is to be made to the student, or to an appropriate person if the Commission considers it unlikely that the student would be capable of managing his or her own finances.

Note: 'appropriate person' is defined in section 1.7.1.

### 3.7 Part-time students

**3.7.1** Where a student, referred to in section 2.7.2, has been approved for benefits while undertaking part-time study, that student shall receive the full-time rate of education allowances.

### 3.8 Amount of education allowances and indexing

**3.8.1** The amount of allowance for:

- (a) primary students is \$307.90 (paid annually);
- (b) secondary students who are under 16 years old and living at home is \$62.80 (paid fortnightly);
- (c) secondary students who are under 16 years old and living away from home is \$521.30 (paid fortnightly);

and is to be indexed annually in accordance with section 3.8.2.

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- Note 1: The amount of education allowance for secondary students who are 16 years old or older is set under section 3.8.3.
- Note 2: The education allowances payable under paragraphs 3.8.1(a), (b), and (c) are the rates payable on 20 September 2023.
- Note 3: The education allowances payable under paragraphs 3.8.1(a), (b), and (c) are adjusted 12-monthly (see section 3.8.2) every 1 January.

**3.8.2** The allowances specified in section 3.8.1 are to be indexed annually in accordance with the procedure set out in section 1191(1)(table item 3A) of the SSA for the indexation of benefits under that Act except that the reference to ‘YA MBR’ in item 3A of the CPI Indexation Table in subsection 1191(1) is, for the purpose of the indexation of the relevant allowances under the Scheme, taken to be a reference to the relevant allowance specified in paragraph 3.8.1(a), (b) or (c).

**3.8.3** The fortnightly education allowances payable in respect of all students who are 16 years old or older must be paid at a rate equivalent to the maximum basic rate of youth allowance (as indexed annually) payable under Part 3.5 of the SSA.



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## Part 4—Energy supplement

### Division 1—Preliminary

#### 4.1 Definitions—Part 4

##### 4.1.1 In this Part:

***clean energy underlying payment*** means an education allowance under one of the following sections in Part 3:

- (a) section 3.3 (allowance for secondary or tertiary students living at home);
- (b) section 3.4 (allowance for secondary students living away from home);
- (c) section 3.5 (allowance for tertiary students living away from home);
- (d) section 3.6 (allowance for homeless students).

***energy supplement*** means energy supplement payable under section 4.3.1 for a clean energy underlying payment at a rate determined under or by reference to the clean energy underlying payment.

***MRCA wholly dependent partner payment*** means the compensation payable under Division 2 of Part 2 of Chapter 5 of the Act.

***quarterly energy supplement*** means the payment described in section 4.6.1.

***war widow(er) pension*** means a pension under Part II or IV of the VEA at a rate determined under or by reference to subsection 30(1) of the VEA.

### Division 2—Energy supplement

#### 4.2 Person to whom section 4.2.1 applies

##### 4.2.1 This section applies to a person for a day if:

- (a) the person receives for the day a clean energy underlying payment; and
- (b) the person's rate of the payment is greater than nil; and
- (c) the person is residing in Australia on the day; and
- (d) on the day the person either:
  - (i) is in Australia; or
  - (ii) is temporarily absent from Australia and has been so for a continuous period not exceeding 6 weeks.

Note: Section 4.6.2 (election to take quarterly energy supplement) may affect whether a person meets the conditions in paragraphs (a) and (b) of section 4.2.1.

#### 4.3 Energy supplement payable

##### 4.3.1 Subject to section 4.5.1 (multiple entitlement exclusion), if section 4.2.1 applies to a person, the Commonwealth is liable to pay the person for the day energy supplement for the person's clean energy underlying payment.

Note 1: The supplement is a payment separate from the clean energy underlying payment.

Note 2: Section 4.5.1 (multiple entitlement exclusion) may affect the person's entitlement to the energy supplement.

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## 4.4 Rate of energy supplement

- 4.4.1** The rate of energy supplement for a clean energy underlying payment is the rate worked out by:
- (a) working out 1.7% of the clean energy underlying payment on 1 January 2014; and
  - (b) rounding the result of paragraph (a) up or down to the nearest multiple of 10 cents (rounding up if that result is not a multiple of 10 cents but is a multiple of 5 cents).
- 4.4.2** An energy supplement is to be added to the rate of clean energy underlying payment of a person mentioned in section 4.2.1.
- 4.4.3** Section 4.4.2 does not apply if quarterly energy supplement is payable to a person to whom section 4.3.1 applies.

## 4.5 Multiple entitlement exclusion—energy supplement

- 4.5.1** Despite any provision of this Scheme, a person is not eligible to have an energy supplement for a clean energy underlying payment used to calculate the person's rate of clean energy underlying payment on a day if the person is also in receipt of a payment:
- (a) under the VEA—being a war-widow(er) pension; or
  - (b) under the Act—being a MRCA wholly dependent partner payment;
- where the pension or payment under the VEA or Act respectively, includes a component of energy supplement covering the same instalment period for the person's clean energy underlying payment.

## 4.6 Quarterly payment of energy supplement

- 4.6.1** A quarterly energy supplement is payable to a person for each day for which an election by the person under paragraph 4.6.2 is in force in relation to a clean energy underlying payment the person is receiving.
- Note: Section 4.5.1 (multiple entitlement exclusion) may affect the person's eligibility for quarterly energy supplement.
- 4.6.2** If section 4.3.1 applies to a person, the person may, in a manner or way approved by the Commission, make an election to receive the person's energy supplement as a quarterly payment.
- 4.6.3** An election ceases to be in force if the person ceases to receive a clean energy underlying payment.
- 4.6.4** The person may, in a manner or way approved by the Commission, revoke an election. A revocation takes effect as soon as practicable after it happens.

## 4.7 Rate of quarterly energy supplement

- 4.7.1** A person's daily rate of quarterly energy supplement, for a particular day, is  $\frac{1}{14}$  of the amount that, apart from section 4.6.1, would be the person's energy supplement for that day.

## 4.8 Payment of quarterly energy supplement

- 4.8.1** For section 4.8:

*supplement test day* means:

- 
- (a) 20 March; or
  - (b) 20 June; or
  - (c) 20 September; or
  - (d) 20 December.

***test period*** means the period:

- (a) starting on the most recent supplement test day before the current test day; and
- (b) ending on the day immediately before the current test day.

**4.8.2** A quarterly energy supplement is to be paid by instalments.

**4.8.3** An instalment of quarterly energy supplement is to be paid to a person as soon as is reasonably practicable on or after the first supplement test day (the current test day) that follows a day for which quarterly energy supplement is payable to the person.

**4.8.4** The amount of the instalment is worked out by:

- (a) working out the amount of the person's quarterly energy supplement for each day during the test period for which quarterly energy supplement is payable to the person; and
- (b) adding up the amounts resulting from paragraph (a).

**4.8.5** A claim is not required for a quarterly energy supplement.

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## **Part 5—Income support bonus**

### **5.1 Eligibility for income support bonus**

- 5.1.1** A person is eligible for an income support bonus on an income support bonus test day if:
- (a) the person has attained the age of 16 years and is receiving, in respect of that day, an education allowance under section 3.3, 3.4, 3.5 or 3.6 of the Scheme; or
  - (b) the person has not attained the age of 16 years but is receiving, in respect of that day, an education allowance under section 3.4, 3.5 or 3.6 of the Scheme; or
  - (c) the person has attained the age of 16 years and the person's eligibility for an education allowance under section 3.3, 3.4, 3.5 or 3.6 of the Scheme takes effect before the income support bonus test day and the person would have received the education allowance on the income support bonus test day if the person had been eligible for the allowance at that time; or
  - (d) the person has not attained the age of 16 years and the person's eligibility for an education allowance under section 3.4, 3.5 or 3.6 of the Scheme takes effect before the income support bonus test day and the person would have received the education allowance on the income support bonus test day if the person had been eligible for the allowance at that time.

Note: Paragraphs (c) and (d) cover the situation where an education allowance is backdated.

### **5.2 One income support bonus only in respect of an income support bonus test day**

- 5.2.1** A person cannot receive more than one payment of an income support bonus in respect of an income support bonus test day regardless of how many times the person is eligible for the bonus on that day.

### **5.3 Amount of income support bonus**

- 5.3.1** The amount of a person's income support bonus is the amount of \$105 on an income support bonus test day.

Note: The amount specified is indexed twice a year in line with CPI increases (see sections 5.4 and 5.5).

### **5.4 Income support bonus to be indexed or adjusted**

- 5.4.1** The income support bonus is to be indexed or adjusted as if it were the payment described as an "income support bonus" in item 71 of the table in section 1190 of the SSA, as in force immediately before 31 December 2016.

### **5.5 CPI indexation of income support bonus**

- 5.5.1** The income support bonus is indexed in accordance with sections 1192, 1193 and 1194 of the SSA as if it were the payment described as an "income support bonus" in item 43 of the table in subsection 1191(1) of the SSA.
- 5.5.2** The dollar amount mentioned in section 5.3.1 is replaced by the amount indexed in accordance with section 5.5.1 on 20 March and 20 September in every calendar year.
- 5.5.3** In section 5.5, a reference to the SSA is taken to be a reference to the SSA as in force immediately before 31 December 2016.

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## 5.6 No claim necessary

5.6.1 A claim is not required for an income support bonus.

## 5.7 Payment of income support bonus

5.7.1 The Commission must pay an income support bonus for a person who is eligible for the bonus (an *eligible student*) in a single lump sum:

- (a) on the day that the Commission considers to be the earliest day on which it is reasonably practicable for the bonus to be paid; and
- (b) in such manner as the Commission considers appropriate.

5.7.2 The bonus is to be paid to the person who is to be paid an education allowance on behalf of the student under Part 3.

5.7.3 However, if the education allowance is payable, under Part 3, to an institution or individual providing board to the student, the bonus is to be paid to the person to whom the education allowance for the student would be payable if payment to the institution or individual was not an option.

## 5.8 Debts arising in respect of income support bonus

5.8.1 If:

- (a) a person is paid an income support bonus; and
- (b) after the bonus is paid, a determination under the Scheme in relation to the person, at least so far as it relates to the income support bonus test day or to a period that includes that day, is or was (however described) changed, revoked, set aside, or superseded by another determination; and
- (c) the decision to change, revoke, set aside or supersede the determination is or was made for the reason, or for reasons including the reason, that the person knowingly made a false or misleading statement, or knowingly provided false information; and
- (d) had the event happened on or before the day the bonus was paid, the bonus would not have been paid;

the amount of the bonus is a debt due to the Commonwealth by the person.

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## **Part 6—Guidance and counselling**

- 6.1.1** The Commission may refer students and their families to community welfare, education, guidance and counselling services or other professionals where appropriate.
- 6.1.2** A claim is not required for a referral.
- 6.1.3** Guidance and counselling of beneficiaries of the Scheme and their families shall be:
- (a) in the case of a student under 18 years old—at the request of:
    - (i) the student; or
    - (ii) the student’s parent, guardian or trustee; or
    - (iii) the principal of the school, college or institution at which the student is enrolled;
  - (b) in any other case, at the request of the student; or
  - (c) in all cases at the discretion of the Commission.
- 6.1.4** The Commission will monitor the progress of students and seek expert advice from relevant education and health experts to understand the needs of the student.

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## Part 7—Other assistance

### 7.1 Fares allowance

- 7.1.1** Where the Commission has approved payment to a student of an education allowance under section 3.5.1, it may accept financial liability for a fare (or part thereof) paid, or to be paid, by the student for a journey between the student's home and place of study.

Note: A fare may be the cost of using private transport.

- 7.1.2** In making a decision under section 7.1.1 in respect of whether to accept liability for a fare, the Commission is to take into account Part 2.26 of the SSA as it relates to the circumstances in which fares allowance under that Act is payable and as it relates to the level of fares allowance payable in those circumstances.

Note: Under Part 2.26 of the SSA, a determination may be made to amend levels of fares allowance in that Act. The SSA as amended by any such determination would constitute the SSA as in force from time to time. Therefore, the Commission could lawfully consider those new levels of fares allowance as introduced by the determination.

### 7.2 Additional tuition

- 7.2.1** Where an education authority has established that a discrepancy exists between the student's intellectual potential and the student's actual academic achievement, the Commission may arrange for provision of additional tuition in respect of that student.

- 7.2.2** The Commission may approve payment for additional tuition arranged under section 7.2.1.

- 7.2.3** Request for additional tuition must be accompanied by an appropriate assessment, from a suitably qualified education authority, as to the value of the proposed tuition or the continuing need for such assistance.

### 7.3 Special assistance

- 7.3.1** Where the Commission considers that exceptional circumstances, beyond the control of the student, have hindered or will hinder a student's progress the Commission may approve payment of special assistance in respect of that student.

### 7.4 Rates for additional tuition and special assistance

- 7.4.1** The Commission shall determine from time to time the maximum value of additional tuition and special assistance which may be provided to a student in any year.

### 7.5 Rent assistance

- 7.5.1** Subject to section 7.5.2, a student who has been granted a homeless student education allowance or an education allowance at a 'living away from home' rate is entitled to the payment of rent assistance.

- 7.5.2** Rent assistance payable under the Scheme, whether to a student in or outside Australia, is only payable in the same circumstances that rent assistance would have been payable to the student under the SSA if the student had not been a student receiving benefits under the Scheme but had been a person receiving youth allowance under that Act.

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- Note 1 As at 1 April 2003, rent assistance must, among other things, be only for premises in Australia and the maximum period that rent assistance is payable, while a student is outside Australia, is 26 weeks.
- Note 2 In order to receive rent assistance for premises in Australia, while studying outside Australia, a student must also satisfy section 2.6.
- Note 3 If the rent assistance provisions of the SSA are amended then those amended provisions apply to rent assistance under the Scheme.



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## Part 8—Scholarships

### 8.1 Commission may create scholarships

- 8.1.1 The Commission may create scholarships from trust funds and may determine the duration and value of such scholarships.
- 8.1.2 A person must be an eligible child who is or has been an eligible student assisted under the Scheme in order to qualify for the grant of a scholarship.
- 8.1.3 A scholarship under section 8.1.1 of this Scheme may be awarded in a course not otherwise approved for the purpose of this Scheme.

### 8.2 Student start-up scholarship payment

- 8.2.1 The Commission may grant a student start-up scholarship payment to an eligible child who is qualified for one.
- 8.2.2 A claim is not required for a student start-up scholarship payment.
- 8.2.3 An eligible child is qualified for a student start-up scholarship payment if at a time (the *qualification time*):
  - (a) the person is eligible for an education allowance for a tertiary student under the Scheme, the allowance is payable to the person and the person is receiving it; and
  - (b) the person is receiving the education allowance because the person is undertaking an approved scholarship course; and
  - (c) the Commission is satisfied that in the period of 35 days starting immediately after the qualification time, the person proposes to start to undertake the course or to continue to undertake the course; and
  - (d) the Commission is satisfied that the person is not likely to receive the amount or value of a disqualifying education costs scholarship in the period of 6 months starting immediately after the qualification time.
- 8.2.4 A person is not qualified for a student start-up scholarship payment if one or more of the following circumstances apply to the person in the period of 6 months (or shorter period determined by the Commission) ending immediately before the person's qualification time:
  - (a) the person has qualified for a student start-up scholarship payment under the Scheme; or
  - (b) the person has qualified for a payment under the ABSTUDY Scheme known as an "ABSTUDY student start-up scholarship payment"; or
  - (c) the person has qualified for a payment known as a "student start-up scholarship payment" under the VCES; or
  - (d) the person has received the amount or value of a disqualifying education costs scholarship or the person was entitled to the amount or value of such a scholarship but has not received the full entitlement only because the scholarship was suspended.
- 8.2.5 For 8.2.4, the Commission may determine a period in relation to a person that is at least 2 months but less than 6 months if the Commission considers that the determination would enable the person to qualify for a student start-up scholarship payment on or near the day on which the approved scholarship course concerned started or starts.

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**8.2.6** For 8.2.5, the Commission must not make a determination if the effect of the determination would be to enable the person to receive more than 2 student start-up scholarship payments in a calendar year.

**8.2.7** The amount of a student start-up scholarship payment for which a person is qualified on or after 1 January 2012 is \$1,025 or the amount equal to the amount, including as indexed, under section 1061ZVBD of the SSA, whichever is higher.

### **8.3 Relocation scholarship payment**

**8.3.1** The Commission may grant a relocation scholarship payment to an eligible child who is qualified for one.

**8.3.2** A claim is not required for a relocation scholarship payment.

**8.3.3** An eligible child is qualified for a relocation scholarship payment if at a time (the *qualification time*):

- (a) the person is eligible for an education allowance (living away from home) or homeless allowance, for a tertiary student under the Scheme, the allowance is payable to the person and the person is receiving it; and
- (b) the person is receiving the education allowance (living away from home) or homeless allowance because the person is undertaking an approved scholarship course; and
- (c) the Commission is satisfied that in the period of 35 days starting immediately after the qualification time, the person proposes to start to undertake the course or to continue to undertake the course; and
- (d) the Commission is satisfied that the person is not likely to receive the amount or value of a disqualifying accommodation scholarship in the period of 12 months starting immediately after the qualification time.

**8.3.4** A person is not qualified for a relocation scholarship payment if one or more of the following circumstances apply to the person in the period of 12 months (or shorter period determined by the Commission) ending immediately before the person's qualification time:

- (a) the person has qualified for a relocation scholarship payment; or
- (b) the person has qualified for a payment under the ABSTUDY Scheme known as an "ABSTUDY relocation scholarship payment"; or
- (c) the person has qualified for a payment known as a "relocation scholarship payment" under Part 2.11B of the SSA; or
- (d) the person has qualified for a payment known as a "relocation scholarship payment" under the VCES; or
- (e) the person has received the amount or value of a disqualifying accommodation scholarship or the person was entitled to the amount or value of such a scholarship but has not received the full entitlement only because the scholarship was suspended.

**8.3.5** For 8.3.4, the Commission may determine a period in relation to a person that is at least 3 months but less than 12 months if the Commission considers that the determination would enable the person to qualify for a relocation scholarship payment on or near 1 January in a year.

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- 8.3.6** For 8.3.5, the Commission must not make a determination if the effect of the determination would be to enable the person to receive more than 2 relocation scholarship payments in a period of 2 successive calendar years.
- 8.3.7** The amount of a relocation scholarship payment to a person is \$4,000 (or the amount equal to the amount, including as indexed, under subsection 592L(1) of the SSA, whichever is higher) if the person has not received a student relocation payment (see section 8.3.11) before.
- 8.3.8** Section 8.3.7 does not apply if:
- (a) the person has, at any time before the calendar year containing the qualification time, undertaken full-time study in a course that, had the person undertaken it at the qualification time, would have been an approved scholarship course at that time; and
  - (b) at a time that was both while the person was undertaking that study and more than 6 months before the qualification time, the person either:
    - (i) was in receipt of a homeless student education allowance under the Scheme; or
    - (ii) did not receive a homeless student education allowance under the Scheme but received, under the Scheme, a living away from home allowance for a tertiary student.
- 8.3.9** The amount of a relocation scholarship payment to a person is \$1000 (or the amount equal to the amount, including as indexed, under subsection 592L(3) of the SSA, whichever is higher) if neither section 8.3.7 nor section 8.3.10 applies.
- 8.3.10** The amount of a relocation scholarship payment to a person is \$2,000 (or the amount equal to the amount, including as indexed, under subsection 592L(4) of the SSA, whichever is higher) if:
- (a) in 1 or more calendar years (the *prior years*) that precede the calendar year containing the qualification time, the person undertook full-time study in a course that, had the person undertaken it at the qualification time, would have been an approved scholarship course at that time; and
  - (b) in 1 or 2 (but no more) of the prior years:
    - (i) the person was, while undertaking such study, in receipt of a homeless student education allowance under the Scheme; or
    - (ii) the person, while undertaking such study, did not receive a homeless student education allowance under the Scheme but received, under the Scheme, a living away from home allowance for a tertiary student; or
    - (iii) the person received a student relocation payment (see section 8.3.11).
- 8.3.11** A student relocation payment means any of the following:
- (a) a relocation scholarship payment;
  - (b) a payment under the ABSTUDY Scheme known as an “ABSTUDY relocation scholarship payment”;
  - (c) a payment known as a relocation scholarship payment under Part 2.11B of the SSA;
  - (d) a payment known as a “relocation scholarship payment” under the VCES;
  - (e) the amount or value of a Commonwealth Accommodation Scholarship.
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## 8.4 Debts arising in respect of scholarship payments

### 8.4.1 If a person:

- (a) has received a student start-up scholarship payment or a relocation scholarship payment because the person is proposing to undertake an approved scholarship course; and
- (b) does not start to undertake full-time study in an approved scholarship course;

then:

- (c) the amount of the payment is a debt due to the Commonwealth; and
- (d) the debt is taken to have arisen when the person receives the payment.

However, this subsection does not apply if, in the Commission's opinion, the person does not start to undertake full-time study in an approved scholarship course because of exceptional circumstances beyond the person's control.

### 8.4.2 If a person:

- (a) has received a student start-up scholarship payment or a relocation scholarship payment because the person is proposing to undertake an approved scholarship course (the *qualifying course*); and
- (b) starts to undertake an approved scholarship course; and
- (c) is not undertaking full-time study in an approved scholarship course at the end of 35 days after the qualifying course commences;

then:

- (d) the amount of the payment is a debt due to the Commonwealth; and
- (e) the debt is taken to have arisen when the person received the payment.

### 8.4.3 If a person:

- (a) has received a student start-up scholarship payment or a relocation scholarship payment because the person is undertaking an approved scholarship course; and
- (b) is not undertaking full-time study in an approved scholarship course at the end of 35 days after qualifying for the payment;

then:

- (c) the amount of the payment is a debt due to the Commonwealth; and
- (d) the debt is taken to have arisen when the person received the payment.

**8.4.4** Sections 8.4.2 and 8.4.3 do not apply if, in the Commission's opinion, the person is not undertaking full-time study in an approved scholarship course because of exceptional circumstances beyond the person's control.

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## Part 9—Review of decisions

**9.1.1** The Commission must give written notice of a decision made under this Scheme (other than a decision under section 9.1.3) to:

- (a) if the decision relates to assistance for which a claim was made—the person who made the claim; or
- (b) in any other case:
  - (i) the student who is seeking or receiving the assistance; and
  - (ii) if the student is under 18 years old—all appropriate people in relation to the student.

Note: Section 16 of the *Administrative Review Tribunal Rules 2024* sets out the matters to which the Commission must have regard in giving notice about a decision under this section.

**9.1.2** A person to whom a notice is given under section 9.1.1 (the ***applicant***) may apply to the Commission for a review of the decision (the ***original decision***) not later than 3 months after the day the person receives the notice.

**9.1.3** If an application is made under section 9.1.2, the Commission must:

- (a) confirm the original decision; or
- (b) set aside the original decision and make a substitute decision.

**9.1.4** The Commission must review the original decision not later than:

- (a) 3 months after the day the application is made; or
- (b) if the applicant has agreed, in writing, to a later date—that date.

**9.1.5** If the Commission has delegated its power under section 9.1.3 to a person, the person must not review the original decision if the decision was made by the person as a delegate of the Commission.

**9.1.6** As soon as practicable after the Commission makes a decision under section 9.1.3, it must give the applicant written notice of the decision.

Note: Section 16 of the *Administrative Review Tribunal Rules 2024* sets out the matters to which the Commission must have regard in giving notice about a decision under this section.

**9.1.7** An application may be made to the Administrative Review Tribunal under the *Administrative Review Tribunal Act 2024* for review of a decision made under section 9.1.3.

Note: Generally, a person has 28 days from the day the person is given written notice of decision to apply for review by the Administrative Review Tribunal (see subsection 5(3) of the *Administrative Review Tribunal Rules 2024*).

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## Part 10—Transitional provisions

### 10.1 Definitions—Part 10

10.1.1 In this Part:

*new Scheme* means the *Military Rehabilitation and Compensation (Education and Training Scheme) Determination 2025*.

*old Scheme* means the *Military Rehabilitation and Compensation Act Education and Training Scheme 2004* as in force immediately before the remake day.

*remake day* means the day the new Scheme commences.

### 10.2 Operation of *Acts Interpretation Act 1901*, section 7

10.2.1 This Part applies in addition to section 7 of the *Acts Interpretation Act 1901*, as applied under paragraph 13(1)(a) of the *Legislation Act 2003*.

### 10.3 Transitional—eligibility for assistance

10.3.1 A person who is eligible for assistance (however described) under the old Scheme immediately before the remake day is taken to be eligible for the assistance under the new Scheme on the remake day.

10.3.2 However, section 10.3.1 does not make a person eligible for assistance at a level greater than that for which the person would have been eligible under the old Scheme, had the old Scheme not been repealed.

### 10.4 Transitional—claims not decided

10.4.1 Section 10.4.2 applies to a claim:

- (a) made under the old Scheme; but
- (b) that, immediately before the remake day, had not been decided under paragraph 8.1 of the old Scheme.

10.4.2 The claim is taken to have been made under the new Scheme on the remake day.

### 10.5 Transitional—review applied for but not decided

10.5.1 Section 10.5.2 applies if:

- (a) an application for review of a decision was made under paragraph 8.2.2 of the old Scheme; but
- (b) immediately before the remake day, the decision had not been reviewed under paragraph 8.2.4 of the old Scheme.

10.5.2 Part 9 of the new Scheme applies in relation to the application as if the application were made under the new Scheme on the day it was made.

### 10.6 Transitional—right to apply for review

10.6.1 Section 10.6.2 applies if:

- (a) a decision was made under paragraph 8.1 of the old Scheme; and

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- (b) immediately before the remake day, an application under paragraph 8.2.2 of the old Scheme had not been made.

**10.6.2** The student, parent, guardian or trustee to whom the decision relates may apply to the Commission for a review of the decision under section 9.1.2 of the new Scheme.

## **10.7 Transitional—Review by Tribunal**

**10.7.1** Section 10.7.2 applies if:

- (a) a decision was made under paragraph 8.2.5 of the old Scheme on a day (the *review day*); and
- (b) immediately before the remake day, an application for review of the decision, under paragraph 8.2.8 of the old Scheme, had not been made.

**10.7.2** An application may be made under section 9.1.7 of the new Scheme for review of the decision as if the decision were made under section 9.1.3 of the new Scheme on the review day.