



Student Start-up Loan Debts and ABSTUDY Student Start-up Loan Overpayments Determination 2016

Social Security Act 1991
Student Assistance Act 1973

I, CHRISTIAN PORTER, Minister for Social Services, acting under subsection 1223ABF(2) of the *Social Security Act 1991* and subsection 38A(2) of the *Student Assistance Act 1973*, make this Determination.

Dated: 11 February 2016

CHRISTIAN PORTER

Minister for Social Services

1 Name of determination

This Determination is the *Student Start-up Loan Debts and ABSTUDY Student Start-up Loan Overpayments Determination 2016*.

2 Commencement

This Determination commences on 1 July 2016.

3 Interpretation

In this Determination:

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

Student Assistance Act means the *Student Assistance Act 1973*.

4 Purpose

This Determination determines circumstances in which:

- (a) an amount of a student start-up loan is a debt due to the Commonwealth; and
- (b) an amount of an ABSTUDY student start-up loan is an ABSTUDY student start-up loan overpayment.

5 Debts in respect of student start-up loans

- (1) Subject to subsections (2) and (3), subsection 1223ABF(1) of the Social Security Act applies to a person if the person is not enrolled in an approved scholarship course at the end of 35 days after the later of:
 - (a) the person's qualification test day for a qualification period; and
 - (b) the person's course start day in a qualification period.
- (2) Subsection (1) does not apply if the person's qualification test day is:
 - (a) the day mentioned in paragraph 1061ZVBB(3)(a) of the Social Security Act and the person completes the relevant approved scholarship course in the period of 35 days that starts after that qualification test day; or
 - (b) the day mentioned in paragraph 1061ZVBB(3)(b) of the Social Security Act.
- (3) Subsection 1223ABF(1) of the Social Security Act applies to a person if:

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- (a) the person's qualification test day is the day mentioned in paragraph 1061ZVBB(3)(a) of the Social Security Act; and
 - (b) that qualification test day is less than 35 days before the person is expected to complete the relevant approved scholarship course; and
 - (c) the person is not enrolled in the relevant approved scholarship course on the day that course ends.

Note 1: For **approved scholarship course**, see section 592M of the Social Security Act.

Note 2: For **qualification test day**, see subsection 1061ZVBB(3) of the Social Security Act.

Note 3: For **qualification period**, see section 19AA of the Social Security Act.

6 ABSTUDY student start-up loan overpayments

- (1) Subject to subsections (2) and (3), subsection 38A(1) of the Student Assistance Act applies to a person if the person is not enrolled in an approved scholarship course at the end of 35 days after the later of:
 - (a) the person's qualification test day for a qualification period; and
 - (b) the person's course start day in a qualification period.
- (2) Subsection (1) does not apply if the person's qualification test day is:
 - (a) the day mentioned in paragraph 7C(2)(a) of the Student Assistance Act and the person completes the relevant approved scholarship course in the period of 35 days that starts after that qualification test day; or
 - (b) the day mentioned in paragraph 7C(2)(b) of the Student Assistance Act.
- (3) Subsection 38A(1) of the Student Assistance Act applies to a person if:
 - (a) the person's qualification test day is the day mentioned in paragraph 7C(2)(a) of the Student Assistance Act; and
 - (b) that qualification test day is less than 35 days before the person is expected to complete the relevant approved scholarship course; and
 - (c) the person is not enrolled in the relevant approved scholarship course on the day that course ends.

Note: For **approved scholarship course**, **qualification test day** and **qualification period**, see subsection 3(1) of the Student Assistance Act.