



Student Assistance Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 March 2021

David Hurley
Governor-General

By His Excellency's Command

Anne Ruston
Minister for Families and Social Services

Contents

Part 1—Preliminary	1
Division 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
Division 2—Definitions	2
5 Definitions	2
6 Meaning of <i>parent</i>	4
Part 2—Provision of tax file numbers	6
Division 1—Preliminary	6
7 Simplified outline	6
Division 2—ABSTUDY Scheme	7
8 Provision of tax file numbers for ABSTUDY Scheme	7
9 Provision of tax file numbers for ABSTUDY Scheme—determinations by Secretary	7
Division 3—Assistance for Isolated Children Scheme	9
10 Provision of tax file numbers for Assistance for Isolated Children Scheme	9
Part 3—Obligation to notify happening of certain events	10
Division 1—Preliminary	10
11 Simplified outline	10
Division 2—ABSTUDY Scheme	11
12 Prescribed events	11
13 Events relating to courses	11
14 Events relating to personal relationships.....	11
15 Meaning of <i>dependent child</i>	12
16 Events relating to place of residence etc.	12
17 Events relating to benefits etc.	13
18 Events relating to income for entitlement periods.....	14
19 Events relating to income for income years	14
20 Events relating to assets	15
21 Other events	15
Division 3—Assistance for Isolated Children Scheme	16
22 Prescribed events	16
23 Events relating to courses	16
24 Events relating to personal relationships.....	16
25 Events relating to place of residence etc.	17
26 Events relating to benefits etc.	17
27 Events relating to income.....	17
28 Other events	18
Division 4—Notifications must be given to Services Australia	20
29 Notifications must be given to Services Australia	20
Part 4—Application and transitional provisions	21
Division 1—Provisions relating to this instrument as originally made	21
30 Transitional provision—estimates and statements of income	21

Schedule 1—Repeals	22
<i>Student Assistance Regulations 2003</i>	22

Part 1—Preliminary

Division 1—Preliminary

1 Name

This instrument is the *Student Assistance Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Parts 1 and 2 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	5 March 2021
2. Parts 3 and 4	1 April 2021.	1 April 2021
3. Schedule 1	1 April 2021.	1 April 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Student Assistance Act 1973*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Section 5

Division 2—Definitions

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Australia;
- (b) current special educational assistance scheme;
- (c) education institution;
- (d) income year;
- (e) Secretary.

In this instrument:

ABSTUDY payee: see section 12.

ABSTUDY Pensioner Education Supplement qualifying payment means any of the payments, pensions or other benefits that, under the ABSTUDY Scheme, must be receivable in respect of a student in order for ABSTUDY Pensioner Education Supplement to also be receivable in respect of the student.

ABSTUDY Policy Manual means the document:

- (a) named ABSTUDY Policy Manual; and
- (b) published on the Department's website;

as existing from time to time.

Act means the *Student Assistance Act 1973*.

actual boarding charges has the same meaning as in the Assistance for Isolated Children Scheme Guidelines.

AIC payee: see section 22.

Note: AIC is short for the Assistance for Isolated Children Scheme.

approved course has the same meaning as in the Assistance for Isolated Children Scheme Guidelines.

approved institution has the same meaning as in the Assistance for Isolated Children Scheme Guidelines.

assets: see subsection 20(3).

Assistance for Isolated Children Scheme Guidelines means the document:

- (a) named Assistance for Isolated Children Scheme Guidelines; and
- (b) published on the Department's website;

as existing from time to time.

dependent child: see section 15.

dependent status: a person has **dependent status** if the person is considered to have a dependent status under the ABSTUDY Policy Manual.

enrols: a student **enrols** in a course that is offered by a school if the student enrolls at the school for the purposes of undertaking the course.

entitlement period has the same meaning as in the ABSTUDY Policy Manual.

first offered: a course is **first offered**, in relation to a student, on the latest of the following:

- (a) the day the student enrolls in the course;
- (b) if the course is run for a period in the calendar of an education institution (such as a term, semester or academic year)—the first day of that period;
- (c) otherwise—the first day on which the student could start the course.

illness separated couple: 2 persons are an **illness separated couple** if:

- (a) they are unable to live together in their home as a result of the illness or infirmity of either or both of them; and
- (b) because of that inability to live together, their living expenses are, or are likely to be, greater than they would otherwise be; and
- (c) that inability is likely to continue indefinitely.

income support payment has the meaning given by subsection 23(1) of the *Social Security Act 1991*.

independent status: a person has **independent status** if the person is considered to be independent for the purposes of ABSTUDY under the ABSTUDY Policy Manual.

Indigenous person means:

- (a) an Aboriginal person (within the meaning of the *Aboriginal and Torres Strait Islander Act 2005*); or
- (b) a Torres Strait Islander (within the meaning of that Act).

nearest appropriate state school has the meaning given by the Assistance for Isolated Children Scheme Guidelines.

new apprentice has the meaning given by subsection 23(1) of the *Social Security Act 1991*.

parent: see section 6.

partner: a person is the **partner** of another person if:

- (a) the person:
 - (i) is legally married to the other person; and
 - (ii) is not living separately and apart from the other person on a permanent or indefinite basis (unless they are an illness separated couple or a respite care couple); or
- (b) the person is the de facto partner (within the meaning of the *Acts Interpretation Act 1901*) of the other person.

permanent home: see subsection 16(2).

personal assets test limit has the same meaning as in the ABSTUDY Policy Manual.

principal family home has the same meaning as in the Assistance for Isolated Children Scheme Guidelines.

Section 6

program of assistance means:

- (a) a program approved under section 28A of the *Social Security Act 1991*; or
- (b) a program offered as part of the competitive employment training and placement services as defined by section 7 of the *Disability Services Act 1986*.

receivable: an amount is **receivable** in respect of a person (the **first person**) if any person (whether or not the first person) is receiving, or entitled to receive, the amount in respect of the first person.

rehabilitation program means:

- (a) a rehabilitation program under Part III of the *Disability Services Act 1986*; or
- (b) a follow-up program in relation to which a determination under section 31 of the *Social Security Act 1991* is in force.

relationship parent has the meaning given by subsection 5(25) of the *Social Security Act 1991*.

respite care couple: 2 persons are a **respite care couple** if:

- (a) one of the persons has entered approved respite care (within the meaning of subsection 4(9) of the *Social Security Act 1991*); and
- (b) the person who has entered the approved respite care has remained, or is likely to remain, in that care for at least 14 consecutive days.

second family home has the same meaning as in the Assistance for Isolated Children Scheme Guidelines.

student means a person in respect of whom an amount under a current special educational assistance scheme is receivable.

youth allowance means a payment under Part 2.11 of the *Social Security Act 1991*.

6 Meaning of parent

- (1) Subject to subsection (3), each of the following is a **parent** of a student in respect of whom an amount is receivable under the ABSTUDY Scheme:
 - (a) a natural, adoptive or relationship parent of the student with whom the student normally lives;
 - (b) a person (other than a partner of the student) on whom the student is wholly or substantially dependent;
 - (c) if there is no person to whom paragraph (a) or (b) applies—a natural, adoptive or relationship parent of the student with whom the student last lived.
- (2) Subject to subsection (3), each of the following is a **parent** of a student in respect of whom an amount is receivable under the Assistance for Isolated Children Scheme:
 - (a) a natural, adoptive or relationship parent of the student with whom the student normally lives;
 - (b) a legal guardian of the student;

- (c) any other adult:
 - (i) on whom the student is wholly or substantially dependent; and
 - (ii) who does not reside at a boarding institution.
- (3) If:
 - (a) under subsection (1) or (2), 2 or more persons would be parents of a student; and
 - (b) those persons are not all partners of each other;the **parent** of the student is:
 - (c) whichever of those persons has primary care responsibility for the student; or
 - (d) if 2 or more of those persons have primary care responsibility for the student and are not partners of each other—whichever of those persons is the parent of the student in accordance with:
 - (i) if an amount is receivable in respect of the student under the ABSTUDY Scheme—the ABSTUDY Policy Manual; or
 - (ii) if an amount is receivable in respect of the student under the Assistance for Isolated Children Scheme—the Assistance for Isolated Children Scheme Guidelines.

Partners of parents

- (4) If:
 - (a) a person is a parent of a student under subsections (1) to (3); and
 - (b) the person has a partner; and
 - (c) the student normally lives with the partner;the partner is also a **parent** of the student.

Part 2 Provision of tax file numbers

Division 1 Preliminary

Section 7

Part 2—Provision of tax file numbers

Division 1—Preliminary

7 Simplified outline

Under subsection 44A(1) of the Act, certain benefits are not payable in respect of a person unless the Secretary is given the person's tax file number.

However, under subsection 44A(4) of the Act, such a benefit may be paid in respect of a person in prescribed circumstances even though the person's tax file number has not been given to the Secretary.

This Part prescribes those circumstances in relation to the ABSTUDY Scheme and the Assistance for Isolated Children Scheme.

Division 2—ABSTUDY Scheme

8 Provision of tax file numbers for ABSTUDY Scheme

For the purposes of subsection 44A(4) of the Act, a benefit under the ABSTUDY Scheme may be paid in respect of a person, even though the person's tax file number has not been given to the Secretary, if:

- (a) the person is more than 80 years old; or
- (b) both of the following apply:
 - (i) the person lost all records of the person's tax file number because of flood or fire damage to the person's place of residence that occurred in the 6 month period ending on the day that a claim for the benefit is made;
 - (ii) the 6 month period beginning on the day that the damage occurred has not ended; or
- (c) subsection 202EA(1) of the *Income Tax Assessment Act 1936* (which provides that certain persons are not required under Part VA of that Act to make tax file number declarations or quote their tax file numbers) applies in relation to the person because the person receives, or expects to receive, a pension or benefit referred to in subsection 202EA(5) of that Act; or
- (d) a determination under subsection 9(1) is in force in relation to the person.

9 Provision of tax file numbers for ABSTUDY Scheme—determinations by Secretary

- (1) The Secretary may make a determination in relation to a person if the Secretary is satisfied that subsection (4) applies to the person.
- (2) The determination ceases to be in force at the end of the 28 day period beginning on the day that it is made.
- (3) However, the Secretary may vary the determination to extend the period the determination is in force if the Secretary is satisfied on the day of making the variation that subsection (4) still applies to the person. Each variation under this subsection may extend that period by a further period of up to 28 days.
- (4) This subsection applies to a person if:
 - (a) the person is less than 16 years old; or
 - (b) the person is attending a traditional ceremony; or
 - (c) a physical impairment, a psychiatric impairment, an intellectual impairment, or 2 or more of such impairments, of the person make the person, without taking into account any other factor:
 - (i) totally unable to work; and
 - (ii) unable to benefit from participation in a program of assistance or a rehabilitation program; or
 - (d) the person is permanently blind; or
 - (e) the person is living at a nursing home, aged care facility or psychiatric institution; or
 - (f) the person is homeless; or

Part 2 Provision of tax file numbers

Division 2 ABSTUDY Scheme

Section 9

- (g) the person is living in an area affected by a major disaster in respect of which a determination is in force under section 36 of the *Social Security Act 1991*; or
 - (h) both of the following apply:
 - (i) the person is outside Australia;
 - (ii) the person is not resident outside Australia.
- (5) Subsection (3) does not otherwise limit the application of subsection 33(3) of the *Acts Interpretation Act 1901* in relation to the determination.

Division 3—Assistance for Isolated Children Scheme

10 Provision of tax file numbers for Assistance for Isolated Children Scheme

For the purposes of subsection 44A(4) of the Act, a benefit under the Assistance for Isolated Children Scheme may be paid in respect of a person, even though the person's tax file number has not been given to the Secretary, in circumstances where the person is a student (within the ordinary meaning of that expression).

Part 3—Obligation to notify happening of certain events

Division 1—Preliminary

11 Simplified outline

Under section 48 of the Act, a person who is receiving, or entitled to receive, an amount under the following schemes must notify Services Australia with 14 days of the happening of a prescribed event:

- (a) the ABSTUDY Scheme;
- (b) the Assistance for Isolated Children Scheme.

This Part prescribes the events. The prescribed events relate to such matters as:

- (a) attendance at courses; and
- (b) parents, partners and dependent children; and
- (c) living arrangements; and
- (d) entitlement to other income support payments; and
- (e) income and assets.

Division 2—ABSTUDY Scheme

12 Prescribed events

For the purposes of subsection 48(1) of the Act, this Division prescribes events in relation to a person (the *ABSTUDY payee*) who is receiving, or is entitled to receive, an amount under the ABSTUDY Scheme:

- (a) in respect of a student; and
- (b) in relation to a course at an education institution.

13 Events relating to courses

The following events are prescribed:

- (a) if the student does not enrol in the course before the end of the enrolment period for the course—the enrolment period ends;
- (b) if the student:
 - (i) enrolls in the course; but
 - (ii) does not start the course before the end of the period of 3 weeks starting on the day the course is first offered in relation to the student; the period ends;
- (c) the student's enrolment in the course is cancelled (whether by the student or otherwise);
- (d) the student ceases to participate in the course without his or her enrolment being cancelled;
- (e) the student, without ceasing to participate in the course, ceases to be considered to be studying a full-time study-load under the ABSTUDY Policy Manual;
- (f) if a study-load concession is approved for the student under the ABSTUDY Policy Manual—the student ceases to be able to be considered to be a concessional study-load student under the ABSTUDY Policy Manual.

14 Events relating to personal relationships

- (1) The following events are prescribed if the ABSTUDY payee is the student and the student has independent status:
 - (a) a person becomes a partner of the student;
 - (b) a person ceases to be a partner of the student;
 - (c) the student becomes aware that a dependent child of the student is likely to be outside Australia for any period;
 - (d) a person ceases to be a dependent child of the student.
- (2) The following events are prescribed if the ABSTUDY payee is the student and the student has dependent status:
 - (a) the student becomes aware that a person has become a parent of the student;
 - (b) the student becomes aware that a person (other than the student) has ceased to be a dependent child of a parent of the student.

Section 15

- (3) The following events are prescribed if the ABSTUDY payee is a parent of the student:
- (a) another person becomes a parent of the student;
 - (b) a person (other than the student) ceases to be a dependent child of the ABSTUDY payee.

15 Meaning of *dependent child*

- (1) Subject to subsection (2), a person (the *first person*) is a *dependent child* of another person if:
- (a) the first person is wholly or substantially in the care of the other person; and
 - (b) the first person is less than 22; and
 - (c) an income support payment is not receivable in respect of the first person, other than youth allowance; and
 - (d) the first person does not have independent status.
- (2) Subsection (1) does not apply if:
- (a) the other person is the student; and
 - (b) ABSTUDY Pensioner Education Supplement is receivable in respect of the student; and
 - (c) the relevant ABSTUDY Pensioner Education Supplement qualifying payment is a pension or payment under the *Veterans' Entitlements Act 1986*.
- (3) If, at a particular time, paragraphs (2)(b) and (c) apply in relation to the student, a person is a *dependent child* of the student if:
- (a) the person is wholly or substantially in the care of the student; and
 - (b) the person is less than 22; and
 - (c) an income support payment is not receivable in respect of the person, other than youth allowance; and
 - (d) the person is not a partner of the student; and
 - (e) if the person is less than 16:
 - (i) the person is in full-time education; or
 - (ii) the person is not in receipt of income (within the meaning of the *Social Security Act 1991*); or
 - (iii) the person is in receipt of income and the rate of that income does not exceed the amount mentioned in subsection 5(3)(c) of that Act per week; and
 - (f) if the person is at least 16—the person meets the requirement of paragraph 5(4)(b) of the *Social Security Act 1991* at that time.

Note: Paragraph 5(4)(b) of the *Social Security Act 1991* is an income test.

16 Events relating to place of residence etc.

- (1) The following events are prescribed:
- (a) the student changes his or her place of residence;
 - (b) the student changes his or her permanent home;

- (c) if rent assistance under the ABSTUDY Scheme is receivable in respect of the ABSTUDY payee:
- (i) the student starts residing with another person; or
 - (ii) the student starts residing in government housing for which rent is payable;
- (d) if remote area allowance under the ABSTUDY Scheme is receivable in respect of the student—the ABSTUDY payee becomes aware that the student is likely to be absent from the student’s permanent home for a period of more than 8 weeks;
- (e) the ABSTUDY payee becomes aware that the student is likely to be outside Australia for any period.

(2) The following table defines the *permanent home* of the student.

Meaning of <i>permanent home</i>		
Item	Column 1 If ...	Column 2 the <i>permanent home</i> of the student is the place where ...
1	the student has dependent status	the parent, or all of the parents, of the student normally reside.
2	the student: (a) under the ABSTUDY Policy Manual, is considered to be in State Care; and (b) has a foster carer;	the foster carer normally resides.
3	no other item of this table applies	the student normally resides.

17 Events relating to benefits etc.

The following events are prescribed:

- (a) any of the following becomes receivable in respect of the student:
- (i) a benefit for education or vocational training paid by the Commonwealth, a Commonwealth authority, a State or Territory, or a State or Territory authority;
 - (ii) a pension or payment under the *Veterans’ Entitlements Act 1986*;
 - (iii) Living Away from Home Allowance under the program known as the Australian Apprenticeships Incentives Program;
 - (iv) a payment in relation to a claim for compensation for economic loss relating to personal injury;
 - (v) a payment from an amount of money paid in relation to a claim for compensation for economic loss relating to personal injury;
- (b) an ABSTUDY Pensioner Education Supplement qualifying payment ceases to be receivable in respect of the student and no other such payment is receivable in respect of the student;
- (c) the student becomes a new apprentice;
- (d) the student ceases to be a new apprentice.

Section 18

18 Events relating to income for entitlement periods

Scope

- (1) This section applies if:
 - (a) an estimate or statement of the amount of income (however defined or described) of a person has been given to Services Australia for purposes relating to the amount mentioned in section 12; and
 - (b) the person is:
 - (i) if the ABSTUDY payee is the student (whether or not the student has independent status)—the student; or
 - (ii) if the ABSTUDY payee is the student and the student has independent status—a partner of the student; or
 - (iii) if the ABSTUDY payee is a parent of the student, the student is at least 16 and living allowance under the ABSTUDY Scheme is receivable in respect of the student—the student; and
 - (c) the income is income for the entitlement period for the amount mentioned in section 12.
- (2) However, if more than one estimate or statement of the amount of income of the person for the entitlement period has been given to Services Australia for those purposes, this section applies only in relation to the latest estimate or statement.

Event

- (3) The event of the entitlement period ending is prescribed if the amount of income of the person for the period is greater than the estimated or stated amount.

19 Events relating to income for income years

Scope

- (1) This section applies if:
 - (a) an estimate or statement of the amount of income (however defined or described) of a parent of the student has been given to Services Australia for purposes relating to the amount mentioned in section 12; and
 - (b) the income is income for either of the following income years:
 - (i) the current tax year (within the meaning of the ABSTUDY Policy Manual) in relation to the amount mentioned in section 12;
 - (ii) the base tax year (within the meaning of the ABSTUDY Policy Manual) in relation to that amount.
- (2) However, if more than one estimate or statement of the amount of income of the parent for the income year has been given to Services Australia for those purposes, this section applies only in relation to the latest estimate or statement.

Events

- (3) If:
 - (a) the ABSTUDY payee is the student; and
 - (b) the student has dependent status;

the event of the ABSTUDY payee becoming aware that it is reasonably likely that the amount of income of the parent for the year exceeded, or will exceed, the estimated or stated amount by at least 25% is prescribed.

- (4) If:
- (a) the ABSTUDY payee is a parent of the student; and
 - (b) the income is the income of:
 - (i) the ABSTUDY payee; or
 - (ii) another parent of the student;

the event of the ABSTUDY payee becoming aware that it is reasonably likely that the amount of income of the ABSTUDY payee or of the other parent for the year exceeded, or will exceed, the estimated or stated amount by at least 25% is prescribed.

- (5) For the purposes of subsection (3) or (4), without limiting when the ABSTUDY payee is aware of something, the ABSTUDY payee is taken to be aware of something if he or she ought reasonably to know of it.

20 Events relating to assets

- (1) This section applies if the student has independent status.
- (2) The following events are prescribed:
 - (a) the student becomes aware that the value of his or her assets is greater than the relevant personal assets test limit;
 - (b) if the student has a partner—the student becomes aware that the combined value of the assets of the student and of the student’s partner is greater than the relevant personal assets test limit.
- (3) A person’s *assets* are anything that, under the ABSTUDY Policy Manual, are the person’s assets for the purposes of the Personal Assets Test.

21 Other events

- (1) The following events are prescribed:
 - (a) the student ceases to be an Australian citizen;
 - (b) the student ceases to be recognised as an Indigenous person;
 - (c) the student ceases employment;
 - (d) the student is taken into lawful custody.
- (2) The event of the student dying is prescribed if the ABSTUDY payee is a parent of the student.

Division 3—Assistance for Isolated Children Scheme

22 Prescribed events

For the purposes of subsection 48(1) of the Act, this Division prescribes events in relation to a person (the *AIC payee*) who is receiving, or is entitled to receive, an amount under the Assistance for Isolated Children Scheme:

- (a) in respect of a student; and
- (b) in relation to an approved course offered by an approved institution.

23 Events relating to courses

The following events are prescribed:

- (a) if the student does not enrol in the approved course before the end of the enrolment period for the course—the enrolment period ends;
- (b) if the student:
 - (i) enrolls in the approved course; but
 - (ii) does not start the approved course before the end of the period of 14 days starting on the day the course is first offered in relation to the student;the period ends;
- (c) if:
 - (i) the approved course is offered by a school; and
 - (ii) the amount mentioned in section 22 is a boarding allowance; and
 - (iii) the student does not start boarding at the school before the end of the period of 14 days starting on the day the approved course is first offered in relation to the student;the period ends;
- (d) the student's enrolment in the approved course is cancelled (whether by the student or otherwise);
- (e) the student ceases to participate in the approved course without his or her enrolment being cancelled;
- (f) if the amount mentioned in section 22 is a boarding allowance—there is a change in the actual boarding charges that are relevant to that amount.

24 Events relating to personal relationships

The following events are prescribed:

- (a) a person (other than the AIC payee) becomes a parent of the student under subsection 6(4);
- (b) the AIC payee ceases to be a parent of the student;
- (c) a person (other than the student) ceases to be a dependent child (within the meaning of the Assistance for Isolated Children Guidelines) of the AIC payee;
- (d) the student enters into foster care;
- (e) if the student is in foster care:

- (i) there is a change in the foster care arrangements that apply to the student; or
- (ii) the student ceases to be in foster care.

25 Events relating to place of residence etc.

The following events are prescribed:

- (a) the student changes his or her place of residence;
- (b) the student changes his or her principal family home;
- (c) a place becomes a second family home of the student;
- (d) a place ceases to be a second family home of the student;
- (e) the student:
 - (i) ceases to reside at the place of residence of a parent of the student; and
 - (ii) begins residing at the place of residence of another parent of the student;
- (f) if the approved course is offered by a school—the student ceases to board at the school;
- (g) the student ceases to reside at his or her second family home;
- (h) if the amount mentioned in section 22 is receivable because the student meets a rule relating to geographical isolation under the Assistance for Isolated Children Scheme Guidelines—the student ceases to meet that rule.

26 Events relating to benefits etc.

The following events are prescribed:

- (a) any of the following become receivable in respect of the student:
 - (i) a benefit for education or vocational training paid by the Commonwealth, a Commonwealth authority, a State or Territory, or a State or Territory authority;
 - (ii) an income support payment;
 - (iii) an amount under the ABSTUDY Scheme or the Assistance for Isolated Children Scheme;
- (b) if second home allowance is receivable in respect of the student under the Assistance for Isolated Children Scheme—rent assistance under the *Social Security Act 1991* becomes receivable in respect of the AIC payee.

27 Events relating to income

Scope

- (1) This section applies if:
 - (a) an estimate or statement of the amount of income (however defined or described) of the AIC payee, or a partner of the AIC payee, has been given to Services Australia for purposes relating to the amount mentioned in section 22; and
 - (b) the income is income for the either of the following income years:

Section 28

- (i) the current tax year (within the meaning of the Assistance for Isolated Children Scheme Guidelines) in relation to the amount mentioned in section 22;
 - (ii) the base tax year (within the meaning of the Assistance for Isolated Children Scheme Guidelines) in relation to that amount.
- (2) However, if more than one estimate or statement of the amount of income of the AIC payee or partner for the income year has been given to Services Australia for those purposes, this section applies only in relation to the latest estimate or statement.

Event

- (3) The event of the AIC payee becoming aware that it is reasonably likely that the amount of income of the AIC payee or partner for the income year exceeded, or will exceed, the estimated or stated amount by at least 25% is prescribed.

28 Other events

Events relating to student

- (1) The following events are prescribed:
- (a) the student begins a full-time apprenticeship or traineeship;
 - (b) there is a change in:
 - (i) the distance between the student's principal family home and the nearest appropriate state school by the shortest practicable route (measured in accordance with the Assistance for Isolated Children Scheme Guidelines); or
 - (ii) the distance between the student's principal family home and the nearest available transport service (within the meaning of the Assistance for Isolated Children Scheme Guidelines) to the nearest appropriate state school by the shortest practicable route;
 - (c) the student ceases to be an Australian citizen;
 - (d) the student ceases to be an Australian permanent resident under the *Migration Regulations 1994*;
 - (e) the student ceases to be the holder of a special category visa under the *Migration Act 1958*;
 - (f) the student ceases to be the holder of a special purpose visa under the *Migration Act 1958*;
 - (g) the student is taken into lawful custody;
 - (h) the student dies.

Events relating to AIC payee

- (2) The following events are prescribed:
- (a) the AIC payee ceases to be an Australian citizen;
 - (b) the AIC payee ceases to be an Australian permanent resident under the *Migration Regulations 1994*;
 - (c) the AIC payee ceases to be the holder of a special category visa under the *Migration Act 1958*;

- (d) the AIC payee ceases to be the holder of a special purpose visa under the *Migration Act 1958*;
- (e) the AIC payee is taken into lawful custody;
- (f) the AIC payee is admitted to a psychiatric facility (whether or not part of a hospital).

Part 3 Obligation to notify happening of certain events

Division 4 Notifications must be given to Services Australia

Section 29

Division 4—Notifications must be given to Services Australia

29 Notifications must be given to Services Australia

A person who is required under subsection 48(1) of the Act to notify the Department of the happening of an event must do so by notifying Services Australia of the happening of the event.

Part 4—Application and transitional provisions

Division 1—Provisions relating to this instrument as originally made

30 Transitional provision—estimates and statements of income

- (1) In this section:

Human Services Department has the same meaning as in the Act, as in force immediately before 1 February 2020.

- (2) For the purposes of Part 3 of this instrument, an estimate or statement of an amount of income (however defined or described) that was given to the Human Services Department before 1 February 2020 is taken to have been given to Services Australia.

Schedule 1—Repeals

Student Assistance Regulations 2003

1 The whole of the instrument

Repeal the instrument.