

## 3 Eligibility

### Table of Contents

---

3 Eligibility .....	3-1
3.1 Eligibility .....	2
3.2 Awards .....	17

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## 3.1 Eligibility

### Overview

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**Introduction** This chapter covers the criteria required for a student to be eligible for ABSTUDY assistance.

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**In this chapter** This chapter contains the following topics:

<b>Topic</b>	<b>See Page</b>
3.1.1 General Eligibility Criteria	3-3
3.1.2 Aboriginality or Torres Strait Islander	3-5
3.1.3 Introduction to Approved Study	3-9
3.1.4 Other Financial Assistance	3-10

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## 3.1.1 General Eligibility Criteria

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### 3.1.1.1 General eligibility criteria

The general ABSTUDY eligibility criteria are:

- the student is an Australian citizen;
- the student is an Australian Aboriginal or Torres Strait Islander person;
- the student is enrolled in an approved course; and
- the student is not receiving or will not receive any other government assistance to study.

**Note:** Enrolment must be for the current academic year.

**Different to Youth Allowance:** no residency requirements.

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### 3.1.1.2 Definition of Aboriginality or Torres Strait Islander

To be eligible for ABSTUDY assistance a student must be an Australian Aboriginal or Torres Strait Islander person in accordance with the ABSTUDY definition which requires that the student:

- be of Aboriginal or Torres Strait Islander descent; **and**
  - identify as an Aboriginal or Torres Strait Islander; **and**
  - be accepted as an Aboriginal or Torres Strait Islander person in the community in which s/he lives or did live.
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### 3.1.1.3 Approved study

A student must be studying:

- at an approved education institution; and
- in an approved course.

**See 4.1 for detailed explanation on approved and non approved courses.**

**Note:** For all awards other than Part-time Awards, Student in Lawful Custody Awards and Testing and Assessment Awards, the approved course must also be taken on a full-time basis, although there are workload concessions for certain groups of students (see 4.4.2).

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### 3.1.1 General Eligibility Criteria, Continued

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#### 3.1.1.4 Other financial assistance

Except for some pensioners, students are not eligible for ABSTUDY assistance if they receive other government assistance for education, training or study, whether paid directly to the student or as a wage subsidy to an employer (see 3.1.4).

If, however, a student receives income support to undertake full-time study in the nature of a wage, salary or Living Allowance from a **non-government** employer during the period of study, the financial support received is treated as income for income testing purposes (see 6.1.1).

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## 3.1.2 Aboriginality or Torres Strait Islander Eligibility

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**Introduction** To be considered as eligible for ABSTUDY assistance, applicants must first establish Aboriginality or Torres Strait Islander status.

This topic covers the establishment of Aboriginality or Torres Strait Islander status.

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**In this topic** This topic is divided into the following sections:

<b>Section</b>	<b>See Page</b>
3.1.2.1 Establishing Aboriginality or Torres Strait Islander	3-6
3.1.2.2 Aboriginality or Torres Strait Islander Evidence Requirements	3-7

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### **3.1.2.1 Establishing Aboriginality or Torres Strait Islander Status**

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#### **3.1.2.1.1 Declaration of Aboriginality or Torres Strait Islander status**

The Declaration on the claim form will normally be sufficient to assess a student as an Australian Aboriginal or Torres Strait Islander person.

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## 3.1.2.2 Aboriginality or Torres Strait Islander Evidence Requirements

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### 3.1.2.3.1 Evidence of Aboriginality or Torres Strait Islander status

Where uncertainty exists as to the Aboriginality or Torres Strait Islander status of the student, evidence will be required to establish that s/he is an Australian Aboriginal or Torres Strait Islander person in accordance with **all three parts** of the ABSTUDY definition (see 3.1.1.2 Definition of Aboriginality or Torres Strait Islander).

**Note:** The onus is on the applicant to establish Aboriginality or Torres Strait Islander.

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### 3.1.2.3.2 Acceptable evidence

The following documentation is acceptable as evidence in accordance with this definition:

#### **Aboriginal or Torres Strait Islander descent**

- Birth records or genealogies verified by a suitable authority as relevant to the student.

**Note:** Where records are not available, a letter signed by the Chairperson of an Aboriginal or Torres Strait Islander incorporated organisation may be accepted.

#### **Identification as an Aboriginal or Torres Strait Islander person**

- An affirmation should be signed by the student, declaring that s/he identifies as an Australian Aboriginal or Torres Strait Islander person.

#### **Acceptance as an Aboriginal or Torres Strait Islander person**

- Confirmation in writing with the Corporate Seal from the Chairperson of the Aboriginal or Torres Strait Islander incorporated organisation in a community in which the student lives or has previously lived.
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## 3.1.2.2 Aboriginality or Torres Strait Islander Evidence Requirements, continued

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### 3.1.2.4.5 Review of query cases

Outstanding Aboriginality or Torres Strait Islander query cases are to be reviewed within two months of the date of the initial advice. The review must determine whether:

- acceptable evidence has been provided and therefore Aboriginality or Torres Strait Islander can be established;
- acceptable evidence has not or cannot be provided and Aboriginality or Torres Strait Islander cannot be established; or
- an extension of up to one month is required for the applicant to obtain the acceptable evidence.

Applicants may remain in receipt of ABTSUDY for the duration of the investigation.

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### 3.1.2.4.6 Aboriginality or Torres Strait Islander status is established

If, at the conclusion of the review, a student's Aboriginality or Torres Strait Islander status is established:

- eligibility is confirmed and benefits continue uninterrupted, or benefits begin and back-payment is made; and
  - the applicant is advised in writing of the decision and of the effect on entitlements.
- 

### 3.1.2.4.7 If Aboriginality or Torres Strait Islander status is not established

If, at the conclusion of the review, a student's Aboriginality or Torres Strait Islander status is not established:

- eligibility is revoked;
  - application is made ineligible;
  - an overpayment is raised, if required;
  - the applicant is advised in writing of
    - the decision and the reason for the decision,
    - the effect on entitlement, including overpayment result, and
  - - reconsideration provisions...
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### 3.1.3 Introduction to Approved Study

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**Introduction** To be eligible for ABSTUDY assistance an applicant must be enrolled in, and undertaking, an approved course (see 4.1.1) at an approved education institution (see 4.2.1 for Schooling and 4.3.1 for Tertiary).

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**Study requirements** Part 4 of these Guidelines covers in detail the study requirements for ABSTUDY eligibility.

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### 3.1.4 Other Financial Assistance

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**Introduction** In general, students will not be eligible for ABSTUDY allowances if they are receiving financial assistance from another government department or authority, such as:

- other Commonwealth student assistance schemes, or
- Commonwealth or State/Territory government study assistance through training schemes, scholarships, bursaries, cadetships and similar assistance.

There are, however, some exceptions, such as students receiving pensions or non-employees receiving government funded scholarships. This topic covers the eligibility or ineligibility of students in receipt of one or more of these other sources of government financial assistance.

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**In this topic** This topic is divided into the following sections:

<b>Section</b>	<b>See Page</b>
3.1.4.1 Other Commonwealth Student Assistance Schemes	3-11
3.1.4.2 Other Government Assistance to Study	3-12
3.1.4.3 Other Income Support Schemes	3-16

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### 3.1.4.1 Other Commonwealth Student Assistance Schemes

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**3.1.4.1.1 Commonwealth schemes** There are several Commonwealth Government schemes that provide financial assistance for students who study approved courses.

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**3.1.4.1.2 Ineligibility** **DIFFERENT TO Youth Allowance/Austudy Payment**

Students are generally ineligible for ABSTUDY assistance if they receive another form of Commonwealth Government assistance to study, such as:

- Youth Allowance;
- Austudy payment;
- Assistance for Isolated Children (AIC);
- Veterans' Children Education Scheme (VCES); or
- Apprenticeships/Traineeships that are full time (excluding NAAP participants see 3.1.4.2.3); and
- Community Development Employment Projects (CDEP) for study or training.

One exception relates to students receiving Youth Allowance who may be eligible for ABSTUDY part-time entitlements (see 3.1.4.2.6).

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## 3.1.4.2 Other Government Assistance to Study

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### 3.1.4.2.1 Introduction

Several Commonwealth and State/Territory government schemes provide financial assistance for people to train, including assistance for formal study related to the training.

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### 3.1.4.2.2 Duplicate or similar benefits

Persons who are receiving training assistance for formal study or are assisted through a Commonwealth or State/Territory government wage subsidy to an employer, are ineligible for ABSTUDY. This includes training schemes, scholarships, bursaries, cadetships and any similar assistance.

**Note: Students may receive assistance through either ABSTUDY or the training programme, but not both.**

Full-time apprentices and trainees are not eligible for ABSTUDY assistance (see 3.1.4.2.4). This does not apply to students in receipt of Aboriginal School Based Traineeships (ASBTs). (see 4.2.2.1.4)

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### 3.1.4.2.3 New Apprenticeship s Access Programme

Full-time New Apprenticeships Access Programme participants are **not** excluded from ABSTUDY assistance, however, they are not eligible for Incidentals Allowance as participants are not required to meet any course fees or charges (see 4.1.3).

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### 3.1.4.2.4 Students who are full-time apprentices or trainees

A student cannot get ABSTUDY if s/he is:

- employed as an apprentice or trainee under a training agreement, regardless of whether or not the agreement is under the former award-based system or under the new apprenticeship arrangements; and
  - engaged in the apprenticeship or traineeship on a full-time basis, ie her/his hours of employment, including the training component, are not less than the usual hours of employment for a full-time apprenticeship or trainee in the industry or occupation involved.
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### 3.1.4.2 Other Government Assistance to Study, Continued

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**3.1.4.2.5  
Benefits not  
duplicated**

ABSTUDY may be payable where the student is undertaking additional studies not related to the course for which the student is receiving other government assistance to study. That is, if the studies are in a field unrelated to the field of the traineeship and are being pursued in addition to the studies required under the traineeship.

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### 3.1.4.2 Other Government Assistance to Study,, Continued

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#### 3.1.4.2.6 Date of ineligibility for ABSTUDY

Students receiving study assistance from Commonwealth or State/Territory governments are ineligible for ABSTUDY assistance, including Fares Allowance, from the date that assistance commences or an agreement is signed whichever is the earlier.

#### **Scholarships**

There are exceptions to this rule for some scholarships. Students holding State/Territory government scholarships can receive ABSTUDY provided they are not an employee of the government agency awarding the scholarship. This does not include periods for which the student is an employee for the purposes of work experience. The value of the scholarship will, however, be counted as income when assessing the student's Living Allowance entitlement. Tuition fees and HECS paid on a student's behalf direct to an education provider are not counted as income. If they are paid direct to the student however, they are counted as income.

**Note 1: Whilst the receipt of the scholarship will not preclude the scholarship holder from receiving some ABSTUDY benefits, all scholarship funds received by the scholarship holder will be considered as income for ABSTUDY purposes. This includes the Neville Bonner Scholarship, the Rural Australia Medical Undergraduate Scholarship, the Rotary Foundation Ambassadorial Scholarship and the Long Tan Bursary.**

**Note 2: This does not apply to secondary students awarded an approved independent boarding school scholarship (see 4.2.1.1) as outlined at 5.2.3.12.1.**

#### **CDEP**

There is also an exception for students receiving Community Development Employment Projects (CDEP) assistance for employment. Students may receive ABSTUDY Living Allowance and supplementary benefits whilst receiving CDEP if the CDEP payment is solely for employment and not for education and training. Full-time independent students in receipt of a CDEP wage for employment are income assessed for ABSTUDY eligibility.

#### **Part-time award**

Students may be eligible for ABSTUDY part-time entitlements if they are studying part-time and receiving a Family and Community Services (FaCS) income support payment such as Youth Allowance or Newstart Allowance.

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### 3.1.4.2 Other Government Assistance to Study, Continued

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**3.1.4.2.7  
Date of  
commencement  
of other  
government  
assistance**

The assistance should be taken as commencing at the point at which the student begins study under the programme or the date an agreement is signed, whichever is the earlier. For School Based Traineeships/Apprenticeships see 4.2.2.1.4.

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### 3.1.4.3 Other Income Support Schemes

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#### **3.1.4.3.1 Eligibility for other government income support**

A student who is receiving assistance under Commonwealth Government income support such as a social security pension or allowance may meet the eligibility criteria for some ABSTUDY assistance. The student may not, however, receive ABSTUDY Living Allowance and income support from another government source concurrently.

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#### **3.1.4.3.2 Transferring from FaCS payment to ABSTUDY**

See 7.3.5.6 to 7.3.5.12 for information about when ABSTUDY commences for clients transferring from a FaCS income support benefit or allowance.

Recipients of a FaCS benefit who are studying part-time may be eligible for the ABSTUDY Part-time Award.

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#### **3.1.4.3.3 Pensioner education supplement**

Pensioners studying full-time may retain their pension but are not entitled to ABSTUDY Living Allowance. They may, however, qualify for a Pensioner Education Supplement (see 7.6).

Some part-time pensioner students may also be eligible for the Pensioner Education Supplement if the workload concession applies (see 4.4.2.4).

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## 3.2 Awards

### Overview

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**Introduction** ABSTUDY awards relate to students' level of study and the entitlements and allowances for which students are eligible.

There are seven awards available to eligible ABSTUDY applicants. They are:

- Schooling A,
- Schooling B,
- Tertiary,
- Part-time,
- Testing and Assessment,
- Masters and Doctorate, and
- Student in Lawful Custody.

This topic covers the specific eligibility criteria needed to qualify for each award. It also lists the benefits that the applicant may be entitled to under that award.

For full details of the benefits to which a student is entitled, see Part 7 of these Guidelines.

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**In this chapter** This chapter contains the following topics:

Topic	See Page
3.2.1 Specific Eligibility Criteria	3-18
3.2.2 Table of Available Benefits Per Award	3-28

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## 3.2.1 Specific Eligibility Criteria

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### Eligibility

Students are eligible for an ABSTUDY award if they meet:

- the general ABSTUDY eligibility criteria (see 3.1.1.1); and
  - the eligibility criteria for the type of award for which they are applying.
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### In this topic

This topic is divided into the following sections:

<b>Section</b>	<b>See Page</b>
3.2.1.1 Schooling A Award	3-19
3.2.1.2 Schooling B Award	3-20
3.2.1.3 Tertiary Award	3-21
3.2.1.4 Part-time Award	3-22
3.2.1.5 Testing and Assessment Award	3-23
3.2.1.6 Masters and Doctorate Award	3-24
3.2.1.7 Student in Lawful Custody Award	3-26
3.2.1.8 Concurrent Awards	3-27

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## 3.2.1.1 Schooling A Award

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### 3.2.1.1.1 Eligibility

A student is eligible for a Schooling A Award if s/he meets the general ABSTUDY eligibility criteria (see 3.1.1) and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions (see 4.5), and:

- is 15 years or younger and is either living at home or is not approved for the living away from home or independent rates and is studying a full-time secondary course;
- or**
- is a full-time primary school student aged 14 years of age or more at 1 January in the year of study and is living at home.

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### 3.2.1.1.2 Benefits

A student approved for a Schooling A Award may be entitled to the following benefits:

- School Term Allowance;
  - School Fees Allowance; and
  - assistance with travel, meals and accommodation costs for distance education/correspondence students to attend residential schools.
-

## 3.2.1.2 Schooling B Award

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### 3.2.1.2.1 Eligibility

A student is eligible for a Schooling B Award if s/he meets the general ABSTUDY eligibility criteria (see 3.1.1) and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions (see 4.5), and:

- is 16 years of age or older and is undertaking an approved course of full-time primary studies, or full-time secondary studies;
- or**
- is under 16 years of age and has been approved for the away from home or independent rates of Living Allowance and Rent Assistance, Remote Area Allowance and Pharmaceutical Allowance, where applicable;
- or**
- is 15 years and in State Care.

Also see Chapter 4 for attendance requirements.

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### 3.2.1.2.2 Benefits

A student approved for a Schooling B Award may be entitled to one or more of the following benefits:

- Living Allowance;
- Pensioner Education Supplement;
- School Fees Allowance;
- Fares Allowance;
- Orientation and special purpose visits;
- Away-from-base assistance for distance education/correspondence students to attend residential schools;
- Incidentals Allowance (where student is 18 years or over at 1 January in the year of study);
- Under 16 Boarding Supplement;
- Rent Assistance;
- Remote Area Allowance;
- Pharmaceutical Allowance; and
- Additional Assistance

**Note:** Students who are turning 16 years old during the year may be entitled to School Term Allowance under the Schooling A Award paid on a *pro rata* basis up to their 16th birthday.

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### 3.2.1.3 Tertiary Award

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#### 3.2.1.3.1 Eligibility

A student is eligible for a Tertiary Award if s/he meets the general ABSTUDY eligibility (see 3.1.1), and:

- is studying a full-time post-secondary course;
  - has reached the minimum school leaving age as defined by the relevant State/Territory education authority (or has provided evidence that s/he has been granted exemption from the State/Territory education authority in order to attend a TAFE or another tertiary institution);
  - is studying a full-time workload;
  - is making satisfactory progress; and
  - lives in Australia while studying or is eligible for assistance under the Overseas Study provisions (see 4.5).
- 

#### 3.2.1.3.2 Benefits

A student approved for a Tertiary Award may be entitled to one or more of the following benefits:

- Living Allowance;
- Pensioner Education Supplement;
- Incidentals Allowance;
- Additional Incidentals Allowance;
- Fares Allowance;
- Rent Assistance;
- Remote Area Allowance;
- Pharmaceutical Allowance;
- Orientation and special purpose visits;
- Away-from-base assistance;
- Additional Assistance; and
- ABSTUDY Supplement.

See the Centrelink booklet 'A guide to Commonwealth Government payments' for current rates.

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## 3.2.1.4 Part-time Award

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### 3.2.1.4.1 Eligibility

A student is eligible for a Part-time Award if s/he meets the general ABSTUDY eligibility criteria (see 3.1.1), and lives in Australia while studying or is eligible for assistance under the Overseas Study provisions (see 4.5) and:

- is studying a post-secondary course; and
  - is not studying a full-time workload;
- or**
- is 18 years or older at 1 January in the year of study; and
  - is studying a secondary course; and
  - is not studying a full-time workload.
- 

### 3.2.1.4.2 Benefits

A student approved for a Part-time Award may be entitled to the following benefits:

- Incidentals Allowance (not including Additional Incidentals Allowance);
- Away-from-base assistance;
- Fares Allowance to attend Away-from-base activities.

**Note:** A tertiary student approved for the Part-time Award may be entitled to Living Allowance if s/he loses her/his income while attending an Away-from-base activity (see 7.10.3.3).

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## 3.2.1.5 Testing and Assessment Award

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### 3.2.1.5.1 Eligibility

A person is eligible for a Testing and Assessment Award if s/he meets the ABSTUDY general eligibility criteria (see 3.1.1), and:

- seeks to enrol in an approved tertiary course and is required to travel away from her/his normal place of residence to attend a selection test or an interview to determine suitability for, and acceptance into, the course, where such a test/interview is a normal requirement for admission to the course;
  - is unable to be assessed from previous study (see 7.10.4.3.); **and**
  - is not receiving or will not receive any other significant form of financial assistance for the test/interview.
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### 3.2.1.5.2 Limit of assistance

Applicants may be assisted to attend a maximum of two testing and assessment programmes in a year.

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### 3.2.1.5.3 Benefits

A student approved for Testing and Assessment Award may be entitled to the following benefits:

- Fares Allowance, and
  - Away-from-base assistance.
-

## 3.2.1.6 Masters and Doctorate Award

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### 3.2.1.6.1 Eligibility conditions

The allowances for the Masters and Doctorate Award are based on those which apply for the Australian Postgraduate Award (APA).

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### 3.2.1.6.2 Eligibility

A student is eligible for a Masters and Doctorate Award if s/he meets the general ABSTUDY eligibility criteria (see 3.1.1), and:

- is enrolled in an approved Masters degree or Doctorate (PhD) course; and
- lives in Australia while studying or is eligible for assistance under the Overseas Study provisions (see 4.5).

**Note:** Part-time Masters and Doctorate students are entitled to apply for an ABSTUDY Part-time Award.

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### 3.2.1.6.3 Approved course

An approved course is a full-time course for which a Masters or Doctorate degree is offered by an approved higher education institution.

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### 3.2.1.6.4 Non approved courses

Other postgraduate courses, such as the following, do **not** qualify for this Award:

- Masters qualifying course;
- Postgraduate Diploma, eg Diploma of Education; and
- Postgraduate Bachelor Degree, eg Bachelor of Letters.

Students in such courses may apply for benefits under the Tertiary Award or the Part-time Award.

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### 3.2.1.6 Masters and Doctorate Award, Continued

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#### 3.2.1.6.5 Benefits

A student approved for an ABSTUDY Masters and Doctorate Award may be entitled to:

- Living Allowance **or** Pensioner Education Supplement;
- Incidentals Allowance;
- Additional Incidentals Allowance;
- Thesis Allowance;
- Assistance to pay Higher Education Contribution Scheme (HECS) commitment **or** compulsory course fees;
- Relocation Allowance **or** Fares Allowance;
- Away-from-base assistance;
- Additional Assistance; and
- ABSTUDY Supplement.

See the Centrelink booklet 'A guide to Commonwealth Government payments' for current rates.

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## 3.2.1.7 Student in Lawful Custody Award

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### 3.2.1.7.1 Eligibility

A student is eligible for this award if s/he meets the general ABSTUDY eligibility criteria (see 3.1.1), and:

- is in lawful custody for a period of more than two weeks (see 5.7.1.1 for definition); and
  - is studying a suitably approved course (see 5.7.1.3).
- 

### 3.2.1.7.2 Benefits

A student approved for the Students in Lawful Custody Award may be entitled to the following benefits:

- Lawful Custody Allowance; and/or
  - Away-from-base assistance (where permission has been given by correctional institution for the student to attend).
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## 3.2.1.8 Concurrent Awards

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### 3.2.1.8.1 Number of awards that can be held

Under normal circumstances a student can hold only one Award at any one time. However, a student may hold two awards concurrently (apart from a Testing and Assessment Award) providing only one of the awards pays Living Allowance or the Pensioner Education Supplement. See 7.7.3.1.

See also Coherent Course Sequence, 4.4.2.1.

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### 3.2.1.8.2 Benefits

Benefits in respect of each Award are not affected by the concurrent award.

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### 3.2.1.8.3 Example 1

*A tertiary student who is studying two approved courses, each on a part-time basis, will be entitled to:*

- *Incidentals Allowance for each award according to the length of each course; and*
  - *Away-from-base entitlements for approved activities required for each course.*
- 

### 3.2.1.8.4 Example 2

*A 16 year old secondary student who is receiving Living Allowance under the Schooling B Award may also receive fares and Away-from-base entitlements under the Testing and Assessment Award to attend a selection test or interview required for admission to a tertiary course.*

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## 3.2.2 Table of Available Benefits Per Award

### 3.2.1.1 Benefits per award table

This table lists all the benefits that are available to eligible ABSTUDY students and to which award(s) they relate. It is designed to be used as a checklist to ensure that each applicant's entitlement has been fully assessed.

**Note:** This does not mean that every applicant who is eligible for the particular award is automatically entitled to all the benefits listed for that award.

### 3.2.1.2 Abbreviations

Awards are: A for Schooling A, B for Schooling B, T for Tertiary, P/t for Part-time, T/A for Travel Allowance, M/D for Masters and Doctorates and S/LC for Students in Lawful Custody.

Benefit	ABSTUDY Awards						
	A	B	T	P/t	T/A	M/D	S/LC
School Term Allowance	YES						
Living Allowance		YES	YES			YES	
Pensioner Education Supplement		YES	YES			YES	
School Fees Allowance	YES	YES					
Incidentals Allowance		YES	YES	YES		YES	
Additional Incidentals Allowance			YES			YES	
Lawful Custody Allowance							YES
Rent Assistance		YES	YES				
Fares Allowance	YES	YES	YES	YES	YES	YES	YES
Orientation and special purpose visits		YES	YES				
Residential schools	YES	YES	YES	YES		YES	YES
Other Away-from-base assistance			YES	YES	YES	YES	
Relocation Allowance						YES	
Thesis Allowance						YES	
Assistance to pay HECS commitment or compulsory course fees						YES	
Student Financial Supplement Scheme			YES			YES	