

**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE
BUDGET ESTIMATES 2009-10**

Outcome **4**

DEEWR Question No. EW0365_10

Senator Hanson-Young asked on 4 June 2009, EEWWR Hansard page 48.

Question

How is a 'need to live away from home' determined?

Senator Hanson-Young —Could you table that?

Ms Shannon—What I can do—

Senator Hanson-Young —Is that a protocol?

Ms Shannon—It comes, I think, from the Guide to the social security law. That is a public document. I will get the correct references and I can provide that information.

Senator Hanson-Young —That would be great.

Answer

An assessment of the 'need to live away from home' for Relocation Scholarship purposes will be based on the rules that currently apply to dependent students for the purpose of determining whether they are eligible for the 'away from home rate' of student income support payments such as Youth Allowance. The current rules are outlined in both the *Social Security Act 1991* and the Guide to the Social Security Law.

The following is an extract from the *Social Security Act 1991*:

“1067D. (1) A person is taken to be required to live away from home for the purposes of this Part if, and only if:

- (a) the person is not independent; and
- (b) the person does not live at the home of either or both his or her parents; and
- (c) the Secretary determines that:
 - (i) the person needs to live away from home for the purpose of education, training, searching for employment or doing anything else in preparation for getting employment; or
 - (ii) the likelihood of the person's getting employment will be significantly increased if the person lives away from home; or
 - (iii) the person needs to live away from home because the person is a new apprentice”

The Guide to the Social Security Law ('the Guide') provides policy guidance to Centrelink staff in administering this legislative provision. The following is an extract from the Guide:

“3.2.6.10 Qualification for Away from Home Rate of YA

Who CANNOT receive the away from home rate?

Not all young people living away from the parental home can qualify for the away from home rate. It is NOT sufficient for the young person to choose to live away from home, or for the parent to choose not to support the young person.

Note: A person's mere choice to live away from home would not entitle them to the away from home rate. However, they may meet the requirements if they can demonstrate a need to live away from home for the purposes of education or training, or because the likelihood of them getting employment will be significantly increased.”

The definition of 'Need to live away from home' is based on 'Reasonable distance'. The Guide states:

“For the purposes of determining whether a YA claimant is required to live away from home, a 'reasonable distance' refers to travel by public transport of up to 90 minutes each way from home or school. (1.1.R.30 Reasonable distance (YA)).”

The definition that applies to tertiary students is more flexible than applies to secondary students. It incorporates the concept of a person choosing their institution of study. The Guide states:

“3.2.6.20 Rules that Determine the Need to Live Away from Home for YA

Approval to live away from home - tertiary students

There are separate conditions that apply only to full-time tertiary students. They can be approved for the away from home rate if:

- travelling time is excessive (1.1.E.150), OR
- they choose to study at an institution away from the parental home, OR
- there is a compulsory requirement to reside at the institution while studying, OR
- they are undertaking part of their Australian approved course at an overseas institution.”

To establish a claim for an away from home rate of payment on the basis of 'excessive travelling time', the Guide states:

“1.E.150 Excessive travelling time (YA)

Definition

For the purposes of [YA](#), excessive travelling time is where the time it takes for the young person to travel by public transport from their parent's home to an approved activity ([1.1.A.190](#)), exceeds 90 minutes including walking and waiting times. Restrictions due to lack of, or deficiencies in public transport should also be taken into account.

Example: If the only available transport is by bus, with departure and arrival times too early and too late at 6.00am and 10.00pm.”