

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2006-2007 SUPPLEMENTARY BUDGET ESTIMATES HEARING

Outcome: 1 and 2

Output Group: 1.2 Assistance for individuals including those with special needs
2.5 Assistance for post-school students including those with special needs

DEST Question No. E708_07

Senator Wong provided in writing.

Question:

DEST Annual Report 2005-06 (p.167) details Federal and Supreme Court proceedings involving the Department. The first case listed concerns proceedings in the Federal Court from April 2005 regarding an appeal from an AAT decision that a student was entitled to the Youth Allowance during the time that he was enrolled at an overseas university. On 11 May 2006 a Federal Court judge found in favour of the student.

- a. What was at issue in the dispute with this student? Has DEST changed any of its policies or procedures arising from the outcome of the case?
- b. Has the eligibility of Australian students enrolled at overseas universities as part of a Student Exchange or Study Abroad programme been affected by the decision? If so, how?

Answer:

Federal Court case entitlement while studying overseas

- a. The course of study the student was undertaking at the higher education institution overseas did not form part of an approved exchange programme with the Australian higher education institution the student was attending in Australia. Therefore, the student did not qualify for Youth Allowance for the period of overseas study.

DEST has not changed any of its policies or procedures as a consequence of this case. This is a complex issue and requires further consideration as to whether there are broader implications.

- b. No. Students undertaking study programmes in overseas universities, which are approved by their Australian universities and form part of their Australian degrees, retain their existing eligibility for Youth Allowance, Austudy or ABSTUDY.