

# ABSTUDY Lawful Custody Allowance

Help with study costs for students and Australian Apprentices in custody

## What is Lawful Custody Allowance

Lawful Custody Allowance is an ABSTUDY payment. It helps Aboriginal and Torres Strait Islander people with study and training costs while in custody. We pay the allowance as a reimbursement.

People can be any age to get this payment. They can do a wide range of study and training, including Australian Apprenticeships.

Being in custody can mean in a correctional institution, remand centre or youth training centre.

## Who is eligible

Students or Australian Apprentices may be eligible for Lawful Custody Allowance if they're all of the following:

- Australian Aboriginal or Torres Strait Islander descent
- identify as an Australian Aboriginal or Torres Strait Islander
- accepted as an Australian Aboriginal or Torres Strait Islander in the community in which they live or did live
- an Australian citizen of any age
- in custody for more than two weeks
- not getting any other government assistance to study or to complete their Australian Apprenticeship
- enrolled in an approved full-time or part-time course, or undertaking a full-time Australian Apprenticeship.

## What are essential course costs

Lawful Custody Allowance helps pay for essential course costs of approved courses. Essential course costs are what the student or apprentice need to pay to do the course. These are usually costs which aren't covered by the education provider.

They can include:

- stationery, art supplies, horticultural supplies, resources, workbooks and textbooks
- photocopying costs, ink cartridges and paper for computer printers
- education institution fees like union or library fees
- compulsory equipment, where it is unreasonable for the institution to provide them
- approved daily travel expenses to and from the classes or training.

The education provider must approve essential course costs. This must be a senior representative of the relevant state or territory agency, or the head of the school or department.

## What items are not covered

Lawful Custody Allowance can't be used to pay for:

- tuition or course fees
- items education providers normally provide such as musical instruments, cameras, videos, sewing machines or computers.



## What are approved education providers

Approved education providers are:

- correctional services authorities providing courses for students in lawful custody
- secondary or primary schools
- TAFE or registered training organisations
- special schools
- higher education providers, like a university.

## What are approved courses

Approved courses are those that improve a person's potential to do more study or find work once released from custody. Approved courses include:

- general education courses
- special Indigenous courses
- secondary or primary school courses
- special school courses
- pre-vocational or vocational education and training courses
- courses preparing students for tertiary study
- TAFE, university, masters or doctorate courses.

## What course costs need pre-approval

Sometimes, we need to approve the essential course costs in advance. We'll need to pre-approve items where essential course costs are more than the maximum rate of ABSTUDY Incidentals Allowance. This is if annual costs are more than the amount of ABSTUDY Incidentals Allowance we pay for a 24 week to one year course.

## How much Lawful Custody Allowance we pay

We reimburse essential course costs. How much we reimburse depends on the student's essential course costs.

We pay Lawful Custody Allowance to one of the following:

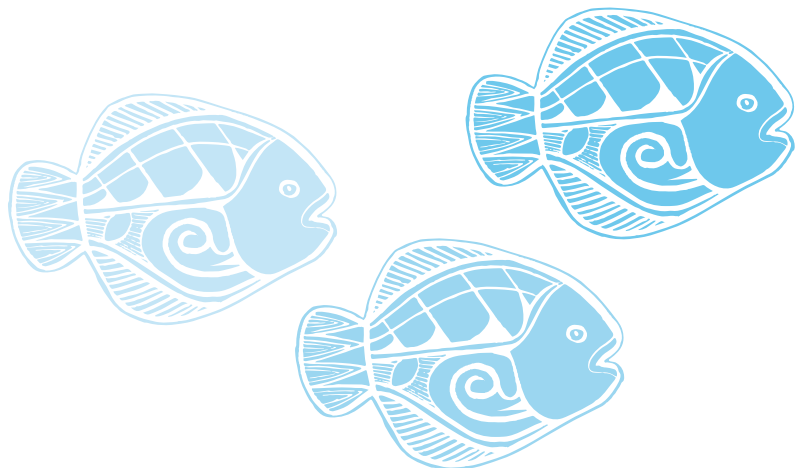
- correctional facility
- educational provider
- third party supplier of textbooks or materials.

We don't usually pay the allowance directly to students or apprentices unless the correctional facility supports this and confirms in writing.

We won't pay the allowance if an employer, scholarship, or government or non-government programme is already covering essential course costs.

## When you need to claim

To get the essential course costs reimbursed, you need to submit a claim on behalf of the student or apprentice. The deadline to send us the claim is 31 March in the year after study.



## How to claim

Complete the *Claim for ABSTUDY Student or Australian Apprentice in lawful custody (SY022)* form. The student or apprentice needs to sign the claim form. You can complete the rest of the form on their behalf, or they can complete it.

You can find the claim form on our website.

You need to give us the student's or apprentice's Tax File Number as part of the claim.

You can send the following documents with the claim or afterwards:

- proof of enrolment, unless they're studying a secondary course or higher education course at a university
- receipts or other proof of payment for items being claimed
- a completed Claim for reimbursement form (LAW RTO Form A) with an itemised list of essential course and equipment costs
- a statement from the head of the education provider certifying the costs are essential.

Send us the claim and supporting documents by email, post or fax.

Email to:  
**nbg.notifications@servicesaustralia.gov.au**

Post to:  
Services Australia  
Student Services  
Reply Paid 7804  
CANBERRA BC ACT 2610

Fax to: **132 115**

## Examples

Craig was in prison for 18 months. He took the general education courses his facility offered. Craig studied 3 short general education courses run by the correctional facility. His facility was reimbursed \$10 for each course which covered the costs of the photocopying and stationery.

Derek was in custody in a correctional facility for 9 months. The facility offered a horticulture program and Derek signed up. The facility claimed ABSTUDY Lawful Custody Allowance for the cost of the horticulture supplies, including potting mix and seeds. They were reimbursed \$55.

Toni was in a correctional facility for 2 years. She was interested in training to get a qualification that would help her find work later. The facility arranged for Toni to train with an external provider to get her forklift operator licence. Toni needed access to a forklift to pass her operator test. The facility applied in advance to Services Australia for this additional cost. We later reimbursed them \$250. We also reimbursed the facility for the cost of Toni's daily travel to do the training.

## More information

To find more information, including links to the forms you need to claim, go to **servicesaustralia.gov.au/abstudylawfulcustodyproviders**

If you have more questions, call us on the National Business Gateway on **131 158**. Select **6** for ABSTUDY

## DISCLAIMER

The information contained in this publication is intended only as a guide to payments and services.

This information is accurate as at July 2021.