



YOUNG PEOPLE WHO ARE UNABLE TO LIVE AT HOME AND YOUTH ALLOWANCE

It is very important to claim youth allowance as an independent person if you have left home because of family violence or other circumstances that put your physical or mental well-being at risk.

Independent Youth Allowance means a higher rate and no parental income test. This guide aims to help young people (and the people helping them) who feel that it is unreasonable for them to live with their parent(s).

Often the young person may need help to collect evidence or explain their case to Centrelink.

YOUTH ALLOWANCE AND INDEPENDENCE

YOUTH ALLOWANCE

Youth allowance is an income support payment which can be paid to students, apprentices or job seekers. You must be at least 16. If you are less than 16 and not supported by a parent or guardian you may be eligible for special benefit.

Youth allowance can be paid to students or apprentices up to 25 or job seekers up to 22 (when they will transfer to newstart allowance).

YOUTH ALLOWANCE AND INDEPENDENCE

When you claim youth allowance, Centrelink must assess whether you are dependent or independent. If Centrelink decides that you are “independent” you will be paid a higher rate of youth allowance and the parental income test won’t apply (so your parent’s income and assets won’t affect your payment).

You are automatically independent once you turn 22, but there are limited circumstances where you can be independent before then. One of those is **if it is unreasonable for you to live at home** with your parents. This factsheet explains what “unreasonable to live at home” means (you are not independent simply because you do not live with your parents).

For all of the other circumstances in which a person may be independent, the government has published official information at <http://guides.dss.gov.au/guide-social-security-law/3/2/5/10>

INDEPENDENCE BECAUSE IT IS UNREASONABLE FOR A YOUNG PERSON TO LIVE AT THEIR PARENT(S) HOME

UNREASONABLE TO LIVE AT HOME

There might be lots of reasons why you think it is unreasonable to live at home, but you will only be “independent” if the reason is because there is family violence or some serious risk to your well-being.

To be independent for this reason, you must be unable to live with your parent or guardian because:

- there has been extreme family breakdown or other exceptional circumstances; or



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- there is a serious risk to your physical or mental health due to violence, sexual abuse or other similar unreasonable circumstances; or
- your parent(s) are unable to provide you with a suitable home due to a lack of stable accommodation.

You must also show that:

- you are not receiving continuous support from a parent or guardian; and
- you are not receiving payments in the nature of income support on a continuous basis from the State or federal government.

STEP ONE: LODGE A CLAIM FOR A YOUTH ALLOWANCE AND CRISIS PAYMENT IN SOME CASES

You must lodge a claim for a payment with Centrelink before your independence can be assessed. Some young people are told, or believe, that they cannot be independent and do not claim. Not true. You have a right to lodge a claim.

You might also be eligible for crisis payment if you recently left home or a perpetrator of family violence has been excluded from the home. You must claim crisis payment within 7 days of deciding that you cannot return home or of the perpetrator being excluded from home.

If you ask to be treated as independent because it is unreasonable to live at home, Centrelink will normally arrange a face to face interview for you with a Centrelink social worker. They will also usually try to contact their parent(s), but should only do this if there is no risk to you. They should not contact the perpetrator of alleged abuse or violence. So if you are afraid of Centrelink contacting your parents, make sure you tell the Centrelink social worker.

Normally Centrelink will also want someone else to also verify why it is unreasonable for you to live at home (eg a police report or a school counsellor's report).

STEP TWO: COLLECT EVIDENCE FOR THE FAMILY CIRCUMSTANCES

Independent evidence about the reasons why you cannot live at home is very important in most cases. A youth worker, counsellor or Centrelink social worker may be able to help. You can also call a welfare rights centre/advocate for assistance.

Extreme family breakdown can relate to your parents, family members or any other person who lives in or regularly visits your home and can include:

- evidence relating to health problems contributing to the family breakdown (either your health or your family members);
- evidence of neglect; or
- evidence of violence, abuse or other similar circumstances

Evidence might come from a doctor, school counsellor, a refuge worker or a police report. If you don't have this evidence or you're having trouble getting it, ask Centrelink to request it directly. An example of a letter to a school counsellor is included.

Evidence from other people who know the situation (eg, other extended family) may also help.



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You will have to show that the conflict is more than just conflict between you and your parents about your parents' rules or expectations. Conflict over religious and cultural identity and values is generally regarded as insufficient under Centrelink policy. These are difficult cases and you should get help from the Welfare Rights Centre if this applies to you.

CONTINUOUS SUPPORT FROM A PARENT OR GUARDIAN

Centrelink policy says that any kind and level of support for a young person by a parent or guardian will mean the young person is not independent. For example, small amounts of cash or paying for university books at the start of semester.

We think this policy is incorrect and you can try asking the Social Security Appeals Tribunal not apply it. You should seek help from the Welfare Rights Centre in these cases.

You cannot be independent if you receive continuous support from a parent or a person acting as a guardian on a long term basis, but:

- The support must be regular and reliable to be “continuous” and you must have a reasonable expectation that it will be received. So if the support is not regular, or reliable, or if you received some support in the past, but it has not continued for some reason, make sure you tell Centrelink this and give them any evidence you can. For example, your bank statements may show payments going into your account from a parent for a few weeks before they stop.
- The support must be from a parent or a person acting as a long-term guardian. Helping you in a crisis doesn't necessarily make someone your long-term guardian. If you stayed with someone when you left home (eg a family friend, relative or a friend's parents) ask them to explain why they are helping you, and how long they are willing or are able to do so (eg they could write a short letter or talk to the Centrelink social worker).

If you have a long-term guardian, then the guardian may be eligible for payments for parents or carers such as parenting payment or family tax benefit.

APPEALING IF YOUR CLAIM IS UNSUCCESSFUL

You have a right to appeal to a Centrelink Authorised Review Officer if Centrelink decide that you are not independent. You must do this within 13 weeks of receiving the decision in writing to get maximum back-pay. A form you can fill in and give to Centrelink for your appeal is included with this self-help guide.

You can get advice about appealing from a welfare rights center/advocate.

If you do not agree with the Centrelink Authorised Review Officer's decision, you can appeal to an independent tribunal called the Social Security Appeals Tribunal (SSAT). You can lodge the appeal by phone or online. See <http://www.ssat.gov.au/>

You should lodge your appeal within 13 weeks to ensure you get maximum back-pay if successful.

You have further appeal rights to the Administrative Appeals Tribunal. If you wish to do this you must appeal to the



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AAT within 28 days of receiving the decision of the SSAT to be sure that your appeal will be accepted.

For more information on appealing see the factsheet **“Appeals – how to appeal against a Centrelink decision”**.

OTHER OPTIONS IF YOUR CLAIM IS UNSUCCESSFUL

Centrelink can still assess your claim for youth allowance if you are unsuccessful in showing you are independent. However, as they consider you are dependent, they need information about your parent(s) income and assets to process your claim.

In some cases, parents will not provide that information. This may support your claim to be independent, but you should also ask Centrelink to obtain the information directly from your parents. You should get advice from a welfare rights centre/advocate in these cases.

For young people studying at high school under 18, even if the evidence does not show that they are independent, it may show that their parents are not using the family tax benefit payments they receive for the young person's benefit. In this case, Centrelink should be asked to pay the young person youth allowance directly as a dependent. They will still be subject to the parental means test.

THIS FACTSHEET CONTAINS GENERAL INFORMATION ONLY. IT DOES NOT CONSTITUTE LEGAL ADVICE. IF YOU NEED LEGAL ADVICE PLEASE CONTACT YOUR LOCAL WELFARE RIGHTS CENTRE. YOU CAN FIND YOUR LOCAL WELFARE RIGHTS CENTRE AT WWW.WELFARERIGHTS.ORG.AU. WELFARE RIGHTS CENTRES ARE COMMUNITY LEGAL CENTRES, WHICH SPECIALISE IN SOCIAL SECURITY LAW, ADMINISTRATION AND POLICY. THEY ARE INDEPENDENT OF CENTRELINK. ALL ASSISTANCE IS FREE.

THIS FACTSHEET WAS UPDATED IN OCTOBER 2014

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[Date]

Dear Counsellor

Letter of support for _____

I have applied for youth allowance and asked Centrelink to pay me as an independent person because it is unreasonable for me to live at home. I need to provide evidence of my family situation, including any evidence of extreme family breakdown or a risk to my physical or mental well-being. Could you please write a short letter of support for me that explains:

- Your role and how long I have been seeing you;
- Your understanding of my family situation
- Any examples which you think show extreme family breakdown or a risk to my physical or mental well-being, please give as much detail as possible and explain how you became aware of them; and
- Any other evidence you are aware of that is relevant to my family situation.

Please address the letter “to whom it may concern”.

As I cannot afford to pay for this letter, I am very grateful for your time and assistance in this matter.

Yours sincerely

[signature and name]



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I want to appeal to an Authorised Review Officer

Date: _____

I am writing to request a review by an Authorised Review Officer. The decision I am appealing against and my reasons for appealing are set out below.

Yours sincerely,

My details

My name: _____ Date of birth: _____

Centrelink customer number: _____ Phone number: _____

I am appealing against the following decision:

The decision was made on the following date (if known):

I feel that the decision is wrong for the following reasons:

I think Centrelink has made an error (if applicable):



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**I think the Authorised Review Officer should take the special circumstances of my case into account.
These special circumstances are:**

I think the following evidence supports my request for a review:
