

Decision No. [2017] NZSAAA 03

Reference No. SAA 005/16

IN THE MATTER

of the Education Act 1989 and the
Student Allowances Regulations
1998

AND

IN THE MATTER

of an appeal by **XXXX** of Australia
against a decision of the Chief
Executive, Ministry of Social
Development

BEFORE THE STUDENT ALLOWANCE APPEAL AUTHORITY

Neil Cameron

HEARING on the papers

DECISION

The appeal is dismissed

REASONS

Overview

[1] This is an appeal against the decision of the Secretary on review to confirm the decision by StudyLink to decline the appellant's Student Allowance application for the first half of 2011 because the required evidence of her parents' income was received after the course end date.

The issue on appeal

[2] The only issue on appeal is whether there are "*special circumstances*" justifying an extension of the deadline for the submission of her parents' income details.

[3] In the Regulation 32(2) Report prepared for this appeal the Ministry argues that both StudyLink and the Secretary have, by focusing on the "*special circumstances*" issue, failed to address the logically prior question of whether the appellant's parental income was in fact under the relevant allowance threshold over the period in question. The Ministry concludes that it was not and that accordingly whether or not "*special circumstances*" exist the appeal must fail. This argument is misconceived. There is no question that, based on the definition of "*parental income*" applicable to courses commencing before the 1st January 2012 – which the appellant's clearly was – her parents' income was well below the allowance cut-off point. Accordingly, if she had provided the income data to StudyLink within the required timeframe, she would clearly have been eligible for an allowance. (See further at [17] below).

Factual background

[4] The appellant's parents live in Tauranga. In 2006 she appears to have moved out of the family home and in 2009 she commenced university study in Christchurch. When she commenced study, she was aware that she would not be eligible for a Student Allowance as her parents' joint income was well in excess of the allowance threshold. Accordingly, in 2009 and 2010 she relied on a Student Loan, verifying her parents approximate income with them either verbally or by email, and simply reporting their income as unchanged in her Loan application. In October 2010, despite her continuing belief that her parents' income was over the allowance threshold, she applied for an allowance for the first part of the 2011 academic year – ie up to the 20th July when she turned 24 and would no longer be subject to parental income-testing. It is a little unclear why she decided to do this, but it could well be that, as the Secretary surmised following the review hearing, it was “*out of what could be described as a sense of curiosity that there might be some criteria that she was not aware of that would exempt her from assessment based on her parents' income*”. StudyLink duly processed the application, contacting her a number of times in late 2010 and early 2011 seeking her parents' income for the 2010/2011 tax year and telling her that it had to be received by the end of her course (ie by the end of July) if her application were to proceed. In mid-July she phoned StudyLink to say that she would not be completing her application and would instead reapply as from the end of the month when she turned 24. When the required information was not received by the end of July deadline her application was duly closed as incomplete. Subsequently she was approved an allowance for the rest of the year as from the 21st July – the date on which she turned 24.

[5] In fact, after 2009 her parent's income had reduced drastically – essentially as a result of the downturn in the property market in Auckland in which they were heavily involved. Indeed, after the deduction of business losses her father's taxable income in 2010 and 2011 reduced to nil. In April 2012 she became aware of this, and on the 23rd she contacted StudyLink about her application for the first part of 2011 saying that she was now in a position to provide the required income information. She was told that the application had been closed but that she could apply for a Review of the decision to close it if she wished to do so. Her address was confirmed over the phone and an application form was sent to her. On the 4th October she contacted StudyLink again and was again sent a review application form and told where she could download one online if she wanted to do it that way. No application was forthcoming. In early January 2013 she rang again and was once more advised to submit a review application together with a statement from her parents' accountant showing their income for the period in question. She was advised that once her review application and the statement of income had been processed she would be contacted with an outcome. No application or income data was received. In March 2013 she phoned StudyLink once more to ask where she could get a review application form. She was again informed where she could download it from the StudyLink website. On the 17th September 2013 StudyLink finally received a Reassessment of Parents' Income application and evidence of her parents' income for the tax years 2008 – 2012.

[6] In early January 2014, even though no formal review application had been received, StudyLink notified her that one was underway. After further delays and a fairly extensive correspondence between the report writer and the appellant during which she made detailed submissions on the reasons why she had been unable to supply her parental income information earlier and supplied additional information about her situation in 2011 and 2012, a review hearing was held in early July 2016. Both the appellant and her parents attended the hearing and made further submissions. On the 15th July the Secretary confirmed the original decision to decline

her 2011 application as incomplete, finding that there were no “*special circumstances*” sufficient to justify an extension of the deadline. The appellant then appealed that decision to this Authority.

Relevant legislation and policy

[7] At the time of her application the appellant was single, aged under 24, and childless. Accordingly, under reg 4(1) of the Student Allowances Regulations 1998 she was only eligible for an allowance if her parents’ combined income was below the relevant threshold – which in 2011 was \$86,685.30 pa. For courses commencing before January 2012, “*income*” in this context was defined in reg 2 as simply “*taxable income*” and as such was to be “*determined by subtracting any available tax loss that the person has from their net income ...*” (see s BC(5) of the Income Tax Act 2007). On this basis her parents’ income for 2011, after the deduction of losses, amounted to just over \$61,000 – well under the allowance cut-off point.

[8] Where a student’s parental income is required to be assessed, reg 40(4) provides that applicants must provide the information “*before ... [the relevant] portion of the course ends*”. This general deadline is, however, subject to reg 4(6) which provides that StudyLink “*may extend the time allowed for a student to provide evidence of parental income ... if he or she is satisfied that in the particular case there are special circumstances warranting an extension of time.*” In this case the deadline for the provision of the required information was the end of July 2011 – which was the end of the portion of her 2011 course that the appellant’s application related to.

[9] StudyLink policy on “*special circumstances*” emphasises that the exception “*provides a discretion to make an entitlement decision based on the intent of the Regulation, the limitations of the wording of the Regulation, and the facts of the particular situation*”. In giving examples of “*special circumstances*” the policy instances the impact of any delay or misinformation on StudyLink’s part, whether there has been “*some personal crisis that has contributed to the delay*” of a medical, family or civil emergency nature; the existence of psychological, physical or intellectual impairment that may have contributed to the delay; and the existence of factors such as language barriers or, presumably, cultural differences that would justify a slower than usual response from the student. The policy also makes it clear that any suggested special circumstances must be such that “*the situation was beyond the student’s control*”.

The Secretary’s decision

[10] The Secretary’s decision is, with all due respect, admirably comprehensive, both in terms of the discretionary framework within which StudyLink’s decision needed to be made and the submissions made by the appellant. On the first of these, he emphasises the importance of adhering to the regulatory timetables built into the allowance approval process which are required in order “*to facilitate the timely resolution of entitlement and provide certainty and finality*”. He also stresses the limited ambit of the discretion provided by reg 4(6) which, while providing the necessary flexibility to enable StudyLink to accommodate the impact of “*external influences that temporarily prevent the person from meeting their requirements*”, does not permit the wholesale ignoring of the prescribed timeframe.

[11] In assessing the appellant’s arguments, both on the papers and at the hearing, the Secretary starts by emphasising that:

“My assessment of the Applicant is that she is articulate, credible and highly capable. When motivated by the desired outcome she has previously competently attended to all that is required of her. The requirement to provide parental income information and the deadline for providing that information was clearly communicated to the Applicant on several occasions. The Applicant does not dispute that they were aware of the requirements.”

He is clear that the basic reason why the information was not provided within the regulatory timeframe was the appellant’s genuine but unfounded belief that her parent’s income remained well over the allowance threshold:

“Having been studying for a number of years previously she had resigned herself to the fact that her parents’ income well exceeded the relevant thresholds. She was not aware of and contends that she had no reason to suspect that this position had altered in any significant way.”

While a number of external factors – such as the 2011 Christchurch earthquake and her estrangement from her parents – *“may have contributed to the delay in providing the information”*, the *“root cause”* remained this belief that their income exceeded the threshold *“and that obtaining and providing that information was an exercise in futility”*.

“There is no evidence that any of the factors raised would have altered the Applicant’s belief that her parent’s income precluded an entitlement to Student Allowance. The only event that would have changed this was her parent’s informing her of such. It is apparent that the relationship between the Applicant and her parents made this difficult but not impossible.”

[12] That being so, neither her beliefs nor the circumstances surrounding her failure to check and provide the correct income information were *“external influences that temporarily [prevented her] from meeting [the] requirements”* of the Regulations so as to amount to *“special circumstances”* justifying an extension of the deadline. Accordingly, he concludes that *“[w]hile I have sympathy for the position the Applicant now finds herself in I have no difficulty in reaching the same conclusion of the original decision-maker”*.

The basis for this appeal

[13] In her submissions, the appellant seeks to explain her belief that her parents’ income exceeded the income threshold and that accordingly there was no point in her pursuing the application further. When she started her university study her parents’ income was well over the allowance threshold and she was aware of this, as she had used that information in her annual Student Loan applications. In 2010 and 2011 she simply assumed that their income remained roughly the same and accordingly that, in the absence of any change in the allowance criteria, she would not be eligible for an allowance. In this context she says that from 2009 onwards (when she moved to Christchurch) her relationship with her parents deteriorated significantly, to the extent that communication with them was rare and was conducted largely by phone and email – *“I only spoke to them when I had to”*. It is also clear, both from her submissions and from her parents’ evidence, that her parents deliberately kept their worsening financial position from her in the hope of protecting her and her younger brother from the consequences of their situation. In these circumstances she says she had both a *“genuine lack of knowledge”* about the changes in her parents’ income and an ongoing lack of *“access to obtain the information”*.

[14] Secondly, she argues that even if she had thought it necessary to do so, she would not have been able to produce accurate figures for 2011 by the end of July deadline because, as self-employed provisional tax payers, her parents' 2011 taxable income would not be finalised until well into 2012. In this context she also queries the fairness of imposing an obligation on her to supply such information when it was not available to her, and she had no control over it, and criticises StudyLink for not offering alternatives "*such as requesting [my] parents contact details to obtain this information from Inland Revenue which they could have done*".

[15] At various stages in the correspondence between the appellant and StudyLink she mentions the impact of the Christchurch earthquakes on her study and also refers to two occasions on which she received medical treatment 2010. However, she does not attribute her lack of knowledge of her parents' income or any delay in submitting the required income evidence to StudyLink in 2011 to either of these matters. At the most she suggests that the disruption to her study caused by the February 2011 earthquake contributed to her placing her application "*on the back burner*" in the first part of the year and created difficulties in communicating with StudyLink in its immediate aftermath.

[16] In explaining the delay in seeking a review of the original decision and submitting the details of her parents' income once she became aware in April 2012 that she was in fact eligible for an allowance in the first part of 2011, she cites communication difficulties and disputes StudyLink's reliance on four phone conversations with her between April 2012 and September 2013 in which StudyLink says she was advised of the options open to her if she wished to challenge the 2011 decision. She says that the recorded "*timeline and details [of these calls] are incorrect*" and that she was essentially "*given the run-around*" by StudyLink and did not progress the matter because she was struggling "*to ascertain what was required from me in order to submit an application*".

The Ministry's Submissions

[17] Unfortunately, the Ministry's submissions largely fail to address the issue on appeal. The main argument advanced is that both StudyLink and the Secretary dealt with the matter on an incorrect ground, and that the real reason why she was ineligible for an allowance in 2011 was because her parents' income in that year was in fact still over the threshold and accordingly that the question of special circumstances justifying the delay in submitting the information is irrelevant. The Ministry takes this view because it assumes that the revised definition of "*parental income*" inserted in the Regulations in 2011 governs the case. Unfortunately, as both StudyLink and the Secretary clearly understood, it does not. The changes introduced in 2011 only apply to "*courses commencing on or after the 1st January 2012*". As the appellant's course commenced in February 2011, the definition of parental income applicable in her case was still simply their combined "*taxable income*" as defined by s BC(5) of the Income Tax Act 2007((ie their combined net income after "*subtracting any available tax loss that the person has*"). It is accordingly inarguable that in 2011 her father's income for allowance purposes was nil and accordingly that her parents' combined income was well within the allowance threshold.

[18] Insofar as the Ministry does in fact address the question of "*special circumstances*", it essentially only deals with the appellant's statement that she was

unaware of the drop in her parents' income and that this was the reason for the delay. On this the Ministry says

"The Ministry considers this to be a family decision and not a special circumstance where discretion could be applied. It is common for young students to have disagreements with their parents and choose to live separately or have limited conversation. That in itself is not a special circumstance which would allow the Chief Executive to consider the exercise of discretion. From the appellant's submissions it appears that either the appellant did not ask her parents for their income details or she thought the income was over the threshold and therefore did not ask them for the income details. There is nothing in the submission which indicates that her relationship had broken down with her parents to the extent that she could not get their income details."

[19] In addition, the Ministry states that the appellant gave as *"the reason for delay in submitting the documents"* *"her hospitalisation in December 2011 and that she attended psychological therapy during that period and multiple doctor's visits during November/December 2011"*. This is incorrect. The episodes in question took place at the end of 2010 and at no point in her submissions does the appellant link them with the late submission of her parents' income information. Indeed there is no basis on which she could have – in December 2010 and early 2011 she was completely unaware that their income had fallen drastically and continued to assume that if the allowance threshold remained where it was in 2009 and 2010 she could not possibly be eligible for an allowance. As she herself says at one point, her allowance application for the first part of 2011 was essentially just to check that that threshold had not changed.

[20] The Ministry also responds to the appellant's suggestion that one of the reasons why the matter was not progressed by her once she became aware of the situation in 2012 was because StudyLink did not understand the situation and did not provide her with the necessary information to enable her to do so. In the Ministry's view *"this is not relevant to the issue under appeal which relates to the submission of documents after the end date of her course"*.

Discussion

[21] Neither StudyLink nor the Secretary on review dispute that in the light of the income figures now available the appellant would have been entitled to a Student Allowance for the first half of 2011 if she had completed her application within the required timeframe. The Ministry's extensive argument to the contrary is entirely misconceived. There is also no doubt that if the appellant had contacted StudyLink either before or even reasonably rapidly after the expiry of the deadline in July 2011 and explained the difficulties she was facing, StudyLink would not only have extended the deadline but would have also informed her specifically of the ways in which she could satisfy the requirements of reg 4 in the absence of finalised returns for the 2010/2011 tax year. Unfortunately this did not happen. Instead, just over one week prior to the end of the portion of her course to which her application related, she advised StudyLink that she did not intend to pursue the matter any further and that she would wait until she turned 24 when she would no longer be parentally income-tested.

[22] It is also common ground that the appellant did not become aware of her parents' situation and of the drastic change in her father's pre-tax income since 2010 until the end of April 2012 when she told StudyLink that the information was now available and

asked how she should go about progressing her application. By that stage she was already eight months out of time and her application had long since been closed. Further delays then occurred and the required information was not actually received by StudyLink until mid-September 2013 – over two years after the initial deadline and 15 months after she told StudyLink that she now had it.

[23] Furthermore, there is no doubt that she was aware of the end of July deadline and its importance. StudyLink notified her of it on numerous occasions and repeatedly urged her to submit the required information before the end of the proposed allowance period. Similarly when she contacted StudyLink on the 23rd April 2012 to query the status of her 2011 application and said that the information was now available, she was made aware of the fact that she was now well outside the deadline – which was why her application had been closed – and would have realised that she needed to act promptly to deal with it if she wanted to take the matter further. She would also have been aware from the review application form that she was sent as a result of this call that she was already past the three month review deadline as well and hence that speed was even more likely to be of the essence. It is true that by April 2012 she had changed her address, moving from Christchurch to Auckland at the end of March, but in the phone conversation on the 23rd the address the form was to be sent to was confirmed with her by StudyLink and there is no reason to suppose that she did not receive it.

[24] As with any other situation where the extension of a regulatory timeframe is in issue the consideration of whether there are any “*special circumstances*” that would justify departing from that timeframe involves consideration of the length of the delay that has occurred, the reasons for that delay and whether it could have been avoided, and the merits of the substantive case that the person seeking the extension of time is making. On the one hand, the longer the delay that has occurred the more compelling the arguments seeking to justify that delay will have to be; on the other, even in cases of substantial delay the merits of the case may be compelling and the reasons for it may be such as to justify accepting the application. In this case, although the appellant was clearly entitled to an allowance in 2011 and would have been granted one if she had complied with the regulatory timeframe, the delay in submitting the required information is substantial. Any arguments that it should now be ignored will need to be substantial.

[25] Prior to April 2012 the appellant was unaware of the changes in her parents’ income and had no reason to suspect that their financial position had altered in any significant way. When she initially applied for a Student Loan she obtained the details of her parents’ income, which was well in excess of the allowance threshold, and which she subsequently simply assumed continued to be the case. I see no reason to differ from the Secretary’s conclusion that her application for 2011 was made in the context of this ongoing belief and was essentially aimed at finding out whether there “*might be some criteria that she was not aware of that would exempt her from an assessment based on her parents’ income*”. She herself says at one point that it was made just “*in case the threshold of my parents may have been lower*”. In these circumstances it is not surprising that she did not feel the need to make any further enquiry of her parents concerning their income in either 2010 or 2011. She simply assumed that it remained at roughly the previous level and had absolutely no reason to suppose that it had changed. There were at least two good reasons for this. First it is clear that her parents deliberately concealed their financial situation from her. This appears to have been out of a desire to protect both their children, and in particular her younger brother, from the effects of their financial difficulties. Secondly, the relationship between the

appellant and her parents had in any case deteriorated significantly from 2006 onwards. Communication was sporadic and rarely in person. The appellant had long since moved out of the parental home and from 2009 had been living in Christchurch for most of the year. In such circumstances, even if she had thought it necessary to do so, there would be an understandable reluctance on her part to raise the issue of their income with them and request the sort of supporting evidence StudyLink required.

[26] While the situation may well be different if there were any evidence that her parents had positively misled her about their income, I do not accept that a mere failure to inform her of the change in their circumstances can amount to a special circumstance justifying the failure to comply with the regulatory deadline. To constitute a "*special circumstance*" the situation must be such that it is essentially outside the control of the person concerned. While her relationship with her parents was, as the Secretary concluded, "*difficult*" or even "*dysfunctional*" it was not "*impossible*". She had requested income information in the past and could have done so in 2011 if she had thought her application was worth progressing. Even where she had no reason to suppose that her parent's income had changed, her decision not to complete her application in mid-July was still based on an untested assumption. She chose not to test it by raising it with her parents. This choice was not driven by some "*external influence*" beyond her control but simply by her own belief that pursuing the matter further would be pointless. If she had contacted her parents about her application I have little doubt that they would have felt obliged to tell her what the true situation was. And they would have been able to do so. By April 2011 their 2010 income had been assessed and they would have been aware that it had dropped to the extent that her father's taxable income had reduced to nil. Since the property market had not improved, the likelihood was that 2011 would be just as bad and this would have alerted the appellant to the fact that her allowance application was at least worth pursuing. Accordingly, while I have considerable sympathy for her position and I fully understand the reasons why she assumed that there was little point in continuing with her application, I agree with the Secretary that her decision not to take the matter any further was not as a result of any "*special circumstance*" justifying her failure to comply with the regulatory deadline. She failed to comply because she chose not to, not because some external factor prevented her from doing so.

[27] In the alternative the appellant says that, even if she had wanted to, she could not have provided the necessary information by the end of her course in mid-2011 because her parents were self-employed and their tax returns were typically not finalised until up to two years after the end of the relevant income year. This argument too is unpersuasive. While I accept that there will sometimes be difficulties in complying with the regulatory deadline where parents are self-employed, the situation is not one where compliance is impossible. Indeed, as the Secretary points out, annually over 40,000 students manage to successfully access parentally tested allowances, a reasonable proportion of whom are likely to have self-employed parents. It is a commonplace problem of which StudyLink is obviously fully aware and for which there are a number of work-arounds in place. In response to her incomplete application the appellant was sent a total of seven letters – all to the Christchurch address that she has subsequently confirmed she was in fact living at – detailing the information and/or evidence that was still required and setting out some of the ways of providing the necessary income information in situations where a completed tax return was not available. These included either a letter from her parents' accountant verifying their taxable income for the 2011 tax year or, if that income was unchanged from the previous year, the previous year's assessed figures. Since by April 2011 her parents' 2010 returns had been assessed by Inland Revenue and in the circumstances there was no reason to

suppose that there had been any significant improvement in their financial situation, StudyLink would no doubt have accepted this as proof of her parents' likely income in 2011. In addition, as the Secretary points out, as provisional tax payers her parents would have needed to estimate their likely income for 2011 at the start of the year anyway, and would accordingly have been well aware of her father's likely nil income. In such circumstances StudyLink is perfectly prepared to accept an accountant's letter verifying this estimate of income as providing the basis on which an allowance application can proceed. If the appellant had tried to complete her application – either by asking her parents to complete the required Parents' Form, or even just by contacting StudyLink and explaining the situation (as the letters she received said she should if she needed assistance) – any problems could have been addressed. Instead she chose not to take the matter any further. Once again, it is that decision and not any difficulty in providing the required information that caused her to miss the deadline.

[28] In this context she also queries the fairness of imposing the obligation on her to supply her parents' income information – which she was neither aware of nor had any control over – and criticises StudyLink for not offering alternatives “*such as requesting [my] parents contact details to obtain this information from Inland Revenue which they could have done*”. There are two responses to this. First, as the Secretary says, the obligation to supply this information within the required timeframe is a statutory one. It is not merely an administrative requirement imposed by StudyLink. Secondly, in any case if the appellant had progressed her application and submitted the required Parents' Form, StudyLink could and probably would have followed-up any issues concerning their income with her parents directly if it was necessary to do so. Each of the letters she was sent in 2011 included a blank Parents' Form for them to complete and sign, and said that once it was received “*we'll contact them directly if we need any further information*”.

[29] I also accept the Secretary's view that the other “*external*” factors that the appellant refers to in her submissions do not assist her case. The effects of the 2011 Christchurch earthquake, her medical history in 2010 and early 2011 and the disruptions caused by changes of address and the like essentially simply provide the context for her studies in 2011 which may have contributed to her failure to progress her application within the required timeframe but which do not in any way constitute reasons for it. The reason for not submitting her parents' income by the due date remains her belief that that income exceeded the threshold and none of the other occurrences traversed in the appeal file would have had any effect on that belief. In particular, while the February 2011 Christchurch earthquake clearly disrupted her study and no doubt contributed to her decision to, as she puts it, place her application “*on the back burner*”, it was clearly not in itself the reason why she did so. She did not progress her application simply because, in the circumstances, she believed that it would, as the Secretary says, be an exercise in futility.

[30] Even if it were possible to accept that the appellant's failure to supply her parents' 2011 income details by the end of her course in July 2011 could be justified under the special circumstances provision, the lengthy delay that occurred between her becoming aware of that income in April 2012 and the final receipt of the information by StudyLink in mid-September 2013 would also need to be justified. It is difficult to see that it can be. The appellant's explanation for this delay is essentially that StudyLink misunderstood the information she was requesting from them, gave her little or no advice on it, and left her confused as to how she should progress the matter. This was exacerbated by her returning to Auckland and a number of changes in address which she says meant that she did not receive at least some of the letters StudyLink says she

was sent. In this context StudyLink records confirm that when she initially phoned to indicate that she could provide the income details in April 2012 and on three further occasions between that date and mid-September 2013, she was informed that the appropriate way of progressing the matter was to apply for a Review of the decision to close her application in 2011 and was sent a Review of Decision form and/or told where she could download one online. Furthermore on at least the first of these occasions her address details were confirmed with her before the form was sent out. In addition, in early January 2013 she was told that she should submit a statement from her parents' accountant to prove that the parental income for 2011, which had in fact been assessed by IRD in March 2012, was below the threshold. No review application was received and no income details were forthcoming until nine months later. In these circumstances it is difficult to accept that responsibility for the delay in progressing the matter should rest with StudyLink. She was provided with clear guidance on the way forward, sent a copy of the relevant form – on at least one occasion to the address she specified – and appears to have had the relevant income information readily available since at least April 2012. It remains unclear why she did not take the advice that StudyLink gave her and apply for a Review in April 2012. At one point in her submissions she suggests that StudyLink's record of the advice she received may be inaccurate. With all due respect this too is difficult to accept. The phone notes that appear in the file are a contemporaneous record of each call and are customised to the rather different requests the appellant made on each occasion. The room for error in recording the response is accordingly somewhat limited. Furthermore, it is difficult to see why any staff member who was sufficiently aware of the appropriate response to her requests to record it as having been given, would not have actually given it. I therefore do not accept that the lengthy delay that occurred between April 2012 and September 2013 was due to circumstances outside the appellant's control.

[31] Accordingly, I accept the Secretary's view that the basic reason why the appellant did not supply the required information by the regulatory deadline was simply that she believed that she did not qualify for an allowance because that income was too high. Her decision not to request income details from her parents on the basis of this assumption cannot amount to a "*special circumstance*" justifying her failure to comply with the regulatory deadline. Nor can the marked deterioration of her relationship with her parents and her subsequent move to Christchurch to study. While this certainly made communication difficult – which may have contributed to her failure to check whether her assumptions were still valid – the situation was certainly not such as to render it impossible. The fact that her parents decided not to inform her of the change in their circumstances is not a special circumstance justifying her failure to complete her application either. The bottom line is simply that she chose not to check out their current income in circumstances where it is clear that she could have done so.

The appeal is dismissed. The decision of the Secretary on review to uphold StudyLink's decision to decline the appellant's Student Allowance application for the first half of 2011 because the evidence required to complete that application was received after the end date of the course she was applying for an allowance for is upheld.

DATED at WELLINGTON this 7th day of July 2017

Neil Cameron
Student Allowance Appeal Authority