FEE-HELP and VET FEE-HELP Provider Application Guide

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1. Overview and guide to the application process

FEE-HELP and VET FEE-HELP are loan schemes that can assist eligible students to pay their tuition fees. The loans are provided to students by an approved education provider and funded by the Australian Government. The higher education or vocational education and training provider must be approved for the loan scheme(s) before its students can receive assistance.

Approved higher education providers (HEP) offer the FEE-HELP scheme and approved vocational education and training providers (VET) offer the VET FEE-HELP scheme.

This application guide covers the requirements that applicants (the education providing organisations) must address to become approved loan scheme providers. For each requirement the guide provides a checklist of information that must be given to the Department of Education and Training (the department), reference to the legislative requirements, and a detailed discussion of the requirements.

Once approved, higher education providers should refer to the Administrative information for higher education providers document and VET providers should consult the VET administration information for providers document (for both see Appendix 3, section A3.4).

1.1 What this guide does not cover

This guide does not cover the HECS-HELP or OS-HELP schemes.

Students looking for assistance should refer to the Study Assist Website (see Appendix 3, section A3.4).

1.2 How the loan schemes work

When an eligible student requests a loan for the tuition fees for their course, the government pays the student’s tuition fees directly to their provider on their behalf. The student has effectively taken out a loan from the government, which is administered by the Australian Taxation Office (ATO). The student is not required to start repaying the loan until their income is above the minimum income threshold, which is indexed annually in line with the Consumer Price Index (CPI).

For each student there is a FEE-HELP limit, which is the total amount available over their lifetime for the FEE-HELP and VET FEE-HELP schemes. The FEE-HELP limit is indexed each year. The amount borrowed by an eligible student under either scheme will reduce the student’s FEE-HELP balance until the student’s FEE-HELP limit is reached and the student’s FEE-HELP balance is zero.

Not all VET students are eligible to access VET FEE-HELP. Full fee paying students are eligible. Students subsidised by state or territory governments are eligible if the respective state or territory has implemented the training entitlement reforms under the National Partnership Agreement agreed to at the Council of Australian Governments (COAG) meeting on 13 April 2012. For more information on this, contact the Department of Education and Training in the relevant state or territory or visit www.education.gov.au.

1.3 Legislative environment

The VET FEE-HELP and the FEE-HELP schemes were established by the Higher Education Support Act 2003 (the Act see Appendix 3, section A3.3) and associated legislative
guidelines. The Act and guidelines should be read together to fully understand the legislative context. All applicants are responsible for ensuring they are familiar with the legislative requirements.

1.4 Making an application

To apply for the VET FEE-HELP and/or the FEE-HELP schemes, your organisation has to meet a set of requirements. To submit the application you will need to use the HELP Information Technology System or HITS.

You will need to enter your organisation’s data and upload documents that support your organisation’s application requirements into HITS. This submitted information is used by the department to assess if your organisation has met all the requirements of the Act. Once your organisation has entered all the required information, you can ‘lodge’ the application.

It is essential that the documents you upload into HITS cover all the requirements in this application guide. The application guide is based on the Act and other legislation and covers the mandatory requirements for your organisation to be approved. Failure to comply with legislative guidelines may result in non-approval, or may extend the timeframe to approval.

You should be aware that HITS does NOT verify that all required information has been entered or that all the required documents have been uploaded before you ‘lodge’ your application. You lodge your application in HITS and this tells the department that your application is complete and requests the department to assess it. If your organisation has not provided enough information when you lodge your application then the department will not accept the application and will return the application into ‘draft’ status. Your organisation will then need to provide all the necessary additional information.

If the department needs further information during the assessment of your application, it will issue a request for further information (RFI).

You should regularly check the progress of your organisation’s application by logging onto HITS. You may also receive notifications through the system.

There are three documents that can help you complete the application:

- This document, the *FEE-HELP and VET FEE-HELP Provider Application Guide* (the application guide), which covers how to apply.
- The Financial Viability Instructions, which covers the financial information required, and how financial viability will be assessed.
- The HITS user guide and quick reference guides which cover how to use HITS.

1.5 Getting access to HITS

To register to apply to become a loan scheme provider, go to the link on the [Education website](http://www.education.gov.au) and complete the registration process. You will need to know the [Training.gov.au (TGA)](http://www.training.gov.au) or [Tertiary Education Quality and Standards Agency (TEQSA)](http://www.teqsa.gov.au) code for your organisation to do this. This will create one registered logon for your organisation. The registered user will then be notified how to create additional users.

1.6 Information required from applicants

Organisations must provide full documentation about all requirements to the department using HITS.
If your organisation is already a provider in one sector, either higher education or vocational education and training, and wishes to apply to become a provider in the other sector, the department will already have some of the required information. In that case, your organisation does not have to provide that information again if it is still current.

If your organisation is an existing provider applying in the sector they are not approved for (VET or HEP), you will need to provide additional information if:

- the information provided is out of date
- your organisation has different policies for each sector
- your organisation has additional information for the other sector.

Your organisation may also apply for both HEP and VET approval at the same time. In that case, you will be referred to as a ‘dual applicant’ in HITS.

Note that your organisation is responsible for ensuring that the department has complete and current information about your organisation.

### 1.7 Approval timeline

Applications to become a loan scheme provider can be lodged through HITS at any time. Once an application has been lodged, it will be assessed within 90 days of receipt of the application. However, if further information is requested by the department this will extend the assessment period for your organisation’s application by a further 60 days after the deadline given to provide more information in response to the department’s request for further information.

Note that applications submitted from August onwards are unlikely to be approved in time to offer loans to students in the first semester of the following year.

Organisations will be notified in writing of the result of their application.

A decision by the Minister to approve a body as a HEP or VET provider is a disallowable instrument of Parliament, and takes effect on the day after the Notice of Approval is registered on the Federal Register of Legislative Instruments (FRLI).

The Minister must present the decision to grant a body HEP or VET provider status to Parliament. The Parliament has 15 sitting days (when both Houses of the Parliament are in session) to disallow the Minister’s decision. For the dates when Parliament is sitting see the [Parliamentary Sitting Calendar](#) (see Appendix 3, section A3.4).

### 1.8 Enquiries

Enquiries about the application process or a specific application can be sent to the Tertiary Study Enquiries inbox at TSEnquiries@education.gov.au, marked to the attention of the HELP Operations Unit.
2. Applicant eligibility and requirements

Legislative references

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<tbody>
<tr>
<td>HEP</td>
<td>sections 16-25 and 16-40 of the Act</td>
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<tr>
<td>VET</td>
<td>clause 6 of Schedule 1A to the Act and chapter 2 of the VET Guidelines 2015 (see Appendix 3, section A3.3)</td>
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In order to be eligible for the loan schemes, your organisation must meet requirements in the Act and related legislation such as guidelines and ministerial notices. The requirements are essentially the same for both HEP and VET organisations.

Below is a summary of the requirements your organisation must meet. The rest of this document gives more information about each of these requirements.

2.1 Listed higher education providers

Existing universities and certain self-accrediting entities listed as higher education providers in Tables A and B of the Act (sections 16-15, 16-20) are approved as higher education providers for the purposes of FEE-HELP.

If your organisation is a listed higher education provider that offers an eligible VET course of study and you are seeking approval as a VET provider, then you are required to send a letter from a senior officer, such as the Vice-Chancellor or the head of the vocational training division of the university, to the department. You can find contact details for the department in Appendix 3 Section Appendix 4.

The letter should state that the university:

- will comply with legislative requirements and guides
- seeks an exemption from the tuition assurance requirements.

The rest of this document covers all legislative requirements and how all other organisations must provide documentation to demonstrate that they meet them.

2.2 Organisation

Your organisation must:

- be a body corporate—this is not a requirement for organisations that are a specified body and are applying in the VET sector
- pass the 'fit and proper person' test—this is not a requirement for specified bodies
- have its business, management and control in Australia
- have, or be taken to have, education as its principal purpose
- be a registered educational organisation.

2.3 Courses

Your organisation must:

- offer at least one eligible course
- provide tuition assurance for all eligible courses.
2.4 Financial viability

Your organisation must:

- be, and likely to remain, **financially viable**.

2.5 Fairness and privacy

Your organisation must:

- meet the requirements to ensure it treats its students fairly and meets the privacy requirements.

2.6 Fees

Your organisation must:

- administer its fees correctly.

2.7 Compliance with ongoing requirements

Once approved as a loans scheme provider, your organisation needs to be able to:

- administer the loan schemes
- provide data to the department.
3. Organisation

3.1 Checklist for organisational requirements

All applicants, except listed higher education providers, must provide this information.

All organisations must enter in HITS—Organisation details, contact details and persons of influence.

☐ Full legal name and address
☐ Relevant identifying number ie (ACN/ABN/Assn number)
☐ Organisation National Register Code ie TGA or TEQSA
☐ All your organisation’s registered business names relevant to educational delivery
☐ Names and contact details of at least five contact officers
☐ Details of all persons of influence in your organisation
☐ Answer questions relating to the ‘fit and proper person’ requirement on HITS and upload additional documents, if required

All organisations must upload the following document to HITS in the ‘Administration; statutory declaration’ category.

☐ Senior Authorised Officers’ Statutory Declaration

Organisations that are not a specified body must also upload the following documents to HITS in the ‘Organisation information; establishing document’ category.

☐ Certificate of incorporation (incorporated associations) or certificate of registration (registered/incorporated companies)
☐ If applicable, registration of change of name certificates
☐ For incorporated associations, a certified copy of the latest annual meeting minutes
☐ If applicable, current certificate(s) of registration of business (trading) name, with your organisation as proprietor
☐ If applicable, a certified copy of the relevant trust deed
☐ A certified copy of the constitution or memorandum and articles of association

Organisations that are a specified body and are applying to be VET providers must also upload these documents to HITS in the ‘organisation Information; establishing document’ category.

☐ Certificate of incorporation, if applicable
☐ Information as to the relevant incorporating legislation
☐ Certificate(s) of registration of business name, with your organisation as proprietor
3.2 Body corporate requirement

Legislative references

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<td>HEP</td>
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<td>VET</td>
<td>chapter 2 of the VET Guidelines</td>
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All applying organisations, except those who are a specified body, must be body corporate legal entities recognised under Australian law. The legal entity or specified body seeking approval must be the legal entity recorded on the relevant national register, which is the National Register of higher education providers (TEQSA see Appendix 3, Section A3.4) for HEP applicants or training.gov.au see Appendix 3, Section A3.4).

A trust cannot apply for approval in its own right. A body corporate acting as trustee on behalf of a trust may be eligible to apply. An individual person acting for a trust is ineligible to apply.

3.2.1 Organisations that are a specified body

Organisations that are established under state vocational education and training legislation are known as ‘specified bodies’. The legislation (see Appendix 3, Section A3.3) is:

- Australian Capital Territory: Canberra Institute of Technology Act 1987;
- South Australia: TAFE SA Act 2012;
- Victoria: Education and Training Reform Act 2006;
- Western Australia: Vocational Education and Training Act 1996.

3.3 Contact people

Your organisation must provide details of at least one primary contact person for each of the sectors (HEP or VET) it is applying for, plus four additional contact persons (to make a minimum of five contact people). These persons must include the:

- chief executive officer (CEO)
- senior authorised officer, who should be a director of the organisation
- auditor
- accountant

Contact people include persons who are responsible for specific areas of the organisation, such as financial and administrative persons. Contact people are for a specific sector, VET or HEP. An individual may be a contact person for both sectors and in this case will be entered twice in HITS.

Contact details for all five people must be lodged or updated in the HITS system.
3.4 ‘Fit and proper person’ requirement

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<td>Paragraph 6(1)(h) of schedule 1A to the Act</td>
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Specified bodies

The ‘fit and proper person’ requirement is not a requirement for a specified body; however, a specified body will be required to provide details for persons who have management or operational accountability or responsibility for the finances and/or operations of the body.

Organisations that are not a specified body

The ‘fit and proper person’ requirements mean that the Minister must be satisfied that your organisation and each person who makes, or participates in making, decisions that affect the whole or a substantial part of the body corporate’s affairs is a fit and proper person. In making the decision, the Minister must consider the issues in the Fit and Proper Person Specified Matters 2012 instrument (see Appendix 3, Section A3.3).

For the organisation’s body corporate, this requirement focuses on the business and financial affairs and compliance with relevant regulatory schemes.

For people, this requirement focuses on the person’s record of honesty, financial management and compliance with relevant regulatory schemes. All people of influence in the organisation must be listed in HITS.

Your organisation must answer these questions in HITS about the ‘fit and proper person’ requirement:

1. Is there any matter referred to in paragraphs 6.1(a) to 6.1(h) of the Fit and Proper Person Specified Matters 2012 instrument relevant to the entity?

2. Is there any matter referred to in paragraphs 6.1(i) to 6.1(o) of the Fit and Proper Person Specified Matters 2012 instrument relevant to the entity?

3. Have there been any matters, including past, current, pending or finalised litigation against the entity or relevant persons, that are relevant to the entity’s business dealings or the honesty, knowledge and ability of the relevant persons?

4. Has any person of influence been involved in or with a business that is, or has been, in voluntary administration, receivership or wound up?

5. Has any contract to which the entity was a party been terminated for cause, including non-performance of the contract by the entity?

6. Has there been any financial recovery action on behalf of creditors of the entity or of relevant persons of influence?

If your organisation answers ‘Yes’ to any of these questions, you must provide an explanation. You may need to upload supporting documents to HITS.
3.5 Business, management and control in Australia requirement

Legislative references

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<td>Paragraph 6(1)(a) of Schedule 1A to the Act</td>
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All applying organisations must carry on their business in Australia. The business must be managed and controlled in Australia.

3.6 Principal purpose requirement

Legislative references

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<td>Paragraph 6(1)(b) of Schedule 1A to the Act</td>
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All applying organisations, except those in the higher education sector, should have the provision of education as their principal purpose. Higher education providers can have research or education as the principal purpose.

To show how you meet the principal purpose requirement, your organisation must upload a certified copy of the constitution or memorandum and articles of association. The certification must be signed and dated on the first or last page of the document by a person who is authorised to witness a statutory declaration. The constitution or memorandum and articles of association must state all the purposes of your organisation, including the purpose to provide education. Organisations with multiple purposes may have to provide additional information to satisfy the principal purpose test.

An organisation that does not have education as its principal purpose, may be approved as a provider if none of the organisation’s non-educational purposes conflict with its purpose of providing education. If that is the case, then your organisation must provide additional information about:

- its record of delivering quality educational outcomes
- the income streams and resources that are clearly received from, and are directed back into, the delivery of quality education outcomes.
3.7 Registered educational organisation requirement

Legislative references

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<td>VET</td>
<td>Paragraph 6(1)(c) of Schedule 1A to the Act</td>
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3.7.1 VET applicants

All VET applicants must be a registered training organisation as listed on training.gov.au, which is the national register of vocational education and training in Australia. Once approved, VET applicants must continue to operate at an appropriate level of quality for a VET provider.

Your organisation must commit to these ongoing educational requirements by signing the Senior Authorised Officers’ Statutory Declaration. With this declaration, your organisation also agrees to undergo compliance audits, if required by the Minister.

The department may contact the relevant regulatory authority for more information about your organisation. Your organisation must be willing and able to comply with:

- the standards for National VET Regulator RTOs (ie RTOs that are regulated by the Australian Skills and Quality Authority (ASQA)—the requirements of the Standards for Initial Registration (SNR) and the Standards for Continuing Registration (SNR)); and
- the Australian Qualification Framework for jurisdictions that are referring States under the National Vocational Education and Training Regulator Act 2011 (NVR Act); and
- the Australian Quality Training Framework (AQTF), including the AQTF essential conditions and standards for initial and continuing registration, for jurisdictions that are non-referring States under the NVR Act (ie, RTOs that are regulated by a state registering authority).

3.7.2 HEP applicants

All HEP applicants must be either an Australian university, a self-accrediting entity or a non-self-accrediting entity, that is a ‘registered higher education provider’ within the meaning of the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA see Appendix 3, Section A3.3).

Once approved, higher education providers must continue to operate at a level of quality that meets the threshold standards of the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA, see Appendix 3, Section A3.3).

Your organisation commits to these ongoing educational requirements by signing the Senior Authorised Officers’ Statutory Declaration. With this declaration, your organisation also agrees to undergo compliance audits, if required by the Minister. The Minister may seek additional information from TEQSA about your organisation.
4. Courses

4.1 Checklist for the course requirement

All applicants, except listed higher education providers, must provide this information.

Enter on HITS—Courses details

☐ Tuition assurance information for all courses

Upload the following documents to HITS in the ‘Course; Tuition assurance’ category.

☐ A copy of the proposed Statement of Tuition Assurance

☐ If your organisation is not using a Tuition Assurance Scheme (TAS), then upload relevant deeds and financial information.

4.2 Course requirement

Legislative references

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<tr>
<td>HEP</td>
<td>Paragraphs 16-25(1)(da) and 16-25(1)(db) of the Act</td>
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<tr>
<td>VET</td>
<td>Paragraphs 6(1)(da) and 6(1A)(f) of Schedule 1A to the Act</td>
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Your organisation must offer at least one eligible course before it can be approved.

Once you have entered your organisational details into HITS, HITS will show a list of all your organisation’s eligible courses, if the courses are on TEQSA or Training.gov.au (see Appendix 3, Section A3.4). Your organisation must provide information about tuition assurance arrangements for each of the listed courses.

Higher education organisations must offer at least one course of study that leads to a higher education award. This course of study must be an accredited course for your organisation.

VET organisations must have at least one VET course of study listed on the National Register. A VET course of study is a course that leads to the award of a:

- VET diploma
- VET advanced diploma
- VET graduate diploma, or
- VET graduate certificate.

4.3 Tuition assurance requirement

Legislative references

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<tr>
<td>HEP</td>
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<td>VET</td>
<td>clause 7 and sub-clause 20(1) of Schedule 1A to the Act and chapter 3 of the <em>VET Guidelines</em></td>
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The objective of the tuition assurance requirements is to protect students if their provider ceases to provide the course of study they are undertaking. It is possible—but unusual—for an organisation to be exempted by the Minister from this requirement. Your organisation must meet tuition assurance requirements for all the courses it offers that are eligible for loan schemes.

To provide tuition assurance, organisations must offer students the following choices:

- the course assurance option—which allows a student to enrol in a similar course that leads to the same or a comparable qualification at another provider and receive full recognition of any successfully completed units, or as much credit as possible for successfully completed units
- the tuition fee repayment option—which allows a student to receive a refund of upfront tuition fees they may have paid for any units they were enrolled in at the time the course ceased to be delivered

4.3.1 Tuition assurance components

Your organisation can meet the requirement for course assurance and tuition fee repayment requirements by:

- Tuition assurance requirements

  Can be met in one of the following ways:
  - membership of a tuition assurance scheme
  - course assurance agreement with another provider
  - binding agreement with a separate legal entity that meets the corporate separation requirements of the guidelines.

- Tuition fee repayment requirements

  Can be met in one of the following ways:
  - membership of a tuition assurance scheme
  - ‘tuition fees in arrears’ agreement with students
  - binding agreement with a separate legal entity that meets the corporate separation requirements of the guidelines.

Tuition assurance must be in place in order for approval as a provider to be granted, but it does not have to be in place at the time of application.

If your organisation plans to provide tuition assurance through membership of a tuition assurance scheme (TAS), then your organisation should provide evidence that it is in the process of applying for membership to a TAS when applying for approval as a loan scheme provider.

If your organisation does not submit evidence that it can meet the tuition assurance requirement during the application period, the department will issue a formal request under the Act for provision of the tuition assurance information. Note that this will extend the assessment period of your organisation’s application by a further 60 days after the deadline given to provide more information (in response to the department’s request for further information).
4.3.2 Tuition assurance schemes

Tuition assurance schemes (TAS) undertake to arrange for students currently enrolled in that course of study to be offered admission to a similar course of study offered by another provider, with full credit for the units of study completed and leading to the same or a comparable qualification should the original provider stop being able to provide a course of study.

TAS also offer the tuition fee repayment assurance.

There are two TAS approved by the Minister. They are: the Australian Council for Private Education and Training Australian Student Tuition Assurance Scheme (ACPET ASTAS) and the TAFE Directors Australia Australian Student Tuition Assurance Scheme (TDA ASTAS). Both TAS operate in HEP and VET sectors. The operators of the TAS are the tuition assurance administrators (see Section 4.3.4) and must be referred to in the Statement of Tuition Assurance (see Section 4.3.7). Their contact details are:

**Australian Council for Private Education and Training (ACPET ASTAS)**

Internet: [www.acpet.edu.au](http://www.acpet.edu.au)
Phone: (03) 9412 5900
Email: acpet@acpet.edu.au
Postal address: PO Box 551, East Melbourne, Victoria 8002

Tuition Assurance Administrator: ACPET

**TAFE Directors Australia (TDA ASTAS)**

Internet: [www.tda.edu.au](http://www.tda.edu.au)
Phone: (02) 9217 3180
Email: memberservices@tda.edu.au
Postal Address: National Secretariat PO Box 707, Broadway, New South Wales 2007

Tuition Assurance Administrator: TDA

4.3.3 Alternative ways to meet tuition assurance requirements

If your organisation does not use a tuition assurance scheme, it must provide both course assurance and tuition fee repayment assurance by alternative methods. The other organisation(s) involved are known as the tuition assurance administrators and must be separate legal entities.

**Course assurance**

This can be provided by either:

- **A legally-binding agreement between one or more other (second) providers.** The second provider with whom your organisation has an agreement must be approved as a VET provider within 12 calendar months or HEP provider (as applicable) within six (6) calendar months after your organisation is approved as a loans scheme provider. The agreement must require the second provider to offer admission to a similar course of study offered by the second provider, with full credit for any units of study completed for the students of your organisation, which is the first provider.

- **A legally-binding course assurance guarantee given by a separate legal entity** (course assurance guarantor) with financial resources to fulfil such a guarantee. The
course assurance guarantor must guarantee that if your organisation ceases to be able to provide a course of study it will, if requested by a student or students in that course of study, purchase places in a similar course of study. The students are to receive full credit for the units of study completed and the course of study must lead to the same, or a comparable, qualification. The guarantee must provide that each student who is entitled to the purchase of a place in a similar course of study may make a claim directly on the guarantor for the purchase of that place.

Examples of bodies that could provide the guarantee are a government department or statutory body, or another education institution. The other bodies must be separate legal entities (see Section 4.3.4) from your organisation.

Fee repayment assurance

Fee repayment assurance can be provided by either:

- a ‘tuition fees in arrears’ agreement, offered by your organisation to students, under which students enrol on the basis that the tuition fees for each unit of their course of study are paid in arrears. If your organisation wishes to use a ‘tuition fees in arrears’ agreement you will need to contact the department to discuss the arrangements and provide a copy of the agreement that you propose to use;
- a legally-binding fee repayment guarantee from a separate legal entity (the repayment guarantor) with financial resources to fulfil such a guarantee. The repayment guarantor must guarantee to refund to a student enrolled in a course of study with your organisation any tuition fee received by you for any uncompleted units of study if:
  - your organisation ceases to be able to provide the course of study; and
  - your organisation has not transferred the tuition fee to another provider with whom the student has subsequently enrolled.

The repayment guarantor must also re-credit the student’s FEE-HELP balance for the unit. The repayment guarantor must repay the Commonwealth any amounts paid for that unit of study by the Commonwealth to your organisation.

Information your organisation must provide about how it meets tuition assurance requirements

Tuition assurance must be in place in order for approval as a provider to be granted, but it does not have to be in place when your organisation lodges its application.

If your organisation plans to provide tuition assurance through membership of TAS, then your organisation should provide evidence that it is in the process of applying for membership to a TAS when your organisation lodges its application. A detailed provider TAS report will be requested closer to approval.

If your organisation uses a TAS, then you may use the optional Statement of Tuition Assurance template (Appendix 1) and upload it to HITS.

If your organisation does not use a TAS, then your agreements with the tuition assurance administrator(s) must cover all the legislative requirements. The department can provide templates for the agreement(s).

Your organisation must upload to HITS:

- copy of the legally-binding agreements with the separate legal entity
- sufficient financial information for the department to be able to assess the financial viability of the other entity
- a compliant Statement of Tuition Assurance.

Advice on the information required can be obtained from the department at TSEnquiries@education.gov.au.

4.3.4 Tuition assurance administrators and legal separation

The bodies that your organisation enters into agreements with to provide tuition assurance are called ‘tuition assurance administrators’. They include one or more of:

- a TAS operator (ie ACPET or TDA); or
- a second provider (which is a provider that enters into a legally-binding agreement as outlined above); or
- a guarantor for course assurance and/or tuition fee repayment.

Your organisation and each of your tuition assurance administrators must be separate legal entities. These entities must not:

- be related to each other within the meaning of section 50 of the Corporations Act 2001 (see Appendix 3, Section A3.3)
- be associated entities within the meaning of section 50AAA of the Corporations Act 2001
- be in a position where one is able to control the other within the meaning of section 50AA of the Corporations Act 2001, and
- have in common one half or more of the persons who are directors or officers of either entity, where the terms ‘director’ and ‘officer’ have the meanings given to them in section 9 of the Corporations Act 2001.

4.3.5 Course assurance for specialised courses

Where your organisation considers that a course or courses of study that it offers is of such a specialised nature, or has parts of such a specialised nature, that full credit transfer cannot be arranged, your organisation may, as part of your approval process, seek the Minister’s agreement that the full credit transfer requirement not apply to such a course or courses.

If this is the case then, as part of your organisation’s application, you must provide documentary evidence for each course of study for which this claim is made, to demonstrate that you have been unable to arrange course assurance for that course of study with full credit transfer. Such evidence might consist (for example) of copies of correspondence with other providers or Tuition Assurance Schemes, stating that they cannot provide a course assurance arrangement with full credit transfer for the course in question because of its specialised nature.

If this is the situation, then your organisation is still required to arrange a course assurance arrangement, except that the arrangement shall be for an alternative course of study, with as much credit as possible for the units of study completed.

4.3.6 Exemptions from tuition assurance requirements

It is the department’s policy that, wherever possible, applying organisations should meet the tuition assurance requirements rather than be exempted, due to the protection this offers to students.
If your organisation considers it has adequate grounds to be exempted from the tuition assurance requirements, it may apply, in writing, to the department as the Minister’s delegate (see address in Appendix A3.1) setting out those grounds. This submission should include:

- whether the exemption sought is for the course assurance requirements, the tuition fee assurance requirements, or both
- the reason the exemption is being sought; and
- if the application for exemption is because your organisation cannot meet the requirements, information on how your organisation has tried to meet the requirements and why it has been unable to do so.

Where possible, you should provide documentary evidence.

### 4.3.7 Statement of Tuition Assurance for students

Your organisation must provide a proposed Statement of Tuition Assurance as part of your application, unless you apply for exemption from the tuition assurance requirement.

Once approved as a provider, unless your organisation is exempt, your organisation must provide a Statement of Tuition Assurance to all students. This statement should:

- explain your organisation’s obligation to provide a course assurance arrangement
- specify the nature of the similar course that would be available to students if this became necessary and the qualification to which it would lead
- explain, with respect to the similar course of study, how much credit a student would receive for the units of study they have completed (must be full credit unless otherwise approved)
- explain to students that, in the event your organisation was unable to continue to offer the course of study in which they are enrolling, they would either receive a refund of the tuition fee for any incomplete units of study or the funds paid for such incomplete units of study would be transferred (with their agreement) to the second provider with whom they would enrol in that event
- explain to students that, in the event the course assurance arrangements were needed, the second provider might have a different tuition fee for the course of study, so the amount students may be required to pay may vary; and
- make clear to students they are not obliged to enrol in the course in which they are offered enrolment under the course assurance arrangement, but, that if they enrolled with a third provider, there is no obligation on the part of the third provider to offer full credit transfer for the units of study completed.

If your organisation is exempt, your organisation must provide a statement of exemption.

The Statement of Tuition Assurance or exemption must be available to all students and prospective students, and must be publicly available on your website. It can be provided:

- as part of printed handbooks
- on your organisation’s website
- by any other method that will bring it to the attention of students and prospective students.

The department has prepared an optional Statement of Tuition Assurance template (see Appendix A1.2.1), compliant with the guidelines, where tuition assurance requirements are met through a TAS. Otherwise your organisation must modify the template accordingly.
5. Financial

5.1 Checklist for the financial viability requirement

All applicants, except listed higher education providers, must provide this information.

Upload the following documents to HITS in the ‘Financial Requirements’ category.

☐ All documents specified in Appendix 4, Section A4.3. This list is also available as the Financial viability checklist for applicants, in the Financial Viability Instructions document.

5.2 Financial viability requirement

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>HEP</td>
<td>section 19-5 of the Act</td>
</tr>
<tr>
<td>VET</td>
<td>clause 14 of Schedule 1A to the Act</td>
</tr>
</tbody>
</table>

The Act requires that your organisation is, and is likely to remain, financially viable. As part of the application process, each organisation that applies to become a provider must submit to the department (on a commercial-in-confidence basis) sufficient information to assist the Minister to make a decision on whether your organisation meets the financial viability requirements. Full instructions about the financial information the department requires are in the Financial Viability Instructions document.

After your organisation has been approved, it will be required to submit financial information to the department each year.
6. Fairness and privacy

6.1 Checklist for the fairness and privacy requirement

All applicants, except listed higher education providers, must provide this information.

Upload the following documents to HITS in the ‘Procedural Information; fair treatment and equal opportunity requirement’ category.

Fairness and privacy

☐ Policy or procedures showing fair treatment and equal opportunities for students and prospective students. This document must include details of how your organisation selects students for admission. This must include:

☐ Details of how selection procedures are published
☐ Entry criteria (educational and other)
☐ Selection methodology
☐ A copy of the student application for admission, or similar forms used for student selection

Grievances

Upload this document to HITS in the ‘Procedural information; grievance requirement’ category.

☐ A copy of your organisation’s grievance policy and procedures for academic matters and non-academic matters—these may be combined or separate.

Upload the following document to HITS in the ‘Procedural information; personal information and privacy requirement’ category.

☐ Policy or procedures showing compliance with the privacy and personal information obligations

6.2 Fairness and privacy requirements

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>HEP</td>
<td>Subdivision 19-D of the Act</td>
</tr>
<tr>
<td>VET</td>
<td>Subdivision 4-D of Schedule 1A to the Act and chapter 5 of the VET Guidelines</td>
</tr>
</tbody>
</table>

Your organisation must be willing and able to treat all of its students and those seeking to become students fairly, make sure benefits are equally available to all students and have open, fair and transparent procedures based on merit for making decisions about the selection and treatment of students.
6.3 Fairness or equal benefits and opportunities

Your organisation must have open, fair and transparent procedures that are based on merit for making decisions about the selection of persons to enrol from among the persons who seek to enrol and the treatment of students who are to benefit from Australian Government assistance. When making such decisions, your organisation may take into account any educational disadvantage that a student may have experienced.

Your organisation can provide a particular benefit to a student or person in order for them to receive equal and fair treatment, if failure to give that benefit would disadvantage the person. A ‘benefit’ may include the awarding of a scholarship to a student or person by your organisation or other person or body.

The fair treatment and equal opportunities document your organisation submits to the department must, at the minimum, demonstrate that:

- all students and prospective students will be treated fairly
- student selection procedures state that it is an open, fair and transparent procedure based on merit for making decisions about the selection and treatment of students and prospective students
- provides information that demonstrates students will not be discriminated against in any way
- the decision making process will be based on merit and that it treats all students fairly along with information regarding the merit-based selection process in place
- once approved as a provider, your organisation’s policies and procedures will be published and made publicly available.

6.4 Grievances

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
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<tbody>
<tr>
<td>HEP</td>
<td>section 19-45 of the Act and chapter 4 of the HEP Guidelines</td>
</tr>
<tr>
<td>VET</td>
<td>clause 19 of Schedule 1A to the Act and section 5.3 of the VET Guidelines</td>
</tr>
</tbody>
</table>

Your organisation must have a grievance procedure for complaints about:

- academic matters such as student progress, assessment, curriculum and awards in a course
- non-academic matters. This includes complaints in relation to personal information that is held in relation to the student. Non-academic grievances come from decisions made by your organisation. Non-academic grievances cover issues such as harassment, vilification, discrimination, financial matters, fines and payments, application procedures, exclusions from events and facilities.

Your organisation can have separate or combined policies for academic and non-academic matters.

Your organisation must communicate the grievance procedure in writing to staff such as via relevant handbooks, and train staff in its application.

Your organisation must have a mechanism in place to implement the grievance procedures, including implementation of recommendations arising from any external review of decisions.
The procedure for handling grievances and complaints must:

- show clearly that it applies regardless of the campus at which the grievance has arisen, the person’s place of residence or mode of study (if applicable)
- be published on your website for public access
- encourage timely resolution of matters
- cover people who are seeking to enrol as well as students
- allow any person that is involved in the complaint to be accompanied and assisted by a third party at any relevant meeting
- ensure that the complainant or appellant is given a written statement of the outcome of the complaint and of any appeals, including details of the reasons for the outcome
- not include a charge for accessing internal grievance stages—any costs associated with access to the external appeals should be free or at reasonable cost, which must be detailed in the policy
- be complete and unambiguous
- not victimise or discriminate against any complainant or respondent
- include specific and reasonable timelines for responses to each stage of the process
- ensure that appropriate records of all grievances are kept for at least five years
- allow parties to the complaint appropriate access to records, while ensuring that the records are treated as confidential
- demonstrate how the procedure is communicated to staff and how staff are trained in its application
- be agreed to and ratified by your organisation’s governing body—the policy must include details of the governing body and the date of ratification
- include a mechanism to implement recommendations arising from any external review.

The grievance procedure must have three formal stages. Your organisation may have an initial informal stage to enable timely resolution of the complaint.

**Stage one— Formal complaint**

The procedure must include a process for lodging a formal complaint if the matter cannot be resolved informally.

**Stage two—Internal review**

The procedure must include a process for lodging an appeal with an independent senior officer of your organisation or by a dedicated complaints committee or unit established by your organisation.

**Stage three—External review**

Your organisation is also responsible for making arrangements so a person or body independent of, and external to, your institution established or nominated by you—such as an independent dispute resolution body or stakeholder organisation—can hear unresolved appeals arising from the internal review. The policy should provide information on who this person/body is and their contact details.

If your organisation is a HEP, it is also required to provide information of any other complaint mechanisms available to students, or persons, to complain about your decisions.
6.5 Privacy

Once approved as a provider, your organisation must comply with the information privacy principles (section 14 of the Privacy Act 1988, see Appendix 3, Section A3.3). Your organisation’s procedures must contain a statement that your organisation complies with the Privacy Act 1988 and that a student may apply for and receive a copy of the personal information held by the applicant that relates to that student.
7. Fees

7.1 Checklist for fees

All applicants, except listed higher education providers, must provide this information.

Upload the following documents to HITS in the ‘Procedural information; fees requirement’ category.

- The completed Fees requirement form
- A copy of your organisation’s refund policy and student review procedure for re-credit of their FEE-HELP balance and remission of their FEE-HELP or VET FEE-HELP debt

7.2 Fees requirements

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>HEP</td>
<td>Subdivision 19-F of the Act and chapters 5, 6 and 7 of the HEP Guidelines</td>
</tr>
<tr>
<td>VET</td>
<td>clauses 27, 27A and 28 of Schedule 1A to the Act and chapter 7 of the VET Guidelines</td>
</tr>
</tbody>
</table>

Your organisation must meet a number of requirements that relate to fees. These cover how it:

- sets its fees—this covers tuition fees, incidental fees, other fees and in the case of HEPs any compulsory student services and amenities fee
- refunds fees to students
- reviews student requests for re-credit of their FEE-HELP balance and remission of their FEE-HELP or VET FEE-HELP debt

VET FEE-HELP and FEE-HELP only cover tuition fees. The fee for a course cannot include fees other than the tuition fees for the units that are part of the course. This means that any other fees cannot be for compulsory course requirements. However, your organisation may charge additional fees in certain circumstances, and only for particular incidental goods and services (e.g. text books and fines, see Section 7.4 Incidental fees).

Your organisation must publish its fee information to inform students and potential students.

In addition to tuition and incidental fees, higher education providers can charge a compulsory student services and amenities fee. HEPs will also be approved for the SA-HELP scheme that offers loans for that fee, and must make this payment option available to students if it charges the fee.

7.3 Tuition fees

A tuition fee is the fee determined by your organisation and payable by a student for a unit of study. It includes, but is not limited to:

- tuition services, including instruction and delivery to a student
- examination, evaluation and or any other assessment required for the completion of
  the unit of study
- recognition of prior learning (RPL).

Examples of costs that should be included as part of the tuition fee and not separately charged are:

- course materials, such as subject outlines, reading lists, tutorial or seminar topics and problems, assignment and essay questions, and requirements and guidelines for the presentation of work
- access to library books, periodicals and guides
- clinic, laboratory or workshop materials such as anaesthetics, chemicals, filters, fuel, fertilisers, animal feed or crops used in practical sessions or research
- access to computers or other online resources
- admissions services, including application costs, except for special admissions tests
- equipment and guides that a professional in the field would not be required to own, such as fixtures in a clinic, laboratory or workshop; or large items of equipment and relevant workshop guides required for their use
- examinations or assessments, including practical assessment; for example, the services of musical accompanists
- reassessment of results where a student has failed an assessment and thereby failed a subject or unit
- mailing charges associated with distance education and course notes provided as part of distance education.

Tuition fees do not include a fee that is payable for:

- an organisation of students, or of students and other people
- the provision to students of amenities or services that are not of an academic nature
- residential accommodation
- a special admissions test
- goods or services that are in addition to tuition fees and are ‘incidental’ to the students studies
- fines or penalties.

More information about charging fees is available for VET applicants in the VET administration information for providers document and for HEP applicants in the HEP administration information for Providers document (see Appendix 3, Section A3.4).

Your organisation is required to complete ‘TABLE A—tuition fees, which is part of the Fees Requirements Form (see Appendix 1, Section A1.1.2), and lists the tuition fees it is charging this year and expects to charge next year. When completing TABLE A your organisation must include all eligible courses, including superseded courses.

### 7.3.1 Equivalent full-time student load

Equivalent full-time student load (EFTSL) is a measure of the study load. A sample schedule of tuition fees, including EFTSL information, must be provided in ‘TABLE B—sample schedule of tuition fees’ on the Fees Requirements Form.

A typical full-time student would have an EFTSL of 1.0 (or above 1.0 under certain accelerated courses. This is an exception rather than the rule). A part-time student will have an EFTSL of less than 1.0. For example, the EFTSL for a student undertaking half of the full-time student load would be 0.5, for a student undertaking a quarter of the full-time student load it would be 0.25, and so on.
Determining EFTSL for units of study

The EFTSL value of a unit is determined by calculating the proportion of the full-time study load of one academic year that the unit covers.

This can be done using:

- time taken for the unit—which must include workplace learning or industry placement as well as tuition delivered by your organisation, or
- credit point allocation.

**Example 1: Diploma of Hairdressing course**

The Diploma of Hairdressing course is delivered over one year and includes 720 hours of tuition. It has 5 units, all of which are compulsory. The EFTSL is calculated by dividing the hours for each course by the total hours for the year.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Hours</th>
<th>Calculation</th>
<th>EFTSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit A</td>
<td>240</td>
<td>240/720</td>
<td>0.3333</td>
</tr>
<tr>
<td>Unit B</td>
<td>120</td>
<td>120/720</td>
<td>0.1667</td>
</tr>
<tr>
<td>Unit C</td>
<td>120</td>
<td>120/720</td>
<td>0.1667</td>
</tr>
<tr>
<td>Unit D</td>
<td>120</td>
<td>120/720</td>
<td>0.1667</td>
</tr>
<tr>
<td>Unit E</td>
<td>120</td>
<td>120/720</td>
<td>0.1667</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>720</strong></td>
<td></td>
<td><strong>1.0000</strong></td>
</tr>
</tbody>
</table>

**Example 2: Bachelor of Business course**

The Bachelor of Business course is delivered over three academic years. The normal study load each year is five units or 16 credit points. Units A and B are offered on a semester basis and are each worth 2 credit points. Units C, D and E are offered on an annual basis and are each worth 4 credit points.

The EFTSL value for each unit of study is calculated by dividing the number of credit points for that unit of study by the total number of credit points for all units of study comprising the standard study load for one year’s study in this course.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Credit points</th>
<th>Calculation</th>
<th>EFTSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit A</td>
<td>2</td>
<td>2/16</td>
<td>0.125</td>
</tr>
<tr>
<td>Unit B</td>
<td>2</td>
<td>2/16</td>
<td>0.125</td>
</tr>
<tr>
<td>Unit C</td>
<td>4</td>
<td>4/16</td>
<td>0.250</td>
</tr>
<tr>
<td>Unit D</td>
<td>4</td>
<td>4/16</td>
<td>0.250</td>
</tr>
<tr>
<td>Unit E</td>
<td>4</td>
<td>4/16</td>
<td>0.250</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td></td>
<td><strong>1.000</strong></td>
</tr>
</tbody>
</table>

**Example 3: Vocational Graduate Certificate in Digital Education course**

The Vocational Graduate Certificate in Digital Education course is delivered over half an academic year. Students take eight equal units.

The total EFTSL for the course is 0.5 (one half of the full academic year EFTSL). The EFTSL for each unit is calculated by dividing the unit credit points by the total credit points, and then
dividing by two as it is a half year course. Therefore each of the eight units would have an EFTSL value of 0.0625 (one eighth of the total course EFTSL of 0.5).

<table>
<thead>
<tr>
<th>Unit</th>
<th>credit points</th>
<th>Calculation</th>
<th>EFTSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 2</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 3</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 4</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 5</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 6</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 7</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Unit 8</td>
<td>1</td>
<td>(1/8)/2</td>
<td>0.0625</td>
</tr>
<tr>
<td>Total</td>
<td>8</td>
<td></td>
<td>0.5</td>
</tr>
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</table>

### 7.4 Incidental fees

#### Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>HEP</td>
<td>section 19-102 of the Act and chapter 7 of the HEP Guidelines</td>
<td></td>
</tr>
<tr>
<td>VET</td>
<td>clause 27A of Schedule 1A to the Act and chapter 8 of the VET Guidelines</td>
<td></td>
</tr>
</tbody>
</table>

The only compulsory cost for Australian students should be the tuition fee. However, your organisation may charge incidental fees for related, but generally not essential, goods or services. These fees must be consistent with the guidelines. These fees are not covered by the loan schemes and should be kept to a minimum.

The criteria and examples of allowable incidental fees are listed below.

a) Goods or services not essential to the course, eg access to internet and computer facilities, if they are not essential; printing notes from the internet or disc; or graduation ceremonies, if students are not required to attend the ceremony to obtain their award.

b) Essential goods and services that students can get in another way for no cost from the applicant, eg lecture notes or tapes, if lectures are made readily available to students free of charge; or reading material, such as anthologies of required readings, provided that these texts are also made readily available free of charge.

c) Essential goods or services that students can get from other suppliers as well as the applicant, as long as they are:

i) equipment or items that become the student’s physical property and are not consumed in the course, eg:
   - artwork supplies
   - fabric for sewing class
   - protective clothing or footwear
   - tool kits
   - stethoscopes
   - dance shoes
- reference texts.
  ii) food, transport and accommodation costs for field trips that are part of the course, eg:
  - meals, snacks, beverages
  - bus tickets or airfares
  - hotels or camping fees.

d) Fines or penalties that are not to raise revenue or cover administrative costs, eg fines or penalties for late enrolments, late variations to enrolments, late withdrawals from a course; or a review of grade, if a student has already passed the subject, but wants to improve their grade.

Some costs are not incidental fees. Where your organisation requires students to purchase a good or service from a third party, and does not itself charge for or supply that good or service, it is not an incidental fee. For example, your organisation may require students to attend a particular event or exhibition where the student is required to arrange their own transport and pay any admission cost. Any costs incurred by a student for this would not be an incidental fee for the purposes of the loan schemes.

However, where your organisation arranges transport and admission to the event and then charges students a fee to cover the cost, this would be an incidental fee.

In certain circumstances, your organisation may charge fees for other services that do not meet the incidental fees criteria. These may include special admissions tests or auditions, student services and amenities, and residential accommodation.

Your organisation must provide details of incidental and other fees in ‘TABLE C—Incidental and other fees and charges’ in the Fees Requirements Form. On this form, your organisation is required to identify how a fee meets the requirements of the incidental fees section of the guidelines.

**Fines and penalties**

Your organisation may impose a fine or penalty on students who do not take an action by an administrative date that is earlier than the census date. This fine or penalty must be to encourage students to take action on time and not to raise revenue or cover administrative costs. An example could be that students are told the last day that they can withdraw from a unit of study without incurring a ‘late withdrawal fee’. This date is known as an administrative date.

If an administrative or withdrawal date is before the start of a unit, it may be considered unfair to students. Your organisation must treat all of its students and those seeking to enrol with your organisation fairly.

Your organisation cannot charge different fines or penalties or give different refunds if students withdraw from a unit at different times. This is not consistent with the fine being a deterrent. A fine that is based on the time of withdrawal may be regarded as revenue raising or covering administrative costs.

Your organisation must list these fines or penalties in table C of the Fees Requirements Form.
7.5 Refunds

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>HEP</td>
<td>section 169-15(3) of the Act</td>
</tr>
<tr>
<td>VET</td>
<td>clause 67 of Schedule 1A to the Act and chapters 7 and 8 of the VET Guidelines</td>
</tr>
</tbody>
</table>

Students do not incur a financial liability for a unit until after the census date, which can be set no earlier than 20 per cent of the way through a unit of study. This applies to all eligible students whether they pay their tuition fees upfront or seek loan scheme assistance.

Your organisation may require a student to follow your organisation’s own withdrawal procedure. However, a student who withdraws from a unit on or before the census date does not have to request a refund. The action of withdrawal is sufficient.

Your organisation must submit its refund policy as part of the application. The policy must include a statement to the effect that a student will be repaid any tuition fees that he or she may have paid upfront for a unit if the student withdraws from that unit on or before the census date. There is no legislative requirement for a provider to refund upfront payments where a student withdraws after the census date.

Note that any fines or penalties that your organisation intends to charge must be included as an incidental fee and listed in Table C in the Fees Requirements Form. The fines or penalties must not be withheld from the refund, but must be levied separately.

7.5.1 Census date

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>HEP</td>
<td>subsection 169-25 of the Act</td>
</tr>
<tr>
<td>VET</td>
<td>clause 67 of Schedule 1A to the Act</td>
</tr>
</tbody>
</table>

As a provider, your organisation must set census dates for each unit of study that it provides. The census date is the date on which loan scheme debts for units of study are incurred by the student and the Australian Government is liable to pay a student’s tuition fees.

Unit census dates cannot be earlier than 20 per cent of the way through the unit. The period of time during which the unit of study is undertaken should include any normal study breaks, assessments and/or examination periods. Supplementary examinations should not be included, as these are not normally undertaken by all the students in the unit of study. If a provider does not know the date for the final examination for a unit, the last day of the examination period is to be used as the end of the study period. If a unit does not include a final examination, an examination period should not be included.

Your organisation must publish the census date for each unit by 1 April for units with a census date in the second half of that year and by 1 October for units with a census date in the first half of the following year.
7.5.2 Review of loan scheme decisions

Legislative references

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>HEP</td>
<td>section 104-25 of the Act</td>
</tr>
<tr>
<td>VET</td>
<td>clause 46(2) of Schedule 1A to the Act</td>
</tr>
</tbody>
</table>

A student has the right to apply for a review of your organisation’s decision to not re-credit or remit their loan scheme debt.

A student who has requested loan scheme assistance incurs a debt for each unit immediately after the census date for that unit. If a student withdraws from a unit after the census date or does not successfully complete the unit due to special circumstances, he or she may apply to your organisation for a re-credit of their FEE-HELP balance and remission of their FEE-HELP or VET FEE-HELP debt in relation to the unit. The student may apply for a remission or re-credit if he or she believes that special circumstances apply. The ‘FEE-HELP balance’ includes both VET FEE-HELP and FEE-HELP debts.

If your organisation is satisfied that special circumstances do apply, the student’s FEE-HELP balance would be re-credited. Where a student’s FEE-HELP balance is re-credited for a unit, the debt the student incurred for that unit is remitted.

Where your organisation determines that special circumstances do not apply in a student’s case, the student has the right to apply for a review of that decision within a 28 day time limit [HESA subsection 209-10(2)]. Your organisation must have a student review procedure for reconsidering such decisions.

The minimum requirements for student review procedures are that they should inform students how to submit a valid request for review. As an approved provider, your organisation must publish and make publicly available its student review procedures.

Student review documents must contain at least the following:

- advice that a student may apply, in writing, to have their FEE-HELP balance re-credited and HELP debt remitted under special circumstances that:
  - are beyond the person’s control, and
  - do not make their full impact on the person until on or after the census date for the unit of study in question, and
  - make it impracticable for the person to complete the requirements for the unit in the period during which the person undertook, or was to undertake, the unit

- the process for re-crediting a person’s FEE-HELP balance which must be in accordance with the guidelines and provide reasonable timelines for each stage of the process.

- advice that a student may make an application to have his or her FEE-HELP balance re-credited within 12 months of the withdrawal date for a unit or, if the student has not withdrawn, within 12 months of the end of the period in which the unit was to be undertaken.

- advice that the 12 month period may be extended on the grounds that it was not possible to apply within the 12 months period.

- details of the person/position making the initial decision on a student’s request for a re-credit of his or her FEE-HELP balance.

- if the student wishes to request a review of the decision, this must be made within 28 days of receipt of the original decision. The request must include:
the date of the original decision
fully state the reasons for applying for the review
any additional relevant evidence.

- details of the review officer who would review the decision should a student’s request be declined—this person must not have not been involved in making the original decision and must occupy a position that is senior to the original decision maker (this should be clear in the document).

- advice that receipt of a request for review of a decision not to re-credit a student’s FEE-HELP balance will be acknowledged in writing. This will inform the student that, if the reviewer has not advised the student of a decision within 45 days of receiving the request for review, the reviewer is taken to have confirmed the original decision.

- the review officer will provide a written decision to the student, including reasons for the decision and advice that a student has the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the original decision or a decision that has been reviewed.

- contact details of the nearest registry of the AAT and the approximate cost of lodging an appeal with the AAT and that this cost can change. Students should be aware that the department will be the other party in any case in the AAT. All relevant documents will be forwarded to the department.

### Review officers

As a provider your organisation must appoint a review officer to undertake reviews of decisions made by your organisation relating to loan scheme assistance. Examples of review officers are the chief executive officer (CEO) of the applicant or a delegate of the CEO who has been appointed to be the review officer.

The review officer must not review a decision they have made, or been involved in making, and must occupy a position that is senior to that of any person involved in making the original decision.

Your organisation’s policy and procedure regarding review of decision to not re-credit or remit a person’s FEE-HELP balance must include details of the nominated review officer.

### 7.6 HEP only fees

#### Legislative references

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<tr>
<th>Sector</th>
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</tr>
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<tbody>
<tr>
<td>HEP</td>
<td>section 19-67 of the Act</td>
</tr>
<tr>
<td>VET</td>
<td>Not relevant</td>
</tr>
</tbody>
</table>

#### 7.6.1 Student services and amenities fee

This information only applies to higher education providers (HEP). HEPs may charge a compulsory student services and amenities fee. This is a fee that a HEP requires a student or intending student to pay for amenities and services not of an academic nature. It is paid regardless of whether the person chooses to use any of those amenities and services.

If your organisation is a HEP, it cannot require a student to join an organisation of students and pay a fee to cover the cost of student services and amenities. This is a legislative
requirement known as Voluntary Student Unionism (VSU, see Appendix 3, Section A3.3). After it is approved a HEP must confirm its readiness to comply with these provisions.

Maximum student services and amenities fee rates are available on the Funding Clusters and Indexed Rates webpage (see Appendix 3, Section A3.4). As a HEP, your organisation must determine the fee in accordance with chapter 2 of the Administration Guidelines 2012 (see Appendix 3, Section A3.3).

The student services and amenities fee may be the same for all students or it may vary. For example, your organisation may choose not to charge the fee at all to students who are studying online, as they are not likely to use campus services and amenities. Your organisation must not charge part-time students more than 75 per cent of the total student services and amenities fee charged to full-time students. No student can be charged more than the maximum fee set by the government in any year.

Your organisation is required to publish its fee schedules for student services and amenities fees within certain timelines, which are outlined in the Administration Guidelines.

SA-HELP (part of the Higher Education Loan Program), will allow eligible students to defer payment of the student services and amenities fee in the same way as FEE-HELP allows eligible students to defer payment of their tuition fees. As a higher education provider, your organisation must have administrative arrangements to make SA-HELP available to eligible students. Your organisation must not charge a student services and amenities fee unless it is able to administer SA-HELP.

If your organisation is approved for HEP status, it will be able to offer SA-HELP to eligible students.

Your organisation is required to indicate whether it intends to charge the student services and amenities fee, and, if so, needs to complete Table D in the Fees Requirement Form (see Appendix 1, Section A1.1.2).

### 7.6.2 Fees for overseas students

**Legislative references**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>HEP</td>
<td>paragraph 19-102(3)(d) of the Act and chapter 6 of the HEP Guidelines</td>
</tr>
<tr>
<td>VET</td>
<td>Not relevant</td>
</tr>
</tbody>
</table>

For overseas students, amendments to the Education Services for Overseas Students Act 2000 (ESOS, see Appendix 3, Section A3.4) make it clear that your organisation will not breach the VSU provisions of the Act if the tuition fee charged to an overseas student includes an amount that is used to fund the specific services required under ESOS and its National Code. Apart from this, overseas students are treated in the same way as domestic students under the VSU provisions. Your organisation cannot require overseas students to pay separate compulsory fees.

Chapter 6 of HEP Guidelines requires a HEP to charge all overseas students a fee for their course that is sufficient to recover the full average cost of providing the course to those students. The fee must be no less than the relevant minimum indicative course fee specified in the HEP Guidelines, except where a course is provided wholly offshore and students will not, at any stage, enter Australia; or the department has granted approval to charge less than the minimum indicative fee.
8. Administering the loan schemes and ongoing compliance

8.1 Checklist for ongoing compliance requirements

All applicants, except listed higher education providers, must provide this information.

Upload the following document to HITS in the ‘Administration; other’ category:

☐ Declaration of Compliance with Reporting Requirements (see Appendix 1, Section A1.1.3)

8.2 Initial operation

Newly approved providers are sent a Provider Requirements Pack (the Pack) which contains information that will assist them to operate the loans scheme. The Pack contains a number of forms and templates that must be completed and returned to the department as soon as possible to enable the new provider to begin administering the loan scheme. They are:

- Supplier Request Form
- Loan scheme invoicing arrangements and GST
- Higher Education Provider Client Assistance Tool (HEPCAT) Application form (related to data reporting).

The department will contact newly approved providers to arrange training in administering the loans scheme. Attending training is a mandatory requirement prior to offering assistance to eligible students. The training will be delivered in two separate components, operational training and HEPCAT training (data reporting).

8.2.1 Information to be published

As part of an application to be approved as a provider, your organisation undertook to publish the following documents developed by the body to meet loan scheme requirements:

- fair treatment and equal opportunity procedures
- student grievance procedures
- student review procedures and refund policy
- Statement of Tuition Assurance or statement of tuition assurance exemption
- privacy and personal information procedures
- schedule of tuition fees.

8.3 Ongoing compliance

Your organisation committed to ongoing compliance with the Act when it signed the Senior Authorised Officers’ Statutory Declaration. To assist your organisation with this, the department has written information guides for each sector see Appendix 3, Section A3.4.

Ongoing compliance includes a commitment to reporting data to the department.
8.4 Data reporting requirements

Your organisation must sign a Declaration of Compliance with Reporting Requirements (see Appendix 1, Section A1.1.3), which states it is willing and able to meet the ongoing data reporting requirements.

As a provider, your organisation is required to submit data electronically in a form determined by the Minister (see Section 8.4.1), several times a year, and keep up-to-date with requirements, which may change over time. Compliance with these data reporting requirements is a condition of continued approval as a provider.

The department provides a software package ‘HEPCAT’ to be used in preparing, validating and submitting data. Information about HEPCAT is available at the HEIMSHELP website (see Appendix 3, Section A3.4).

If your organisation fails to provide the required data, this may affect:

- funding decisions
- reporting of student HELP debts to the Australian Taxation Office
- the publication of statistical data
- your organisation’s continued approval as a provider.

8.4.1 Data reporting specifications

Data reporting specifications are issued by a Ministerial Notice each year. These specify the:

- reporting schedule—the legislative timeframes for the provision of data
- the scope and structure documents—detailing the requirements for each data submission
- the data elements and validation rules for the data to be collected
- the verification and quality assurance requirements for the collection.

These specifications are available on the HEIMSHELP website (see Appendix 3, Section A3.4).

Information technology (IT) requirements

The HEIMSHELP website contains further information to assist providers in the preparation and submission of data. This includes system requirements to provide data and interact with HEIMS (see Appendix 3, Section A3.4). Your organisation is responsible for ensuring it is able to meet these system requirements.
Appendix 1 Application forms

All forms are on the Applying to become a HELP provider webpage: http://education.gov.au/applying-become-help-provider

A1.1 Mandatory forms

A1.1.1 Senior Authorised Officers’ Statutory Declaration

The Senior Authorised Officers’ Statutory Declaration must be completed and signed by senior authorised person(s) of your organisation.

In signing this declaration, signatories are indicating that they have read and fully understood the requirements of the Act and the guidelines and agree that your organisation will comply with all of the legislative requirements, as well as any ministerial notices and determinations made under the Act. Signatories are also confirming the information provided in the application is correct and complete and the application includes all relevant information required for the consideration of the application for approval as a either a vocational education and training or higher education loans scheme provider.

Signatories are also agreeing to the department obtaining any information and making any inquiries relevant to the Act.

The Senior Authorised Officers’ Statutory Declaration must be signed by:

- in the case of a company: by two directors, or the director and secretary, of the legal entity making the application. Where there is a sole director or secretary, the declaration will be made by the sole director or secretary;
- in the case of other types of legal entities, the signatories should be those persons who are duly authorised to bind the entity. The relevant authorising documentation should be submitted as part of the application, with the area relating to authorised persons highlighted or marked.

Before signing the declaration, your organisation’s senior authorised officers should read it carefully so as to ensure they understand the content of the declaration and can declare that your organisation can comply with all of the requirements.

The signed Senior Authorised Officers’ Statutory Declaration must be correctly completed and executed in the presence of an authorised witness, and submitted as part of the application.

If at any time after the Senior Authorised Officers’ Statutory Declaration has been signed there are new persons of influence added, then a new statutory declaration form must be lodged. This declaration must include them and their agreement to disclosing personal information to the department as part of the application process. This form must be signed by an officer of your organisation who is authorised to legally bind the organisation, such as an executive director.

A1.1.2 Fees Requirements Form

This form has four tables:

- Table A—which list tuition fees for the current year and expected next year
- Table B—which lists dates, EFTSL and fees for a sample of units
- Table C—which lists incidental and other fees
- Table D—which is only for HEPs and provides information about any student services and amenities fee.

**A1.1.3 Declaration of Compliance with Reporting Requirements**

With this form your organisation signs that it will comply with the ongoing data reporting statistical information requirements.

**A1.2 Optional forms**

**A1.2.1 Statement of Tuition Assurance**

There are two optional templates available, one for HEP and one for VET:

- Statement of VET Tuition Assurance for VET providers
- Statement of Tuition Assurance for HEP providers

These templates can be used if your organisation uses a TAS to provide tuition assurance. If your organisation uses another method, then it will have to provide a compliant Statement of Tuition Assurance showing how it meets the tuition assurance requirements. For more information see Section 4.3.7 Tuition assurance requirement in this document.
Appendix 2 Terms used in this document

Some commonly used terms in this application guide are:

**Act** means the *Higher Education Support Act 2003* (see Appendix 3, Section A3.3A3.4). It is also referred to as HESA.

**Applicant** refers to the legal entity that is applying for approval as a loans scheme provider.

**Course** is a course of study that leads to a VET diploma, VET advanced diploma, VET graduate diploma or a VET graduate certificate (for VET providers) or a higher education award (for higher education providers).

**Department** is the Department of Education and Training, which administers the loans schemes.

**FEE-HELP** means the loan scheme for higher education students to pay tuition fees for units of study that are not supported by the Australian Government.

**HEP** means higher education provider. In this application guide, many of the terms relating specifically to FEE-HELP are prefaced with ‘HEP’.

**HITS** is the HELP Information Technology System. This is the system that applicants use to lodge their applications. It also manages ongoing compliance with the loan schemes.

**Loan schemes** refers to both VET FEE-HELP and the FEE-HELP schemes. When this document refers to both schemes, the term ‘loan schemes’ is used. If the text refers to an individual scheme then the text refers to either the VET FEE-HELP or the FEE-HELP scheme.

**Provider** means either a vocational education and training or higher education provider.

**RFI** is a request for further information. This is a formal notification from the department to the applicant to provide more information to support or clarify what has been lodged in their application. Assessment will be delayed until this information has been provided.

**RTO** is a registered training organisation, which is a body listed on the database on Vocational Education and Training in Australia.

**Student/s** means a person who is enrolled in a course of study with a VET or HEP provider.

**Unit of study or unit** is a subject or unit that a student may undertake with a VET provider as part of a VET course of study, or a HEP provider as part of a course of study.

**VET** means vocational education and training. In this application guide many of the terms relate specifically to VET FEE-HELP are prefaced with ‘VET’.

**VET FEE-HELP** means the loan scheme for eligible vocational education and training students established under the Act.

Unless otherwise indicated, terms used in this application guide have the same meanings as they have in the Act or the accompanying guidelines. Further terms are defined in the Act, Schedule 1—Dictionary, *HEP Guidelines* (section 1.5 Interpretation) and the *VET Guidelines*, chapter 1—Interpretation.
Appendix 3 Useful references

A3.1 Contacts

Department of Education and Training

Email enquiries
Enquiries about the loan schemes, student support policies and HITS:
TSEnquiries@education.gov.au

Postal address
Operations
Provider Assurance and Assistance Branch
Higher Education Support Group
Department of Education and Training

50 Marcus Clarke Street
Canberra City ACT 2601
GPO Box 9880
Canberra ACT 2601 Australia

Student and provider enquiry line (including enquiries on HITS)
Phone: 1800 020 108
Fax: 02 6290 8997

HEIMSHelp

Email enquiries
HEIMS.datacollections@education.gov.au
Phone: 02 6240 7487

A3.2 Links to apply to be a HELP provider

Apply to become a HELP provider webpage. This page has all the forms you will need.

Register to use HITS

Use HITS
https://extranet.education.gov.au/FrontDoor/

Legislation
http://education.gov.au/help-resources-providers
A3.3 Legislation and guidelines

HEP and VET

Higher Education Support Act 2003

Fit and Proper Person Specified Matters 2012

Higher education

Higher Education Provider Guidelines 2012

Administration Guidelines 2012

FEE-HELP guidelines

The Tertiary Education Quality and Standards Agency Act 2011

Higher education standards framework (Threshold standards) 2011

Voluntary Student Unionism

Tax File Number Guidelines for Higher Education Providers and Open Universities Australia

Education Services for Overseas Students Act 2000

Vocational education and training

VET Guidelines 2015

National Vocational Education and Training Regulator Act 2011

Standards for NVR Registered Training Organisations 2012:

Other relevant legislation

Tax file number guidelines 2011
A3.4 Links for other information for providers

Administrative information

Administrative information for providers
http://education.gov.au/help-resources-providers

Funding clusters and Indexed rates page - updated rates (FEE-HELP limit, student services and amenities fee maximums, etc.)

Data reporting

HEIMSHELP - website provides advice about the collection of statistical information, reporting requirements and HEIMS System Requirements.

National educational registers

VET National Register
http://training.gov.au

National Register of higher education providers

Other relevant links

Information for students
http://studyassist.gov.au

Guidelines for the certification of documents

Parliamentary Sitting Calendar

The Australian Qualifications Framework (AQF)
http://aqa.edu.au

The Australian Quality Training Framework (AQTF)
Appendix 4  Summary checklist for application

If your organisation is a listed higher education provider (Table A or Table B of the Act), then Section 2.1, Listed higher education providers, covers how you apply. The rest of this checklist is for all other organisations.

All information is entered into HITS. Copies of documents are provided by uploading them to HITS.

If your organisation has not provided enough information when lodging your application, the application will not be accepted and will be returned to ‘draft’ status. Your organisation will be required to provide the required information as referred to in this guide.

It is essential that the documents you load into HITS cover all the requirements in this application guide. The application guide is based on the Act and other legislation and covers mandatory requirements for your organisation to be approved. Failure to comply with the legislative requirements may result in non-approval, or may extend the timeframe for approval.

A4.1 Summary checklist for organisational requirements

All organisations must enter into HITS:

☐ Full legal name and address
☐ Relevant identifying number ie (ACN/ABN/Assn number)
☐ Organisation National Register Code ie TGA or TEQSA
☐ All your organisation’s registered business names relevant to educational delivery
☐ Names and contact details of at least five contact officers
☐ Details of all persons of influence in your organisation
☐ Answer questions relating to the ‘fit and proper person’ test on HITS and additional documents, if required.

All organisations must upload the following document to HITS in the ‘Administration; statutory declaration’ category.

☐ Senior Authorised Officers’ Statutory Declaration

Organisations that are not a specified body must also upload the following documents to HITS in the ‘Organisation information; establishing document’ category.

☐ Certificate of incorporation (incorporated associations) or certificate of registration (registered/incorporated companies)
☐ If applicable, registration of change of name certificates
☐ For incorporated associations, a certified copy of the latest annual meeting minutes
☐ If applicable, current certificate/s of registration of business (trading) name, with the applicant as proprietor
Organisations that are a specified body and are applying to be VET providers must also upload these documents to HITS in the ‘organisation Information; establishing document’ category.

- Certificate of incorporation if applicable
- Information as to the relevant incorporating legislation if applicable
- Certificate/s of registration of business name, with your organisation as proprietor.

### A4.2 Summary checklist for courses

**Your organisation must enter on HITS—Courses details**

- Tuition assurance information for all courses

Upload the following documents to HITS in the ‘Course; Tuition assurance’ category.

- A copy of the proposed Statement of Tuition Assurance
- If your organisation is not using a Tuition Assurance Scheme (TAS), then upload relevant deeds and financial information.

### A4.3 Summary checklist for financial viability

**A7.1 From specified kinds of bodies or organisations established to provide higher education under the legislation specified at paragraphs 2.1.1 to 2.1.6 that meet the body corporate requirements under the Act, in accordance with paragraph 2.2 of the FVI:**

- Financial guarantee

**From all other applicants, in accordance with paragraph 2.5 of the FVI:**

- Current audited annual financial statements prepared in accordance with Appendix 2 of the FVI
- Auditor’s independence declaration
- Independent auditor’s report
- Certificate of the auditor
- Previous three annual financial statements prepared in accordance with Appendix 2 of the FVI
- Completed Financial Performance in HITS
- Declaration of statutory obligations
- Business/strategic plan
- Student enrolments
From all other applicants, in accordance with paragraph 2.6 of the FVI:

- Consolidated financial statements for subsidiaries
- Associated entity information
- Statement of independence
- Details of payment plan(s)
- Auditor correspondence
- Deed(s) of Guarantee
- Capital injection agreement(s)
- Evidence supporting capital injections and/or guarantees
- Details of changes to reporting period
- Evidence of an independent expert review
- Other relevant documents

From new or reconstituted reporting entities, supplementary information in accordance with paragraph 2.7 of the FVI:

- Bank statements
- Copies of loan agreement(s)
- Commitments of capital injection(s)
- Details of changes in trading history (if available)
- Other relevant documents
- Additional risk mitigation strategies

From applicants with trustee arrangements in place, supplementary information in accordance with paragraph 2.8 of the FVI:

- A written statement from the applicant’s legal advisor
- A certified copy of the trustee deed
- A written statement from the applicant’s public accountant
A4.4 Summary checklist for fairness and privacy

Upload the following documents to HITS in the ‘Procedural Information; fair treatment and equal opportunity requirement’ category.

Fairness and privacy

☐ Policy or procedures showing fair treatment and equal opportunities for students and prospective students. This document must include details of how your organisation selects students for admission. This must include:

☐ Details of how selection procedures are published
☐ Entry criteria (educational and other)
☐ Selection methodology
☐ A copy of the student application for admission, or similar forms used for student selection

Grievances

Upload this document to HITS in the ‘Procedural information; grievance requirement’ category.

☐ A copy of your organisation’s grievance policy and procedures for academic matters and non-academic matters—these may be combined or separate

Upload the following document to HITS in the ‘Procedural information; personal information and privacy requirement’ category.

☐ Policy or procedures showing compliance with the privacy and personal information obligations

A4.5 Summary checklist for fees

Upload the following documents to HITS in the ‘Procedural information; fees requirement’ category.

☐ The completed Fees requirement form
☐ Your organisation’s refund policy and the student review procedure for re-credit of their FEE-HELP balance and remission of their FEE-HELP debt

A4.6 Summary checklist for compliance with ongoing requirements

Upload the following document to HITS in the ‘Administration; other’ category.

☐ Declaration of Compliance with Reporting Requirements