Higher Education Administrative Information for Providers

February 2015
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1 General information

The Higher Education Administrative Information for Providers (AIP) is provided to help higher education providers (providers) interpret and implement the student support policies enacted under Commonwealth legislation and associated guidelines. It explains the rules and procedures associated with administering:

- bachelor places for Commonwealth supported students;
- the allocation of Commonwealth supported places (CSP) for postgraduate courses, courses of study leading to a diploma, advanced diploma and associate degree, enabling courses and courses of study in medicine;
- tuition fees for domestic and overseas fee-paying students;
- the student services and amenities fee;
- the Higher Education Loan Program (HELP), with the exception of VET FEE-HELP; and
- voluntary student unionism (VSU).

1.1 Legislation, guidelines and determinations

The AIP should be read in conjunction with the Higher Education Support Act 2003 (HESA), including its notes and Table A, which provides information on application, saving and transitional provisions. The AIP should also be read with other associated legislation and guidelines, which are the primary sources of the requirements with which providers must comply. Relevant sections of legislation and guidelines are referenced throughout the AIP.

Examples

- References to legislation will look like this: [HESA section 19-30];
- Reference to guidelines will look like this: [FEE-HELP Guidelines chapter 3];

For links to relevant legislation, guidelines and Ministerial determinations, see Appendix A.

Changes are made to legislation, guidelines and Ministerial determinations from time to time. The department recommends the latest versions of all resources be consulted. If there is any inconsistency between the content of the AIP and the provisions of the legislation, guidelines or Ministerial determinations, the provisions of the legislation, guidelines or Ministerial determinations will prevail to the extent of the inconsistency. For a full list of the terminology used in the AIP, see Appendix B.

1.2 Open Universities Australia

Open Universities Australia (OUA) is not a provider under HESA. However, where the AIP refers to providers and to students undertaking studies with a provider, that information also applies to OUA and to OUA students where relevant, unless indicated otherwise. If there is a specific requirement for OUA, it is detailed in the relevant part of the AIP.

1.3 Changes for the October 2014 edition

Changes aim to clarify information previously provided, or incorporate new information resulting from amendments to HESA and the relevant Guidelines. See Appendix T for a list of changes.
1.4 Fairness requirements

HESA details the requirements for the treatment of students that are enrolled or seeking to enrol with Table A, Table B and Table C providers [HESA sections 16-15, 16-20 and 16-22] and approved higher education providers [HESA Subdivision 19-D].

A provider must treat all of its current students and any person who is seeking to enrol with the provider fairly [HESA section 19-30].

The application of fair treatment does not require all students to be treated the same. Fairness must be considered in the context of all of the relevant circumstances. There are situations in which the fair treatment of students may result in students in different circumstances being treated differently.

1.5 Equal access to Commonwealth benefits

Where a provider receives a grant or access to assistance under chapter 3 of HESA in respect of a class of students, the provider must ensure the benefits of, and the opportunities created by, that grant or assistance are made equally accessible to all of the students in that class [HESA subsection 19-35(1)].

The Commonwealth provides grants and assistance to benefit students through:

- CSPs made available under the Commonwealth Grant Scheme (CGS);
- HELP;
- student places for research students under the Research Training Scheme (RTS);
- various scholarships for disadvantaged students and research students; and
- various equity programs providing additional support for designated equity groups.

1.6 Application of merit in selection of students

A provider must have open, fair and transparent procedures for making decisions about students applying for, or receiving Commonwealth assistance that, in the provider’s reasonable view, are based on merit [HESA subsections 19-35(2) and 19-35(4)].

Application of merit

The application of merit in decision-making generally would be expected to involve a provider considering each application on a case by case basis and not applying inflexible policies that may preclude eligible applicants from having their application considered.

No income test

A provider may not apply an income test when making decisions about which of their students are to be advised they are Commonwealth supported. A provider may not exclude high income students, or students whose parents have a high income, from having their application for Commonwealth support considered on the basis of merit.

Membership of a particular group

Generally, a provider would not be able to make membership of a particular group, for example social, religious, socio-economic or cultural, a Commonwealth support eligibility
requirement as this would not be considered a requirement based on merit. This may depend on the stated objectives or mission statement of the relevant provider. This is different from the Commonwealth providing a grant which is to benefit only a particular group.

**Educational disadvantage**

When making decisions about the selection of students, a provider is able to take educational disadvantages that a particular student has experienced into account [HESA subsections 19-35(3) and 19-35(5)]. This should involve consideration of the actual disadvantages that a particular student has experienced.

A provider should not use proxy indicators of educational disadvantage in the absence of clear evidence that all students in such a group necessarily suffered educational disadvantage. Proxy indicators should not be used because they assume that all people who satisfy the proxy indicator, for example being from a low socio-economic group or rural area, have necessarily experienced educational disadvantage. A provider is required to consider a particular student’s specific circumstances before making a decision about whether the student has actually suffered educational disadvantage.
2 Newly approved providers – the next steps

2.1 HEP requirements pack

The newly approved provider is sent a HEP requirements pack, which contains information to assist in operating as a provider. This pack also contains a number of forms and templates that must be completed and returned to the department as soon as possible. The newly approved provider is required to complete and return the following as a matter of priority:

- information for Study Assist website, emailed to TSEnquiries@education.gov.au;
- a completed Vendor Supplier Form;
- a completed Statement of Compliance;
- completed Access to the Higher Education Information Management System (HEIMS) Applications and signed Terms and Conditions for Access to HEIMS forms for each individual officer requiring access;
- a completed Access to HEIMS Web Services Form.

The department contacts the newly approved HEP to arrange training in administering FEE-HELP. Attending training is strongly recommended prior to offering FEE-HELP to entitled students. Training is delivered in components, including operational training and the Higher Education Provider Client Assistance Tool (HEPCAT) training for data reporting.

Newly approved providers are reminded that, post approval, any students that meet the FEE-HELP entitlement requirements must have the option of using a HELP loan to pay their tuition fees for any courses meeting the course requirements. This also applies to existing students that may have commenced their course prior to approval, for subsequent units contributing to their course.

Providers are reminded that FEE-HELP must be made available to entitled students in all higher education courses they deliver or are intending to deliver. Accordingly, tuition assurance must be in place for these courses of study. Further information regarding courses that meet the legislative requirements will be provided at the training sessions.

Advice is available for providers on administering the transition to making FEE-HELP available to existing/continuing students by emailing any questions to TSEnquiries@education.gov.au.

2.2 Transitioning continuing students to FEE-HELP

FEE-HELP must be made available to all continuing students that meet the requirements to access FEE-HELP (see part 31.4) for units yet to be undertaken.

Access to FEE-HELP cannot be backdated for continuing students. Continuing students are not entitled to access FEE-HELP for any tuition undertaken prior to the provider’s approval. Students who commenced their course prior to provider approval are only entitled to FEE-HELP assistance for any units of study that have not yet been delivered. The start date for a unit of study, for which a student is accessing FEE-HELP for, cannot be before the date of provider approval.

Any tuition already delivered prior to provider approval is not able to be deferred under FEE-HELP.
In developing units of study for continuing students, providers should be mindful of any tuition fees already paid. Some continuing students may have paid tuition fees in full in advance through deposits, or via periodic payment plans. In circumstances where the continuing student previously paid upfront payments that cover the tuition fee for all of the tuition already received prior to approval no action is required by the HEP.

In circumstances where the continuing student previously paid upfront payments that did not fully cover the tuition fee for all of the tuition already received, prior to approval, this fee recovery is outside of HESA. FEE-HELP approval cannot be backdated to allow students to defer the tuition fee for those units of study.

In circumstances where the continuing student previously paid upfront payments that are in excess of the tuition fee that was required for tuition already received, prior to approval, the HEP may apply the payments made to pay all or part of the remaining units of study tuition fees. This action must be taken with discussion with continuing students and with their agreement.

A student may elect to defer the entire tuition fee for a unit of study under FEE-HELP at which point a HEP should consider returning that upfront payment if requested by the student. This decision will be based on refunding payments according to arrangements the HEP has in place.

A student is able to withdraw from a unit of study on or before the census date and the HEP must refund any upfront payments made. This would include any deposits or payments made by the continuing student that have been attributed to the unit of study. A provider’s business processes must support these requirements.

There is no limit on the number of units of study a HEP may determine as comprising a course of study, except that a course of study must be comprised of at least one unit of study.

If a provider is unsure whether the intended arrangements apply to transitioning continuing students meet requirements under HESA, email TSEnquiries@education.gov.au for advice.
3 Grievance and review procedures

A provider must have grievance procedures for dealing with complaints about academic and non-academic matters from both students and persons who seek to enrol with the provider. Non-Table A providers must comply with the requirements of the Higher Education Provider Guidelines 2012 (HEP Guidelines). The grievance procedures must be published and made publicly available [HESA subsections 19-45(1)(a) and (b)].

A provider must have review procedures for dealing with reviews of decisions about a person’s HELP. The review procedures must comply with the requirements of the HEP Guidelines and be published and made publicly available [HESA subsection 19-45(1)(c)].

A provider must also publish information about all other complaint mechanisms students may use to complain about the provider’s decisions (see part 44.1).
4 Student cohorts

4.1 Pre-2005 students

The transitional provisions that were in place for students who began their course of study before 1 January 2005 (pre-2005) ended on 31 December 2008. For further information on pre-2005 students, see Appendix R.

4.2 Pre-2008 students

The transitional provisions that were in place for students who began their course of study before 1 January 2008 (pre-2008) ended on 31 December 2012. For further information on pre-2008 students, see Appendix R.

4.3 Pre-2009 students

From 1 January 2009, mathematics, statistics and science units of study were classified in the National Priority student contribution band.

In the 2012-13 Budget, the Commonwealth announced the maximum student contribution amount for units of study in mathematics, statistics and science would be increased to the Band 2 rate of $8,363 in 2013. The increased maximum student contribution amount will apply to all students from 1 January 2013, regardless of when they commenced their course of study.

Transitional loading, previously paid to universities to compensate for the reduced contribution amount paid by students, will no longer be paid from 2013.

4.4 Pre-2010 students

From 2010, the maximum annual student contribution amount for education and nursing units of study was increased from the National Priority Band rate of $4,696 in 2013 to the Band 1 rate of $5,868 for 2013 and indexed for later years. This applies to commencing students from 1 January 2010. Continuing students will continue to be subject to the National Priority Band rate.

When is a person a pre-2010 student?

A person is a pre-2010 student for a unit of study if:

- the person commenced a course of study with a provider before 1 January 2010 and was a Commonwealth supported student in relation to a unit of study in that course, and any of the following apply to the person:
  - the person did not complete the course by 31 December 2009;
  - in 2009, the person was undertaking an enabling course; or
  - the person has completed the related course for an honours course of study and they are undertaking the honours course of study; and
- the person is undertaking a unit of study that would have been included in Education in the funding cluster Mathematics, Statistics, Behavioural Science, Education, Computing, Built Environment, Other Health or the Nursing funding cluster repealed the Higher Education Support Amendment (2009 Budget Measures) Act 2009.
To be a pre-2010 student there is no requirement the course the student was undertaking on a Commonwealth supported basis prior to 2010 was a course of study in education or nursing or a related discipline or the student undertook units of study in education and nursing or related disciplines prior to 2010.

Pre-2010 arrangements apply to students who transfer from one course of study to another, including where one course of study is postgraduate and the other undergraduate, or who transfer between providers, as long as they meet the above requirements.

Where a student commenced a course of study as a Commonwealth supported student before 2010, the student had not completed the course of study by the end of 2009, and they take a break from their studies by deferring, they are a pre-2010 student on their return to that course of study.

Students are generally subject to the same provisions as existed when they commenced their Commonwealth supported course.

When is a person not a pre-2010 student?

A student can be a pre-2010 student only if, among other requirements, they were a Commonwealth supported student for a unit of study undertaken as part of a course of study before 1 January 2010. A person is a Commonwealth supported student in a unit only if they remain enrolled at the end of the census date for the unit. Therefore a person is not a pre-2010 student if they deferred their enrolment or withdrew following enrolment from all units before the end of the first census date for a unit in their course of study, unless they meet the pre-2010 requirements for a different course of study.

A person who studied as a Higher Education Contribution Scheme (HECS) student prior to 1 January 2005, but who has not undertaken any study between 1 January 2005 and 31 December 2009 that would make them a Commonwealth supported student, will not be a pre-2010 student.

Example

- A student who is enrolled in a double or combined degree program is a pre-2010 student if they completed the requirements of only one of the awards on or before 31 December 2009.
- A pre-2010 student enrolled in a single degree program and who transfers subsequently to a combined or double degree program remains a pre-2010 student even if they complete the requirements of one of the awards.
5 Student contribution amounts for transitional and non-transitional arrangements

In determining the maximum annual student contribution amount for a unit of study applicable for an individual student, the provider should consider:

- when the person commenced their course of study;
- whether the person was Commonwealth supported for that study;
- whether the person transferred to a different course of study or provider, and if so, whether advance standing was granted in relation to that study; and
- whether the person completed that course of study, and if so, the type of course completed.
6 Domestic and overseas students

6.1 Domestic students

For the purposes of HESA, domestic students are Australian citizens, New Zealand citizens, including a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative, or holders of an Australian permanent visa [HESA Schedule 1]. There are two types of places for domestic students, CSPs (see part 22.1) and fee-paying places (see part 27.1).

6.2 Overseas students

All other students are considered overseas students and must pay overseas student fees. Students, who are in Australia on a temporary visa, including a temporary protection visa, are overseas students.
7 Courses of study

7.1 Courses of study

A course of study is:

- a single course leading to a higher education award; or
- a course recognised by the provider as a combined or double degree leading to one or
  more higher education awards; or
- an enabling course [HESA Schedule 1].

7.2 Higher education awards

A higher education award is:

- a degree, status, title or description of bachelor, master, or doctor; or
- an award of graduate diploma or graduate certificate; or
- any other award specified as a higher education award under the Australian
  Qualifications Framework (AQF) [HESA Schedule 1].

The higher education award is the accredited award. The title of the higher education award
is not necessarily the same title that appears on the student’s testamur. For example, a
provider may have an accredited Bachelor of Engineering award, but the student’s testamur
includes the student’s civil engineering major and may appear as a Bachelor of Engineering
(Civil). In this case, the Bachelor of Engineering is the course of study. In other cases, a
Bachelor of Engineering (Civil) may be a different course of study to a Bachelor of
Engineering and is therefore a separate award.

7.3 Course specialisations or streams

Streams within courses are considered the same course only if they lead to the same
qualification. Streams leading to separate awards are considered separate courses.

Example

If the following streams lead to the awarding of the same Bachelor of Arts qualification they
are treated as one course:

- Bachelor of Arts
- Bachelor of Arts (History)
- Bachelor of Arts (Visual Arts)

If the streams lead to the awarding of three separate qualifications, they are treated as
separate courses of study.

7.4 Combined and double degree programs

A combined or double degree program that leads to two higher education awards, for
example, a Bachelor of Arts/Bachelor of Laws, is considered to be one course of study.
7.5 Undergraduate courses of study

An undergraduate course of study is:

- a diploma that is not accredited as a vocational education and training (VET) award;
- an advanced diploma that is not accredited as a VET award;
- an associate degree;
- a bachelor degree; or
- an honours program.

Some undergraduate courses of study are described as graduate entry courses because a student is required to complete a bachelor degree prior to enrolling in the course. Upon completion of the graduate entry course, the student will receive an undergraduate award, rather than a postgraduate award, so the course is an undergraduate course of study.

7.6 Postgraduate courses of study

A postgraduate course of study is a:

- graduate certificate that is not accredited as a VET award;
- graduate diploma that is not accredited as a VET award;
- masters degree;
- doctoral degree.

The AQF includes a number of masters degree qualification types. The AIP provides guidance in relation to postgraduate non-research masters degree courses only.

7.7 Enabling courses

An enabling course is a course of instruction provided to a person for the purpose of enabling that person to undertake a course leading to a higher education award, but does not include:

- a course leading to a higher education award; or
- accredited as leading to a VET award; or
- any course the Minister determines is not an enabling course [HESA Schedule 1 and Ministerial determination].

It is a provider’s purpose in enrolling a student in the course of instruction that determines whether it is an enabling course. A course of instruction may be an enabling course for only some students undertaking it.

While it is possible for students to receive credit towards a higher education award course for units of study undertaken in their enabling course, a course that consists primarily of units of study that lead to the higher education award students are preparing to undertake, would not be consistent with the intention of the definition in HESA and would not be an enabling course.

Students who complete an enabling course would generally commence a course of study leading to a higher education award. Some students may not do so but a course is not an enabling course if it is not being provided for the purpose of assisting the students to seek to undertake a course leading to a higher education award.
Students undertaking an enabling course in a CSP do not pay a student contribution. To assist providers with the cost of providing places in enabling courses, providers are paid an enabling loading through the CGS. For further information on enabling loading, see the Administrative Information for Providers: Commonwealth Grant Scheme or contact the department, via cgs@education.gov.au.

Providers should note that education delivered to students to assist them in successfully completing tertiary education, of a nature usually delivered at secondary school or through vocational education, commonly known as “Foundation Studies” or “Foundation Courses” that typically do not lead to a qualification are not considered enabling courses for the purposes of the Act. [Ministerial determination]

### 7.8 Non-award studies

If a student is enrolled with a provider in a subject or unit that may be undertaken as part of a course of study, a course of instruction, or a tuition and training program but the unit, course or program is not being undertaken as part of a course of study, then the enrolment is on a non-award basis [HESA Schedule 1].

### 7.9 Activating courses for HELP in HITS

A provider approved to deliver FEE-HELP must comply with the tuition assurance requirements set out in the HEP Guidelines and demonstrate that tuition assurance is in place for each course of study the provider provides in each state and/or territory.

When a course is accredited for delivery by the Tertiary Education Quality and Standards Agency and appears on the National Register of higher education providers, it is listed in the HELP Information Technology System (HITS). This list is updated approximately once every month.

The provider should then adjust the course status from ‘Details Required’ to ‘Active’ once tuition assurance has been purchased and documentation has been uploaded to HITS. For further assistance, refer to the HITS User Guide at [http://education.gov.au/help-it-system-hits-user-guide](http://education.gov.au/help-it-system-hits-user-guide).

The department undertakes ongoing monitoring of providers to assist in continued compliance with the quality and accountability requirements, defined in Division 19 of HESA.
8 Census dates

A provider must set a census date for each unit of study it provides, or proposes to provide, during a year [HESA subsections 104-4(5) and 169-25(1)].

8.1 Unit duration and census dates

A census date must be no earlier than 20 per cent of the way through the period during which the unit is undertaken [Administration Guidelines paragraph 6.30.1].

Example

- The duration of a unit of study is 13 weeks. The census date must be no less than 19 calendar days after the commencement of the unit of study.

The duration of the unit should include any normal study breaks, assessments and/or exam periods. Supplementary exams should not be included, as all students do not normally undertake these. If final exam dates are unknown, the last day of the exam period is used as the end of the unit. If a unit does not include a final exam, exam periods should not be included.

8.2 Census dates for full-year units

A full-year unit of study has one census date and not separate dates for each teaching period. Semesters and trimesters in full-year units do not have separate census dates.

8.3 Setting common census dates

The provider may set a common census date for multiple units, providing the minimum 20 per cent requirement be applied across all units.

8.4 Census dates for postgraduate research units

The provider may determine the census date for research units of study undertaken by higher degree research students based on the days or weeks that an individual student is enrolled in a given period. This is the consumption model. Each student is enrolled in their own unique unit of study, although a provider may determine a common unit of study code for particular groupings of these units. The 20 per cent rule still applies.

The provider must comply with the standard census date provisions for coursework units of study undertaken by postgraduate students.

8.5 Publishing census dates

The provider must publish the census date for each unit of study that it provides or proposes to provide, on or before the earliest enrolment date for units of study (see part 37.3).
9 Equivalent full-time student load

Equivalent full-time student load (EFTSL) is a measure of the study load for a year of a student undertaking a course on a full-time basis [HESA section 169-27].

9.1 Determining EFTSL values for units of study

A provider must, for each unit of study it provides or proposes to provide for a period, determine the EFTSL value for the unit of study [HESA subsections 169-25(1) and 169-28(1)]. If the unit can form part of multiple courses of study, the provider can determine different EFTSL values for the unit for each course of study [HESA subsection 169-28(2)]. If a unit is offered over different periods the unit is taken to be a different unit of study in respect of each period [HESA subsection 169-25(1)] and may therefore have a different EFTSL value. When reporting EFTSL to the department, such units must have different unit of study codes.

For further information on requirements a provider must meet when determining EFTSL values for units of study, see chapter 7 of the Administration Guidelines 2012 (Administration Guidelines).

EFTSL values for postgraduate research units

A provider may determine the EFTSL value for research units of study undertaken by higher degree research students based on the days or weeks that a student is enrolled in a given period. This is the consumption model. Each student is enrolled in their own unique unit of study, although a provider may determine a common unit of study code for particular groupings of these units.

A provider must comply with the standard EFTSL provisions for coursework units of study undertaken by postgraduate students.

9.2 Publishing EFTSL values for units

A provider must publish the EFTSL value for each unit of study that it provides or proposes to provide, on or before the earliest enrolment date for units of study.
10 Request for Commonwealth assistance forms

10.1 Types of forms and who must complete them

Students who are enrolled in CSPs, or who are seeking HELP, must complete the relevant request for Commonwealth assistance form [HESA subsection 36-40(3)].

Students request Commonwealth assistance by completing, signing and submitting the relevant form to the appropriate officer at their provider on or before the census date for the unit.

The department provides a request for Commonwealth assistance form for each of the five HELP schemes. Where a provider allows for the submission of electronic request for Commonwealth assistance forms, these forms must follow the departmental format (see part 11.4).

Determining student eligibility

The provider determines student eligibility for HELP. It is the provider’s responsibility to collect information from students to assess student eligibility. The provider must comply with privacy requirements when handling personal information.

Where a student has been incorrectly assessed as eligible for HELP, the provider may be required to repay the Commonwealth any HELP amount provided to the student.

Changes to the residency requirements for Australian citizens seeking to access Commonwealth support and HELP

In the 2012-13 Budget, the Commonwealth announced that eligibility for CSPs and HELP will be removed for Australian citizens who will not undertake any units of study contributing to their course of study in Australia.

All students who commenced a course of study on or after 1 January 2013 will need to meet the new requirements.

The request for HECS-HELP, FEE-HELP and SA-HELP Commonwealth assistance forms have been amended for 2013 to include an additional question asking the student if they will undertake any units of study that contribute to their course of study in Australia. If the student declares they will, the provider may be satisfied the legislative requirements have been met.

If the provider has enrolled 2013 commencing students in 2012 for their 2013 enrolment using the pre-2013 Commonwealth assistance form, and the student has provided an Australian address, the provider is not required to ask the student to complete the new 2013 form. If the student provided an overseas address, the provider should get the students to complete the new 2013 Commonwealth assistance forms.

Students who commenced their course of study prior to 1 January 2013, but have not yet completed a request for Commonwealth assistance form, should complete either the paper form for 2012 or the updated 2013 form. This form provides for continuing students.
Request for Commonwealth Support and HECS-HELP form

Students in CSPs who commence a course of study must submit a completed Request for Commonwealth Support and HECS-HELP [HESA subsection 36-40(1)]. Students requesting HECS-HELP must complete the HECS-HELP section of the form [HESA paragraph 90-1(g)]. Students are required to submit only one form for each course of study in which they enrol as a Commonwealth supported student. For a sample of the Request for Commonwealth Support and HECS-HELP form, see Appendix C.

A student must submit a new form if they change the course of study in which they are enrolled. A student who is in a CSP and chooses to undertake some units of study on a fee-paying basis and access FEE-HELP for those units, must submit both a Request for Commonwealth Support and HECS-HELP form and a Request for FEE-HELP Assistance form for the course of study.

Enabling courses and exempt students

Students who are in CSPs in an enabling course (see part 8.7), or have been awarded an exemption scholarship (see part 14.1), must submit a Request for Commonwealth Support and HECS-HELP form for that course even if they have done so for a concurrent course of study.

Pre-2010 students

Pre-2010 students who meet requirements for grandfathering under HESA do not need to submit a new form to access these arrangements. A person who is a pre-2010 student, but will be commencing a new course of study in the relevant year, must submit a new Request for Commonwealth Support and HECS-HELP form.

Request for FEE-HELP Assistance form

Students requesting FEE-HELP (see part 32.1) must submit a completed Request for FEE-HELP Assistance form, except those studying through OUA [HESA paragraph 104-1(1)(i)]. Students who choose to undertake a unit of study on a fee-paying basis in a course of study in which they are otherwise Commonwealth supported, and who wish to seek FEE-HELP, must also submit this form. Students are required to submit only one form per course of study for which they are seeking FEE-HELP. For a sample of the Request for FEE-HELP Assistance form, see Appendix D.

Request for FEE-HELP Assistance Open Universities Australia form

OUA students requesting FEE-HELP must submit a completed Request for FEE-HELP Assistance Open Universities Australia form. Students are required to list the units they will be undertaking in the study period. A sample of the Request for FEE-HELP Assistance Open Universities Australia form is at Appendix E.
OS-HELP Debt Confirmation form

Students requesting OS-HELP (see part 32.1) must submit a completed OS-HELP Debt Confirmation form [HESA paragraph 118-1(1)(h)]. Students are required to submit one form for each OS-HELP request. A sample of the OS-HELP Debt Confirmation form is at Appendix F.

Request for SA-HELP Assistance form

Students requesting SA-HELP (see part 33.1) must submit a completed Request for SA-HELP Assistance form [HESA paragraph 126-1(1)(d)]. Students are required to submit only one Request for SA-HELP Assistance form for the duration of their course of study. If a student decides to pay the student services and amenities fee upfront, no SA-HELP debt will be recorded. A sample of the Request for SA-HELP Assistance form is at Appendix G.

10.2 Issuing the forms to students

When should the forms be issued?

All students enrolling for the first time in CSPs, or a course of study or unit of study that is eligible for FEE-HELP, should be issued with the relevant form before, or at the same time as, other enrolment documents. Students complete a new form when they change their course or provider. The OS-HELP Debt Confirmation form should be issued to eligible students who are to receive OS-HELP.

Provision of student HELP information booklets

Eligible HELP students must be given the relevant year’s student HELP information booklet (information booklet) prior to completing and submitting any request for Commonwealth assistance form. Students must declare they have read the information booklet on the form.

All information booklets are available from the department. A provider may choose to supply electronic versions of information booklets to students who submit their request for Commonwealth assistance forms electronically (see part 42.6).

Pre-printing student details on the form

A provider may pre-print student details on request for Commonwealth assistance forms, or incorporate the details in a label to be attached to the form. The tax file number (TFN) must not be pre-printed in any way.

10.3 Student submission of forms

In submitting a form, a student must understand they are required to complete it, sign it and submit it to an appropriate officer.

Commonwealth supported students

Students enrolling in CSPs must submit the completed Request for Commonwealth Support and HECS-HELP form on or before the census date for the first unit of study for the course of
study [HESA subsection 36-40(1)]. A provider may set an earlier date for submission of the forms for administrative purposes but, in doing so, must ensure students are treated fairly.

**Students seeking FEE-HELP**

Students seeking FEE-HELP must submit the completed *Request for FEE-HELP Assistance* form on or before the census date of the first unit of study for which they are seeking FEE-HELP [HESA paragraph 104-1(1)(i)]. A provider, including OUA, may set an earlier date for submission of the forms for administrative purposes but, in doing so, must ensure that students are treated fairly.

**Students seeking OS-HELP**

Students seeking OS-HELP must submit the completed *OS-HELP Debt Confirmation* form before the provider can make an OS-HELP payment to the student [HESA paragraph 118-1(1)(h)].

**Students seeking SA-HELP**

Students seeking SA-HELP must submit the completed *Request for SA-HELP assistance* form, on or before the day the student services and amenities fee is payable [HESA paragraph 126-1(1)(d)]. A provider may set an earlier date for submission of forms for administrative purposes but, in doing so, must ensure students are treated fairly.

**10.4 Submitting forms electronically**

A provider may enable students to complete and submit the forms electronically [HESA Division 174]. In doing so, the provider must meet the requirements in the *Electronic Transactions Act 1999* (ETA) and chapter 8 of the Administration Guidelines (see part 42.6). An electronic form is an approved form if it is a replica of the approved paper form. The provider must include a date field in the electronic form.

**10.5 Signing forms**

Generally, only the student receiving Commonwealth assistance is permitted to sign the form. However, a provider may accept a form signed by a person who is exercising a legal power of attorney on behalf of the student. Whether a student is a minor does not affect their ability to sign the form.

**10.6 Checking forms and correcting errors**

A provider should ensure students have completed the form correctly, including the selection of all relevant boxes.

A provider must be satisfied the details provided on the form are the same as details provided on other enrolment documents lodged by the student. If, for some legitimate reason, the details are not identical but the provider is satisfied the details are correct, the form should be annotated accordingly. Electronic forms cannot be annotated (see part 42.6).
If a provider is not satisfied the details on the form are correct, it should attempt to resolve the differences. If this is not possible, the provider must reject the form and advise the student it has not been submitted.

There may be rare cases where it is acceptable for a provider to alter a form on the student’s behalf or ask the student to complete another form after the census date. For example, where incorrect information is provided on the original form submitted on or before the census date and, even though the student has advised the provider that such advice is incorrect, there is insufficient time on or before the census date to process that request.

If a change is made to a student’s form it is desirable the student is advised of the change as soon as practicable after the change is made.

**Time limit for correcting information supplied forms**

Students have six weeks from the census date for a unit of study in which they are enrolled to correct information on the request for Commonwealth assistance form. If the corrected information is provided more than six weeks after the census date for a unit of study, the person will not be eligible for HELP for the relevant units [HESA section 169-35].

The six week time limit does not grant additional time after the census date for a student to become eligible, for example, to gain citizenship.

A student must have lodged a Commonwealth assistance form on or before the census date in order to correct information.

HECS-HELP, FEE-HELP and OS-HELP entitlement may be established through corrected information no later than six weeks after the census date for a unit of study. SA-HELP assistance may be established through corrected information no later than six weeks after the student services and amenities fee was payable.

Students have an ongoing obligation to correct information that has established wrongly an entitlement to assistance.

If a provider is aware, or has reason to believe, that a student in receipt of HELP has provided false or misleading information in their application, the provider should immediately notify the department of the suspected offence and provide the department with a copy of the student's application and any other relevant information or material the department requests. The matter should not be discussed with the student unless the department provides advice to the contrary.

**10.7 Distributing forms**

**Student copy**

The student retains the student copy, which is the original form.

**Provider copy**

The provider retains the provider copy.
10.8 Retaining forms

Request for Commonwealth assistance forms are Commonwealth records and are subject to the Archives Act 1983. The provider must comply with the Archives Act 1983 and any disposal authorities issued by the National Archives of Australia to the department from time to time.

A provider must retain the provider copy of the form for the Commonwealth for a minimum period of seven years after the student has completed their course. Where state or territory legislation requires the provider to retain documents for a specified time, the provider should act in accordance with that legislation, providing the form is retained for at least seven years following completion of the course.

If a student cancels their request for request for commonwealth assistance, the provider must retain a copy of the form as it is a Commonwealth record. The student has the option of reactivating the request later.

Storing the form electronically

A General Records Authority (GRA) issued by the National Archives of Australia has been updated. GRA31 - For source (including original) records after they have been copied, converted or migrated permits providers, after copying, converting or migrating Commonwealth records to a digitised format, to destroy paper copies. This applies to any forms submitted by students on or after 1 January 1995.

In line with the ETA, the provider must ensure that electronic copies are an unadulterated version of the original paper form and clear and accurate representations of the document signed by the student. The digitised version of the form must be maintained for 7 years as required by the GRA, or longer if otherwise required by other state or territory requirements.

Providers should have in place appropriate processes and authorisations to ensure the integrity of digitalised forms prior to destruction of the paper copies. Providers must also ensure that appropriate security is in place for any electronic records management systems storing the forms, and the forms are able to be easily retrieved if requested by the department as being required for student support purposes.


10.9 Cancelling forms and form validity

All forms, except for the OS-HELP Debt Confirmation form, are valid for the duration of the person’s enrolment in the course of study or, in the case of OUA students, the units the person nominates on the form. The OS-HELP Debt Confirmation form is valid only for one OS-HELP request.
**Commonwealth supported students**

Commonwealth supported students who are accessing HECS-HELP are not required to cancel their form if they subsequently choose to pay their student contribution upfront. If full payment is made on or before the census date for the unit of study, a student will not incur a HECS-HELP debt for that unit.

**Students accessing FEE-HELP**

Students accessing FEE-HELP are not required to cancel their form if they subsequently choose to pay their tuition fees upfront. If full payment is made on or before the census date for the unit of study, the student will not incur a FEE-HELP debt for that unit.

Students may choose to cancel their request at any time in writing, on or before the census date for the unit of study. Students may choose to cancel their request for any reason including, for example, the arrangement of alternative payment methods. Students can subsequently reactivate their request for FEE-HELP for future units of study by submitting a request to their provider in writing.

A provider should determine its own mechanisms for recording written cancellations and reactivations of the form.

**Students accessing SA-HELP**

Students may choose to pay the student services and amenities fee after submitting a Request for SA-HELP Assistance form. If full payment is made on or before the date the debt is incurred for the unit of study, the student will not incur the SA-HELP debt for that unit. The Request for SA-HELP Assistance form is valid for the duration of the person’s enrolment in a course of study.

**10.10 Completing new forms or multiple forms**

**Enrolling in a new course of study**

Students who change their course of study are required to complete a new form if they wish to be Commonwealth supported students for that course, or wish to seek FEE-HELP or SA-HELP.

**Enrolling in multiple courses of study**

Students enrolled in multiple courses must complete a separate form for each course.

**Enrolling at multiple providers**

Students enrolled with multiple providers must complete and submit separate forms with each provider.
Cross-institutional enrolments

Students enrolled in cross-institutional programs will need to complete two separate forms, one at the home provider and one at the host provider (see part 16.1).
11 Commonwealth Assistance Notice

All students who are Commonwealth supported, and/or who request HELP, must receive a Commonwealth Assistance Notice (CAN) [HESA subsection 169-5(1) and Administration Guidelines subchapter 4.3]. OUA must provide students seeking FEE-HELP for units offered through OUA with a CAN.

11.1 What information must the CAN contain?

The CAN must contain the information outlined in the Administration Guidelines for each unit of study. The Administration Guidelines only require information to be provided in the CAN as applicable to a student’s enrolment. A provider may include other information in the CAN as necessary.

11.2 When must the CAN be given?

A provider must give students the CAN within 28 days of the earliest census date indicated in the CAN. A provider may issue separate CANs for units of study with different census dates.

Where the CAN applies only to SA-HELP, the CAN must be issued no later than 28 days after the date the SA-HELP debt was incurred. If the CAN is being issued for units of study that fall within the same half year period (1 January – 30 June or 1 July – 31 December) as the date the SA-HELP debt was incurred then SA-HELP debt can be included on the same CAN.

Where the CAN applies only to OS-HELP, the CAN must be issued no later than 28 days after the date the OS-HELP debt is incurred (see part 32.20).

11.3 Electronic issue of the CAN

A provider may issue the CAN electronically, in line with ETA, HESA and chapter 8 of the Administration Guidelines (see part 42.1).

11.4 Incorrect CANs

Correcting incorrect CANs

A provider is responsible for ensuring the information provided on CANs is correct. Therefore, if information provided in issued CANs is incorrect, or ceases to be correct, the provider must issue affected students with new CANs containing correct information.

Student request for correction of CAN

When a student believes the information on the CAN is incorrect, the student may, within 14 days of the CAN being given, or longer if the provider allows, ask in writing for the CAN to be corrected [HESA subsection 169-10(2)]. This request may be made electronically in line with chapter 8 of the Administration Guidelines.
The student’s request should specify the particular information the student considers is incorrect and the reasons why it is considered incorrect. Making the request does not affect the liability of the student to pay the tuition fee, or the student’s HELP eligibility.

The provider should consider the request as soon as possible, and notify the student, in writing, of its decision. If the provider finds the information on the original CAN was incorrect, or has ceased to be correct, the provider must issue a new CAN to the student with the correct information, the provider should also correct its records and data sent to the department (see part 36.3).
12 Exempt students

12.1 What is an exempt student?

Exempt students are not required to pay student contribution amounts or tuition fees for specified units of study [HESA subsection 169-20(1) and Administration Guidelines paragraph 5.10.1].

12.2 Who is an exempt student?

Students are exempt students for units of study:

- consisting wholly of work experience in industry (WEI) and where the provider is not providing support to a student’s learning and performance (see part 15.1) [HESA subsection 169-20(2) and Administration Guidelines paragraph 5.5.1]; or
- in a course of study for which the provider has awarded an exemption scholarship for that course (see part 14.1) [HESA subsection 169-20(3)]; or
- for which the student is in a RTS place.

There is no student contribution amount for enabling courses but students enrolled in enabling courses are not exempt students for the purposes of HESA (see part 8.7).

12.3 Notifying students

A provider must notify a student they are an exempt student in the CAN (see part 12.1), as required by chapter 4 of the Administration Guidelines.
13 Exemption scholarships

13.1 What is an exemption scholarship?

A provider may award a student an exemption scholarship for a course of study. Students who are awarded an exemption scholarship are exempt from the payment of all of their student contribution amounts and tuition fees for all units of study undertaken as part of that course of study, from the point at which the scholarship is awarded [HESA subsection 169-20(3) and Administration Guidelines paragraph 5.10.1].

Exemption scholarships are for the full amount of a student’s contribution or tuition fee. Partial payment by a provider of a student’s contribution or tuition fees for a course of study is not an exemption scholarship.

A Commonwealth supported student who has been awarded exemption scholarship must complete a Request for Commonwealth Support and HECS-HELP form. Exemption scholarships cannot be awarded on a unit of study basis.

13.2 Eligibility for an exemption scholarship

Domestic students

A provider may award an exemption scholarship to any domestic student. The provider must meet the cost of the exemption scholarship. The provider will not receive a student contribution amount or tuition fee from the student, or receive any payment from the Commonwealth to cover the student contribution or tuition fee.

In the case of students who are Commonwealth supported for the units of study undertaken as part of a course of study for which they have an exemption scholarship, a provider will receive the Commonwealth contribution for the units.

Overseas students

A provider may award overseas students scholarships (see part 29.1), but these are not exemption scholarships as defined in HESA. HESA does not provide for exemption scholarships to be awarded to overseas students.

13.3 When may an exemption scholarship be awarded?

Exemption scholarships may be awarded at any time during a student’s course of study. A student’s status as an exempt student commences from the time they enrol in any units of study after the awarding of the exemption scholarship. A provider is not required to refund a student’s contribution amounts or tuition fees for units completed prior to the awarding of the exemption scholarship. However, if the provider will not be providing a refund, the student should be advised the exemption scholarship does not include a refund of student contributions or tuition fees paid for units already completed, so the exemption scholarship is accepted subject to those terms.
13.4 Notifying the student

A provider must notify the student in the CAN (see part 12.1) they are an exempt student because they have been awarded an exemption scholarship.

13.5 Social security treatment of exemption scholarships

Exemption scholarships are not considered income for social security purposes under subsection 8(zja) the *Social Security Act 1991* or ABSTUDY policy.
14 Work experience in industry units

14.1 What is a WEI unit?

HESA requires that WEI units be treated differently to other units of study [HESA Schedule 1]. A summary of this section is at Figure 1 below.

WEI units are those which comprise totally of work:

- that is done as a part of, or in connection with, a course of study undertaken with a provider; and
- the purpose of which is to obtain work experience relevant to the course of study; and
- in respect of which student learning and performance is not directed by the provider. Learning and performance is not directed by the provider unless all of the following are performed by staff of the provider or by persons engaged by the provider:
  - ongoing and regular input and contact with students;
  - oversight and direction of work occurring during its performance, not just the progress of a student’s work;
  - definition and management of the implementation of educational content and objectives of the unit;
  - definition and management of assessment of student learning and performance during the placement; and
  - definition and management of the standard of learning and performance to be achieved by the student during the placement [Administration Guidelines paragraph 5.5.1].

WEI units are reported on element 337 of the Higher Education Student Data Collection. For further information on reporting requirements, see the HEIMSHelp web site at http://heimshelp.education.gov.au/sites/heimshelp/

14.2 Do WEI units attract CGS funding?

WEI units are not counted as student load for funding under the CGS [HESA subsection 33-30(1)].

14.3 Can a provider charge a student contribution or tuition fee for WEI?

Whether a student can be charged for a WEI unit depends on the level of support provided to the student enrolled in the unit.

WEI units where support is provided

A provider may charge a student contribution amount or tuition fee for WEI units if the student receives support for learning and performance from the provider or persons engaged by the provider.

A student is receiving support for learning and performance if all of the following are performed by staff of the provider or persons engaged by the provider:

- interaction between the supervisor and the student, which may include site visits;
- organisation of student placements;
- ongoing monitoring of student work and progress; and
- assessment of student learning and performance during the placement [Administration Guidelines paragraph 5.5.1].
The unit is coded as ‘1’ on element 337 of the Higher Education Student Data Collection.

**WEI units where no support is provided**

If the provider, or someone engaged by the provider, is not providing support to a student’s learning and performance for a WEI unit, the unit is wholly WEI and the provider cannot charge the student a student contribution amount or tuition fee. The student is an exempt student [HESA subsection 169-20(2) and Administration Guidelines paragraph 5.10.1]. The unit is coded as ‘2’ on element 337 of the Higher Education Student Data Collection and as an exempt student on element 490.

**14.4 When is a student enrolled in a WEI unit a Commonwealth supported student?**

A student is to be enrolled and reported to the department as a Commonwealth supported student in relation to a WEI unit if they are or have been Commonwealth supported for another, non-WEI, unit of study in that course [HESA subsection 36-10(6)].
Figure 1: WEI arrangements

A unit of study includes some work experience

YES

Does it also include other teaching?

YES

The unit is not a WEI unit.

NO

Is learning and performance directed by the provider?

YES

The unit is a WEI unit

NO

Is learning and performance supported by the provider?

YES

Students enrolled in the unit may be charged a student contribution amount or tuition fee.

NO

Students enrolled in the unit must not be charged a student contribution amount or tuition fee.
15 Cross-institutional programs

15.1 What is a cross-institutional program?

A student is enrolled in a cross-institutional program if all of the following criteria are met:

- a program of study comprising a unit or a set of units of study is being undertaken with one provider, the host provider, as part of a course of study for which the student is enrolled with another provider, the home provider; and
- there is an arrangement for recognition between the two providers; and
- the cost of providing the program of study at the host provider is met by the host provider; and
- the home provider is not being funded for the program of study through student contributions or tuition fees paid by the student, through the CGS in the case of Commonwealth supported students, or through funding provided by an employer, a state, territory or Commonwealth department or agency, or any other individual or body.

15.2 Commonwealth supported students in a cross-institutional program

Where providers have CSPs, they may offer places to students undertaking a course of study at another provider as part of a cross-institutional program [HESA paragraph 36-10(1)(b)].

The student load for a cross-institutional program can be Commonwealth supported only if the student is a domestic student and the cost of providing the program of study at the host provider has not been provided to the home provider, for example, through the CGS, the student paying student contributions or fees, or an employer funding the study.

The student contribution amount is set by the host provider and need not be equal to the student contribution amount that would have been incurred had the unit of study been undertaken at the home provider.

Providers should ensure that students in cross-institutional programs are made aware of each provider’s requirements for enrolment variations and withdrawals.

If a unit undertaken by a student on a cross-institutional basis is a compulsory requirement of the course of study in which the student is enrolled as a Commonwealth supported student at a Table A home provider, the unit must be Commonwealth supported at the host provider.

A student services and amenities fee may be charged by both the home and host provider. However, a student will only be able to receive SA-HELP for both fees if the student is enrolled in a course of study at both the home and host provider. The student will need to complete two Request for SA-HELP Assistance forms in this circumstance.

15.3 Fee-paying students in a cross-institutional program

For domestic students enrolled in a fee-paying place at their home provider, the unit of study being undertaken at the host provider may be Commonwealth supported, if the host provider has CSPs, or fee-paying. Students must complete the relevant Request for Commonwealth Assistance form at both the home and host provider (see part 11.1).
15.4 Eligibility for FEE-HELP

FEE-HELP (see part 32.1) is available to eligible cross-institutional students. Students enrolled in FEE-HELP eligible courses at their home provider are eligible for FEE-HELP for units being undertaken at the host provider.

The units being studied at the host provider must be given recognition at the home provider as part of the course of study being undertaken at the home provider.

Students are required to complete a Request for FEE-HELP Assistance form at the provider(s) at which they want FEE-HELP to pay tuition fees (see part 11.1).

15.5 How are cross-institutional programs reported?

All load for units of study that students are undertaking cross-institutionally must be reported by the host provider, irrespective of whether the load is counted for CGS funding. The home provider does not report the load for these units. For further information on data reporting, see the HEIMSHELP website at http://heimshelp.education.gov.au/sites/heimshelp/.
16 Exchange and study abroad students

16.1 Domestic students on a formal exchange program

What is a formal exchange program?

A formal exchange program involves a formal agreement between a provider and an overseas higher education institution to have a reciprocal exchange of students over time. These arrangements allow domestic students to pay for their overseas study under the provisions of HESA. The domestic student must be enrolled in units of study for that overseas study with their Australian provider to be Commonwealth supported and have access to HECS-HELP, or have access to FEE-HELP for the exchange units of study.

Are exchange students eligible for HELP?

Where a formal exchange occurs, the Australian provider is effectively choosing to offer some of its places offshore through a third party. This means that a provider may inform students they are Commonwealth supported while undertaking overseas study through a formal exchange program as long as all other requirements for so advising students are met and the student is enrolled in units of study with the Australian provider for that overseas study. In particular, a provider must ensure the overseas study contributes to the requirements of the course of study the student is enrolled in with the home provider.

Students on formal exchange programs may access HECS-HELP or FEE-HELP under the same provisions that apply if they were studying in Australia. Commonwealth supported students must not be charged tuition fees by their home provider or their host institution, unless they choose not to be Commonwealth supported (see part 22.13). Eligible exchange students may also access OS-HELP (see part 32.1).

This arrangement would not apply where a student was enrolled at an overseas campus of the provider, including one operated by a partner organisation, for the entirety of a course.

An Australian citizen will not be eligible for a CSP or the HELP schemes if the provider reasonably expects the person will not undertake in Australia any units of study contributing to the course of study of which the unit forms a part. Australian citizens who commence a course of study on or after 1 January 2013 will need to meet the new requirements.

The HECS-HELP, FEE-HELP and SA-HELP request for Commonwealth assistance forms have been amended for 2013 to include an additional question asking the student if they will undertake in Australia any units of study that contribute to their course of study. If the student declares they will then a provider may be satisfied the legislative requirements have been met.

Example 1

- Adele is enrolled in a Bachelor of Medicine at the Tahiti campus of an Australian provider. Adele is not eligible for a CSP or able to access HELP for that course of study.
Example 2

- Stella is enrolled in a Bachelor of Commerce at the Sydney campus of an Australian provider. Stella is Commonwealth supported and currently receiving HECS-HELP. Stella is going on an exchange program in Shanghai for six months. Stella will be enrolled at the Sydney campus but will be undertaking her studies through the provider in Shanghai. There is a formal agreement with the Australian provider. Stella would continue to be a Commonwealth supported student receiving HECS-HELP and may also be eligible for OS-HELP.

Example 3

- Ari is enrolled in a Bachelor of Optometry at the Adelaide campus of an Australian provider. Ari is spending six months studying at a provider in London. The London provider does not have a formal agreement with the Australian provider but the units of study undertaken in London will count towards the Bachelor of Optometry that Ari is enrolled in with the Australian provider. Ari is not eligible for a CSP or able to access HECS-HELP or FEE-HELP for these units. However, Ari may be eligible for OS-HELP.

Reporting of student load

Student load for Commonwealth supported students in an exchange program must be reported and is subject to normal provisions relating to student status codes on element 490 in the Higher Education Student Data Collection. Student load is calculated on the basis of the EFTSL contributing towards the Australian qualification by virtue of the work undertaken overseas.

To allocate units of study undertaken by the exchange student to the appropriate CGS funding cluster, a provider should obtain details of the units undertaken, make an assessment of the subject matter of each unit and allocate the units in accordance with the requirements set out in chapter 9 of the Commonwealth Grant Scheme Guidelines 2012 (CGS Guidelines).

16.2 Domestic students on a study abroad program

Study abroad programs are not normally covered by an agreement between a provider and an overseas higher education institution. Students who undertake study abroad are not covered under HESA, except for the purposes of OS-HELP, and will be under the fees regime of their host country. Student load for study abroad students is not reported.

16.3 Overseas students on a formal exchange program

Formal exchange programs involve a formal agreement between a provider and an overseas higher education institution to have a reciprocal exchange of students over time. These arrangements allow overseas students to pay for the study they undertake in Australia under the fee regime that applies to them in their home country.

HELP can only be used offshore for students who are eligible for HELP onshore. Overseas students undertaking formal exchange from their Australian provider to a third country are not eligible.
A provider is not required to meet the fee requirements for overseas students (see part 29.1) if the overseas student is participating in a formal exchange program [HEP Guidelines paragraph 6.10.1].

A provider must give confirmation of enrolment to all overseas students in the format required by the Department of Immigration and Border Protection (Department of Immigration).

16.4 Overseas students on a study abroad program

Study abroad programs are not normally covered by an agreement between a provider and an overseas higher education institution. Overseas students who undertake study abroad in Australia are considered overseas students under HESA and must be charged fees for overseas students in accordance with the HEP Guidelines. Student load for study abroad overseas students is reported as overseas student load. A provider must give confirmation of enrolment to all overseas students in the format required by the Department of Immigration.
17 Employer reserved places

17.1 What is an employer reserved place?

An employer reserved place is one made available under a restricted access arrangement. A restricted access arrangement, for a course of study, means an arrangement that:

- is entered into between the provider and an employer or industry body; and
- limits or restricts enrolments in some or all of the places in the course [HESA Schedule 1].

If requested by the department, a provider must be able to produce evidence of the arrangement and details of the nature of the limitation or restriction on enrolment.

17.2 Can a student be Commonwealth supported?

Students in an employer reserved place for a unit of study cannot be Commonwealth supported for that unit [HESA paragraph 36-15(1)(a)].

17.3 Funding and tuition fee arrangements

A provider must determine the tuition fee for students undertaking units of study in employer reserved places. The tuition fee must be such the sum of the tuition fee and any employer contribution towards the unit is greater than or equal to the highest student contribution being charged by the provider for that unit [HESA subsection 36-55(2)].

Eligible students in an employer reserved place may request FEE-HELP to meet the cost of all or part of their tuition fees (see part 32.1).
18 Incidental fees

18.1 Fees for goods and services incidental to studies

Commonwealth supported students and domestic fee-paying students generally must be able to complete the requirements of their course of study without the imposition of fees that are additional to student contribution amounts (see part 24.1) or tuition fees (see part 26.1).

Certain incidental fees are allowed. The criteria for deciding if a fee is incidental are set out in chapter 7 of the HEP Guidelines and HESA [HESA paragraph 19-102(3)(f)]. Bonds and deposits related to the payment of tuition fees, whether refundable or not, are not allowed under these guidelines.

18.2 Circumstances in which a provider may levy incidental fees

In accordance with chapter 7 of the HEP Guidelines, a provider may charge a student for a good or service related to the provision of their course if one of the following criteria applies:

<table>
<thead>
<tr>
<th>Incidental fees and charges</th>
<th>Examples</th>
</tr>
</thead>
</table>
| Goods or services not essential to the course. | - access to internet and computer facilities, except where these are required as part of a course  
- printing of notes from the internet or disc  
- graduation ceremonies where students are not required to attend the ceremony to obtain their award |
| Alternative forms of access to goods or services essential to the course, but is otherwise readily available at no additional cost by the provider. | - lecture notes or recordings, provided that lectures are made readily available to students free of charge  
- electronic provision of essential information if the information is also made readily available free of charge in another form  
- reading material, such as anthologies of required readings, provided these texts are also made readily available free of charge |
| Essential goods or services that students have the choice of acquiring from a supplier other than the provider and is for: equipment or items that become the student’s physical property and not consumed in the course. | - artwork supplies  
- fabric for sewing class  
- musical instruments  
- protective clothing or footwear  
- tool kits  
- stethoscopes  
- dance shoes  
- reference texts  
- badged clothing required for placements |
| OR food, transport and accommodation costs associated with the provision of field trips that form part of the course | - meals, snacks, beverages  
- bus tickets, airfares  
- hotels, camping |
<table>
<thead>
<tr>
<th>Incidental fees and charges</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fines or penalties imposed principally as a disincentive and not to raise revenue or cover administrative costs.</td>
<td>fines or penalties for late enrolments, late variations to enrolments, late withdrawals from a course, and late payments of charges, student contribution amounts and tuition fees</td>
</tr>
<tr>
<td></td>
<td>review of grade if a student has already passed the subject, but is seeking to improve their grade</td>
</tr>
<tr>
<td></td>
<td>a bond for equipment that may be forfeited if the equipment is not returned or damaged</td>
</tr>
<tr>
<td></td>
<td>a charge for an assessment of prior learning in circumstances where a person has not applied for entry to the provider</td>
</tr>
</tbody>
</table>

Examples provided above are for guidance only and are not intended to represent an exhaustive list. For more examples and explanations, see Appendix S.

**Incentives to enrol**

A provider may offer incentives for enrolment in a course, provided the basis for the offer meets the fairness provisions, ensuring that all eligible students enrolling or seeking to enrol in a course of study are treated fairly. In the case of incentives, this would generally mean the incentive must be available to all students, and does not impose unfair conditions on students who take up its offer.

However, the tuition fee determined for a unit must not include fees or charges that are incidental to studies. As an example, an iPad offered to enrolling students would generally not be considered essential to a student’s course and any charge for the iPad would be incidental to studies and could not be included in costs deferred into a FEE-HELP loan.

**18.3 Circumstances in which a provider must not levy fees**

The following examples are the kinds of goods and services for which the provider should not charge separate fees.

**Examples**

- course materials, such as subject outlines, reading lists, tutorial or seminar topics and problems, assignment and essay questions and requirements or 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;
- equipment and manuals which a professional in the field would not be required to own, such as:
  - fixtures in a clinic, laboratory or workshop;
  - large items of equipment and relevant workshop guides required for their use;
- examinations or assessments, including practical assessment, for example, which requires the services of musical accompanists;
- reassessment of results where a student has failed an assessment and thereby failed a subject or VET unit of study;
- mailing charges associated with distance.
fees or enrolment fees, except for special admissions tests;
- course notes provided as part of distance education;

Examples provided above are for guidance only and are not intended to represent an exhaustive list. For more examples and explanations, see Appendix S.

It is recognised that providers can choose to deliver units of study as part of a field trip or study tour. While it is allowable for students to pay the provider directly for the associated food, transport and accommodations costs which the student may acquire from a supplier other than the provider, they are clearly defined as incidental fees in the HEP Guidelines and cannot be included in tuition fees.

18.4 Special admissions tests

A provider that conducts a special admissions test for judging the suitability of a person seeking admission into a specialist course may charge a fee for this test. A special admissions test would be over and above normal admissions services such as enrolling on the basis of an ATAR score, for which a provider must not charge a fee.

Examples

- specialist auditions and interviews such as those conducted by performing arts institutions/faculties; or
- tests where special expertise is required to conduct interviews and make recommendations on the suitability of applicants for admission.
19 **Student services and amenities fee**

19.1 **What is the student services and amenities fee?**

It is a fee that providers can charge their students for student services and amenities of a non-academic nature, such as sporting and recreational activities, employment and career advice, child care, financial advice and food services. Providers may charge students a fee of up to $273 in 2013. This amount will be indexed annually.

19.2 **Who can be charged a student services and amenities fee?**

Any person who is enrolled or seeking to enrol with a provider may be charged a student services and amenities fee from 1 January 2012, regardless of whether the student chooses to use any of those services and amenities [HESA subsection 19-37(5)]. However, only those students who meet the eligibility criteria can defer the fee through SA-HELP.

19.3 **Who will the fee apply to?**

A provider may charge different amounts for particular categories of students, including a zero amount. Categories of students can be determined on any basis including mode of attendance, type of course or equity status. For example, a provider may choose not to charge external students a fee as they do not attend classes at a campus and are unlikely to access any of the services or amenities.

19.4 **Arrangements for part-time students**

The student services and amenities fee amount payable for students enrolled with a provider part-time must not be more than 75 per cent of the maximum amount payable by students enrolled with that provider full-time [Administration Guidelines paragraph 2.10.1]. Part-time enrolment is equivalent to a workload of less than 75 per cent of the full-time student load.

19.5 **Charging international students the student services and amenities fee**

The ESOS Act does not prohibit providers from charging international students enrolled, or seeking to enrol, with the provider a student services and amenities fee under subsection 19-37(5) of HESA.

Providers must ensure compliance with the ESOS Act, any regulations made under the ESOS Act and its National code when advising students in their written agreement about tuition fees and any other fees, including a student services and amenities fee, charged by the provider.

Providers may charge international students a student services and amenities fee if the written agreement between the provider and the international student contains a clause allowing the provider to vary the student’s fee during their enrolment. This is applicable for international students who are already enrolled with the provider, or have accepted an offer, but have not yet commenced their enrolment. If the written agreement between the provider and the international student does not include this clause, the provider may not charge student services and amenities fees for the duration of the agreement.
19.6 Determining the date the debt is incurred

Providers will determine a date payable, or a date the debt is incurred, for the student services and amenities fee. This date cannot be earlier than the last day on which a student is able to enrol with the provider in a course of study. Eligible students that wish to access SA-HELP assistance must submit the completed Request for SA-HELP Assistance form on or before the date payable.

Under certain circumstances, providers may set an earlier administrative date for payment of the fee and submission of Request for SA-HELP Assistance forms.

19.7 Payment of the student services and amenities fee

Students may pay their student services and amenities fee upfront. Eligible students who are unable to pay upfront may request SA-HELP (see part 33.1) to cover the student services and amenities fee.

Eligible students may choose to pay some of the fee upfront and access SA-HELP for the remainder or may access SA-HELP for the full amount of the fee. The amount of SA-HELP accessed by the student will be added to the student’s accumulated HELP debt. Eligible students will be able to use SA-HELP even if they do not wish to access any other HELP scheme.

19.8 Refund of the fee

Providers are expected to develop their own policies in relation to the refund of student services and amenities fees. There is no capacity under HESA for a provider to remit a SA-HELP debt incurred by a student.

Providers are expected to advise students that even if they receive a refund due to special circumstances, after the date the debt is incurred for SA-HELP, the student will still have recorded a debt with the Australian Taxation Office (ATO).

19.9 Variations to the fee or the day on which the fee is payable

Variations are considered necessary only to correct administrative errors, or when new circumstances arise that did not apply when the fee, or the day the fee was payable, was determined.

A provider must advise the department in writing via the TSEnquiries@education.gov.au mailbox of the intention to vary the fee, or the day the fee is payable, at least five business days before making the variation.

19.10 GST requirements

The ATO provides advice on whether GST is payable on student services and amenities fees. If a provider is unsure whether GST should be included in the fee, the provider should obtain advice directly from the ATO. For further information on how to apply for a private ruling, see the ATO website at http://www.ato.gov.au.
The fee is usually GST-free if the provider imposes the fee to make facilities available to the general student population. However, if a provider imposes the fee in order to provide a student with a taxable supply, the fee is taxable. Where the GST is payable, the fee must be GST inclusive [Administration Guidelines paragraph 2.5.20].

Example

- A provider charges students a fee to provide services and amenities for general use by students such as sporting clubs, childcare services and medical services. The fee is GST-free.
- A provider charges students a fee and in return provides students with sporting equipment to the value of the fee. The fee will be taxable and, therefore, is GST-inclusive.

19.11 Publishing requirements

If a provider charges a student services and amenities fee, the provider is required to publish:

- the amount of the fee;
- the date the debt is incurred;
- the period to which the fee relates; and
- a description of the category of persons required to pay the fee to allow a person to determine whether the fee applies to them.

A provider must publish this information by:

- 1 April for units with a census date between 1 July and 31 December of the same year; and
- 1 October for units with a census date between 1 January and 30 June of the subsequent year.

19.12 Allowable expenditures for fee revenue

A provider who charges a student services and amenities fee may only spend the fee on the provision or subsidisation of the provision of the following services [HESA section 19-38]:

- providing food or drink to students on a campus of the provider;
- supporting a sporting or other recreational activity by students;
- supporting the administration of a club most of whose members are students;
- caring for children of students;
- providing legal services to students;
- promoting the health or welfare of students;
- helping students secure accommodation;
- helping students obtain employment or advice on careers;
- helping students with their financial affairs;
- helping students obtain insurance against personal accidents;
- supporting debating by students;
- providing libraries and reading rooms, other than those provided for academic purposes for students;
- supporting an artistic activity by students;
- supporting the production and dissemination to students of media whose content is provided by students;
- helping students develop skills for study, by means other than undertaking courses of study in which they are enrolled;
- advising on matters arising under the provider's rules, however described;
advocating students' interests in matters arising under the provider’s rules, however described;
- giving students information to help them in their orientation; and
- helping meet the specific needs of overseas students relating to their welfare, accommodation and employment.

19.13 National Access to Services Benchmarks

Providers that receive funding through the CGS must meet the National Access to Services Benchmarks (the Benchmarks) as a condition of their funding. [Student Services, Amenities, Representation and Advocacy Guidelines chapter 2].

Under these benchmarks, an orientation program and information should be accessible to all enrolled students, allowing for those enrolling at different entry points. Relevant information may be provided to students in oral or written form, or by electronic means such as via the provider’s website, email, SMS broadcasts or podcasts.

Students must be provided with information on how to access health, welfare, advocacy and career services. Providers must provide enrolled students with access to advocacy officers. Advocacy officers provide services in relation to matters arising under the academic and procedural rules of the provider. Advocacy officers should act in the best interests of students and be independent from the provider’s decision-makers and other staff who administer the provider’s academic and procedural rules and regulations. Advocacy officers must avoid potential or actual conflicts of interest in carrying out their duties.

Providers must ensure where they provide health, welfare, advocacy or career services to enrolled students, whether directly or via the engagement of a third part, that trained and qualified staff are engaged to meet the needs of enrolled students.

These requirements are independent of whether or not a provider chooses to charge a student services and amenities fee.

19.14 National Student Representation Protocols

Providers that receive funding through the CGS will need to meet the National Student Representation Protocols [Student Services, Amenities, Representation and Advocacy Guidelines chapter 3] as a condition of their funding. The protocols ensure students have access to democratic and independent student representation and their views are taken into account in institutional decision-making processes.

Providers must give students the opportunity to participate in a process to democratically elect student representatives. Elected student representatives must be provided with adequate and reasonable support resources and infrastructure by the provider to allow representatives to carry out their functions.

Providers must have a formal process of consultation with democratically elected students representatives and representatives from major student organisations at the provider regarding the specific uses of proceeds from any compulsory student services and amenities fee. Consultation should include:

- publishing identified priorities for proposed fee expenditure and allowing opportunities to comment on those priorities by students and student associations and organisations; and
meeting with democratically elected student representatives and representatives from key student organisations to consider the priorities for use of fee revenue.

These requirements are independent of whether or not a provider chooses to charge a student services and amenities fee.
20 Third party or partnership arrangements

20.1 What is a third party arrangement?

A third party arrangement, sometimes referred to as a partnership, is an arrangement between a provider and another organisation, including a wholly owned subsidiary of the provider, for the delivery of some or all of a course where the provider is to grant the academic award. This relationship is one of principal and agent. Students undertaking these courses must be enrolled with the provider.

The provider is the principal and must carry full responsibility for all aspects of delivery, including quality and standards, teaching by qualified staff, adequate resources and facilities, and adequate measures to protect the welfare of students.

The provider is required to comply with all the requirements of HESA including:

- student eligibility for Commonwealth assistance;
- circumstances in which a student must, may and must not be advised they are Commonwealth supported (see part 22.1);
- any conditions applying to provision of courses to domestic undergraduate fee-paying students (see part 26.1);
- determination and charging of student contribution amounts and tuition fees, and the determination of EFTSL values and census dates for units of study (see part 9.1, part 10.1, part 24.1 and part 26.1);
- publishing and reporting requirements (see part 37); and
- considering applications for re-crediting a student’s FEE-HELP balance in respect of the units that form part of the course (see part 43.1).
21 Commonwealth supported places

21.1 What are Commonwealth supported places?

A Commonwealth supported place (CSP) is a place subsidised by the Commonwealth. A provider may receive grants from the Commonwealth through the CGS for students in CSPs but a provider is not limited by the CGS in advising a student they are Commonwealth supported. For further information on the CGS, see the Administrative Information for Providers: Commonwealth Grant Scheme or contact the cgs@education.gov.au mailbox.

Providers must not advise students they are Commonwealth supported for courses of study that are to be undertaken primarily at an overseas campus. This does not apply to students who are only doing a minority of their course at an overseas campus, such as those involved in a formal exchange program or accessing OS-HELP, these students can be Commonwealth supported. RTS places are not classified as CSPs.

21.2 Responsibility for allocating CSPs

A provider is responsible for allocating CSPs that have been given by the Commonwealth to students enrolled at an Australian campus. In allocating the places, the provider must ensure that:

- the benefits of, and opportunities created by, CSPs are made equally available to all eligible students [HESA subsection 19-35(1)]; and
- it has open, fair and transparent procedures that, in the provider’s reasonable view, are based on merit, for selecting students for the places [HESA subsection 19-35(2)].

In allocating the places based on merit, the provider may take into account educational disadvantages that a particular student has experienced (see part 1.5) [HESA subsection 19-35(3)].

21.3 Allocating a Commonwealth Higher Education Student Support Number

The department allocates a Commonwealth Higher Education Student Support Number (CHESSN) to all Commonwealth supported students (see part 41.4) through a provider or tertiary admissions centre (TAC). The CHESSN enables the monitoring of students’ use of Commonwealth assistance.

21.4 When does a student become a Commonwealth supported student?

A student is a Commonwealth supported student once the provider with which the student is enrolled has advised the student in writing they are a Commonwealth supported student, and, at the end of the census date for the unit, the provider is not prohibited from advising the student of this [HESA sections 36-10 and 35-15].

A provider must not advise a person they are a Commonwealth supported student unless:

- the provider has entered into a funding agreement with the Commonwealth for the year in which the person is undertaking the unit; and
- the student meets the residency or citizenship requirements;
the unit of study contributes to the requirements of a course of study in which the person is enrolled with the provider or another provider; and

the student is enrolled in the unit before the census, and remained so enrolled at the end of the census date.

A provider must not advise a person they are a Commonwealth supported student in relation to a unit of study where:

- the enrolment is an employer reserved place;
- the unit forms part of a bridging course for overseas-trained professionals; and
- the unit forms part of a course the Minister has specified, by way of legislative instrument, to be a course that students cannot be enrolled in as Commonwealth supported students.

### 21.5 Student notification of CSP

A provider is required to notify students, in writing after the census date, they are Commonwealth supported in relation to a unit of study, or a course of study, of which the unit forms a part.

### 21.6 Continued support in a CSP

Once a provider has notified a student they are Commonwealth supported for a unit of study contributing to a course of study, the provider must continue to enrol the person as a Commonwealth supported student for subsequent units of study contributing to that course of study [HESA section 36-25].

The only exceptions are where the provider is prohibited from advising the person they are a Commonwealth supported student [HESA section 36-10]. These exceptions are where:

- the student is no longer eligible (see part 22.7);
- the person has chosen not to be Commonwealth supported (see part 22.13);
- no CSPs have been allocated to the provider by the Commonwealth for the year; or
- the student is enrolled in a full fee summer or winter school unit of study (see part 25.1 and part 25.2).

### 21.7 CSP eligibility

#### Citizenship requirements

A student may be eligible for a CSP if they meet the citizenship requirements [HESA paragraph 36-10(1)(c)]. To meet the requirements a student must be:

- an Australian citizen, for students who commenced their course of study prior to 1 January 2013; or
- an Australian citizen who will undertake in Australia at least one unit of study contributing to their course of study, for students who commenced their course of study on or after 1 January 2013;
- a New Zealand citizen who will be resident in Australia for the duration of their unit of study; or
- the holder of a permanent visa, resident in Australia for the duration of their unit.

A person may automatically be an Australian citizen by birth or adoption, or after applying for Australian citizenship by descent or conferral. If a person is over 16 years at the time they make their application for citizenship by conferral, they will obtain Australian citizenship only after they have made the pledge of commitment and have been issued with evidence of Australian citizenship from the Department of Immigration. People who become permanent...
residents of Australia on or after 1 July 2007 need to spend four years in Australia before becoming citizens [Australian Citizenship Act 2007].

Changes to residency requirements for Australian citizens

An Australian citizen will not be eligible for a CSP or the HELP schemes if the provider reasonably expects the person will not undertake in Australia any units of study contributing to the course of study of which the unit forms a part. Australian citizens who commence a course of study on or after 1 January 2013 will need to meet the new requirements.

The HECS-HELP, FEE-HELP and SA-HELP request for Commonwealth assistance forms have been amended for 2013 to include an additional question asking the student if they will undertake in Australia any units of study that contribute to their course of study. If the student declares they will then a provider may be satisfied the legislative requirements have been met.

Residing in Australia

In determining whether New Zealand citizens or holders of a permanent visa will be resident in Australia for the duration of their unit of study, a provider must disregard any periods spent outside of Australia if:

- it cannot reasonably be regarded as indicating an intention to reside outside of Australia for the duration of the unit; or
- it is required for the purpose of completing the requirements of that unit [HESA subsection 36-10(2A)].

A New Zealand citizen or holder of a permanent visa will not satisfy the residency requirements if the provider reasonably expects they will not undertake in Australia any of the units of study contributing to the course of study of which the unit forms a part [HESA subsection 36-10(2B)].

Temporary or provisional residents

Students who are temporary or provisional residents are not eligible for a CSP as they are not the holders of a permanent visa. They are overseas students and must be charged overseas student fees (see part 29.1).

21.8 Courses in which students must not be Commonwealth supported

Students must not be advised they are Commonwealth supported students in relation to a unit of study if the unit contributes to the requirements of a course of study that is being undertaken by the person primarily at an overseas campus.

Students undertaking a Bachelor of Circus Arts at Swinburne University of Technology and students undertaking a research masters or research doctoral degree, must not be advised they are Commonwealth supported in respect of any units of study that contribute to that course of study [Ministerial determination under HESA subsection 36-15(2)].
21.9 Student Learning Entitlement

The Student Learning Entitlement (SLE) was introduced on 1 January 2005. The intent of the SLE was to limit a person’s ability to study as a Commonwealth supported student to the equivalent of seven years full-time study, subject to exceptions specified in HESA allowing for further periods of additional SLE and lifelong SLE.

On 14 September 2011, the Australian Parliament passed the Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Act 2011 that abolished SLE from 1 January 2012.

Students no longer have a limit placed on how much study they can undertake as a Commonwealth supported student. Students who had previously reached their allocation of SLE may re-enrol and undertake further study in a CSP. Students who reached their SLE and paid fees for fee-paying places and/or have received FEE-HELP are not able to receive remittance of these fees or reduction in the FEE-HELP amount.

21.10 Unit of study requirements

Students enrolled with a non-Table A provider may be Commonwealth supported only if the unit is part of a course of study in one of the national priorities specified in the CGS Guidelines for which the provider has been allocated CSPs by the Commonwealth [HESA subsection 36-10(5)].

Current national priorities include:

- increasing the number of persons undertaking teaching and nursing courses of study;
- supporting a number of persons undertaking natural and physical sciences, information technology, health, education and society and culture courses of study at the University of Notre Dame Australia; and
- supporting a number of Indigenous students undertaking courses of study at the University of Notre Dame Australia.

Units for which students are not eligible to be Commonwealth supported

Students are not eligible to be Commonwealth supported for a unit if the:

- enrolment is in an employer reserved place (see part 18.1) [HESA subsection 36-15(1)];
- unit forms part of a bridging course for overseas-trained professionals (see part 31.6) [HESA subsection 36-15(1)];
- unit does not contribute to the requirements of the course of study in which the student is enrolled with the provider [HESA paragraph 36-10(1)(b)];
- unit is a full fee summer or winter school unit of study for which the provider has determined that Commonwealth support does not apply (see part 25.1 and part 25.2) [HESA subsection 36-10(7)];
- unit forms a part of a course of study the Minister has determined is not a course in which students may be enrolled as Commonwealth supported students [HESA subsection 36-15(2)]; or
- unit contributes to the requirements of a course of study and the course of study is, or is to be, undertaken by the student primarily at an overseas campus [HESA subsection 36-15(1)].

A student may undertake units on a non-award basis and make other arrangement for payment of tuition fees.

Example 1
Can a student be Commonwealth supported for units they undertake which are additional to the award course requirements?

If a student can complete their award course of study, having satisfied all course requirements, without having to undertake the additional units, then the additional units are not eligible for HELP. This is because the additional units do not contribute towards the course of study.

Students may undertake additional units on a non-award basis and would need to make other arrangements to pay tuition costs.

**Example 2**

Can a student be Commonwealth supported for a unit of study they have already completed and for which they received a pass grade or better?

If a student has already successfully completed the requirements of the course of study in which they are enrolled, the student is not able to re-take units of study as a Commonwealth supported student for which they have received a pass grade or better.

A student is able to undertake units of study on a Commonwealth supported basis if the student undertook those units in a previous course of study, and not in the current course of study, and the units will be part of the current course.

Units of study that are not undertaken as part of the course of study are undertaken on a non-award basis. Fees charged for non-award units of study are tuition fees and must comply with all the provisions of HESA relating to tuition fees.

### 21.11 Enrolment requirements

In order to be Commonwealth supported, a student must enrol in a unit of study at an Australian campus of an Australia provider on or before the census date for the unit. The student must also submit a Request for Commonwealth Support and HECS-HELP form on or before the census date for the unit (see part 11.1). A student must complete this form even if they are not requesting HECS-HELP. A student’s enrolment as a Commonwealth supported student must be cancelled if they have not met this requirement [HESA subsection 36-40(1)].

A student cannot enrol in a unit as a Commonwealth supported student after the census date for the unit [HESA paragraph 36-10(1)(e)]. The student will not be eligible for FEE-HELP because the census date will have passed (see part 32.4).

### 21.12 Requirements for the payment of student contribution amounts

A student must meet the requirements for paying their student contribution amount. The requirements depend on the student’s HECS-HELP eligibility. Students undertaking an enabling course must not be charged a student contribution amount and are not subject to these requirements.

#### Commonwealth supported students seeking HECS-HELP

Commonwealth supported students who are seeking HECS-HELP must, on or before the census date, either:

- pay 90 per cent of their student contribution amount upfront to the provider; or
- meet the TFN requirements (see part 35).

A provider must cancel the student’s enrolment in a unit of study as a Commonwealth supported student if the student:
- is not eligible for HECS-HELP for the unit; and
- has not, before the census date for the unit paid to the provider the whole of the person’s student contribution amount for the unit [HESA subsection 36-40(2)],
- From 1 January 2015, subject to the passage of legislation, the upfront discount of 10 per cent will no longer apply and students will need to:
- pay 100 per cent of their student contribution amount upfront to the provider; or
- meet the TFN requirements so their student contribution amount may be deferred, if applicable.

**Commonwealth supported students not eligible for, or not requesting, HECS-HELP**

Commonwealth supported students who are not eligible for, or who are not requesting, HECS-HELP must, on or before the census date, pay the full amount of their student contribution amount upfront to the provider.

A provider must cancel the student's enrolment in a unit as a Commonwealth supported student if the student has not met this requirement in respect of that unit [HESA subsection 36-40(2)].

### 21.13 Students choosing not to be Commonwealth supported

A student may choose not to be Commonwealth supported in a unit of study. The student must notify the provider in writing, on or before the census date for the unit, they do not wish to be Commonwealth supported [HESA subsection 36-5(3) or paragraph 36-30(4)(b)]. Students may notify their provider electronically in accordance with requirements for electronic communications (see part 42.1).

A student who chooses not to be Commonwealth supported is required to pay tuition fees (see part 26.1) and may be eligible for FEE-HELP (see part 32.1) [HESA subsection 169-15(2)]. Student load in fee-paying units does not receive a Commonwealth contribution through the CGS (see part 23.1).

HESA of a person applying for a fee-paying place does not constitute advice to the provider the person does not wish to be Commonwealth supported. A person who wishes not to be Commonwealth supported for a unit of study must express this explicitly in writing.
22 Commonwealth contribution amounts

22.1 How much will the Commonwealth contribute?

The amount the Commonwealth contributes through the CGS depends on the funding cluster to which units of study are allocated [HESA section 33-10]. The Commonwealth contribution amounts for a particular year are published by the department at http://education.gov.au/funding-clusters-and-indexed-rates.

22.2 How are units of study allocated to funding clusters?

Units of study are allocated to funding clusters, or parts of funding clusters, according to their classification under the Australian Standard Classification of Education as per chapter 7 of the CGS Guidelines.
23 Student contribution amounts

23.1 Student contribution requirements

A provider must require every student in a Commonwealth supported unit of study, who is not an exempt student (see part 13.1), to pay the student contribution amount for the unit. The provider cannot charge these students tuition fees for the unit but may levy charges that are not considered to be fees [HESA subsections 169-15(1) and 93-5(1)] or are not otherwise prohibited by HESA (see part 26.1).

A provider may award students a scholarship to pay all or part of their student contribution. The value of approved scholarships are not included as income under income tests for social security payments, including Youth Allowance, Austudy, veteran affairs' pensions and allowances [Social Security Act 1991 subsections 8(1), 8(8) and 24A] or ABSTUDY [ABSTUDY Policy Manual 59.5.3].

23.2 Determining student contribution amounts

A provider is required to determine, for each Commonwealth supported unit of study it provides, or proposes to provide, one or more student contribution amounts for a place [HESA section 19-87]. This amount must be nil if the unit is part of an enabling course (see part 8.7) [HESA subsection 93-5(3)]. Providers may determine multiple student contribution amounts for a unit of study to apply to different categories of students [HESA subsection 19-87(2)].

Determining multiple student contribution amounts

In determining multiple student contribution amounts for a unit of study, a provider may have regard to any matters the provider considers appropriate. A provider must not have regard to the manner or timing of payment of the student contribution amount by the student or the Commonwealth, including:

- upfront student payments;
- through HECS-HELP;
- with a scholarship;
- with the HECS-HELP discount; or
- by partial payments. [HESA subsection 19-87(2A) and HEP Guidelines paragraph 5.15.1].

Example

- A provider determines the student contribution amount for a place in Maths 010 generally to be $8,363 for one EFTSL in 2013.
- The provider determines that for students undertaking Maths 010 by distance education the student contribution amount will be $8,000.
- The provider determines that for students with an educational disadvantage undertaking Maths 010 the student contribution is $6,500.

In determining multiple student contribution amounts, providers must treat fairly all of its students and all persons seeking to enrol with the provider [HESA section 19-30].

Charging and publishing student contribution amounts

Students must be charged the student contribution amount determined by the provider that is applicable to them.
The student contribution amounts determined by the provider must be published (see part 37.1) with sufficient information so that students are able to determine the student contribution amount that applies to them.

**Relationship to funding clusters or disciplines**

Student contribution amounts are determined at the unit of study level. Units in the same CGS funding cluster may be subject to different maximum student contribution amounts. For further information on CGS funding clusters, see the department’s website at http://education.gov.au/funding-clusters-and-indexed-rates.

### 23.3 Maximum student contribution amounts

Student contribution amounts must not exceed the maximum student contribution amount for the funding cluster, or part of a funding cluster, in which the unit is classified. See chapter 7 of the CGS Guidelines for information on allocating units of study to a funding cluster or part of a funding cluster. The maximum may also depend on whether a student is a pre-2010 student (see part 5.4).

The department publishes the maximum student contribution amounts for each category of students for a particular year on the department’s website at http://education.gov.au/funding-clusters-and-indexed-rates.


### 23.4 Calculating the student contribution amount for a unit of study

The student contribution amount for a unit of study is based on the student contribution amount for a place the provider has set, and the EFTSL value of the unit (see part 10.1) [HESA subsection 93-5(1)].

A provider cannot charge a student a student contribution amount that is more than an amount worked out as the maximum student contribution amount for a place multiplied by the EFTSL value of the unit [HESA section 36-45].

When calculating the student contribution amount for a unit, the formula is the student contribution amount for a place set by the provider for the unit multiplied by the EFTSL value of the unit [HESA section 36-45].

If the amount worked out by this formula consists of dollars and cents, the amount must be rounded down to the nearest dollar [HESA subsection 93-5(4)].

**Example**

- Susie has enrolled in Biology A01 as part of her Bachelor of Science. Her provider has set the student contribution amount for a place at $8,363 for that unit of study. The EFTSL value for Biology A01 is 0.125 EFTSL. Therefore, Susie’s student contribution amount for Biology A01 will be $8,363 × 0.125 = $1,045
23.5 Payment of student contribution amounts

How do students pay their student contribution amounts?

How students may pay their student contribution amounts depends on their citizenship and residency status.

Australian citizens and holders of permanent humanitarian visas

Australian citizens and permanent humanitarian visa holders may be eligible for HECS-HELP for their student contribution (see part 31.2) [HESA sections 90-1 and 90-5]. HECS-HELP provides students with a loan to cover their student contribution and/or a discount if they choose to pay all or part of their student contribution upfront.

From 1 January 2015, subject to the passage of legislation, the HECS-HELP upfront discount will be removed.

Holders of other permanent visas and New Zealand citizens

Holders of a permanent visa, other than permanent humanitarian visas, and New Zealand citizens are required to pay their student contribution upfront and in full on or before the census date. Otherwise, the provider must cancel a person's enrolment in a unit of study for which full payment has not been received [HESA subsection 36-40(2)]. These students are not eligible for HECS-HELP and therefore no discount applies to upfront payments (see part 7.2).

Students in receipt of the ABSTUDY Living Allowance under Masters and Doctorate awards

Masters students in receipt of the ABSTUDY Living Allowance under Masters and Doctorate awards who are undertaking full-time postgraduate studies as a Commonwealth supported student, may apply to Centrelink for their student contributions to be paid under ABSTUDY. These students must choose the upfront payment option and provide Centrelink with a copy of their confirmation of enrolment notice to ensure that Centrelink pays the amount owing on or before the census date or the date set by the provider, if earlier.

23.6 Students exempt from making a student contribution

A Commonwealth supported student is exempt from making a student contribution for a unit of study if the:

- student has been awarded an exemption scholarship for the course of study to which the unit is contributing (see part 14.1) [HESA subsection 169-20(3)]; or
- unit consists wholly of WEI which is not directed or supported by the provider (see part 15.1) [HESA subsection 169-20(2) and Administration Guidelines subchapter 5.5].

Students enrolled in enabling courses are not exempt students for the purposes of HESA but their student contribution amount is set at zero dollars (see part 8.7).
23.7 Tax deductibility of student contribution amounts

Student contribution amounts are not tax deductible, regardless of how the student pays the student contribution [Income Tax Assessment Act 1997 paragraphs 26-20(1)(c) and (ca)].

23.8 Student withdrawal on or before the census date

A student who enrolls in a unit of study, but withdraws on or before the census date, is not liable to pay their student contribution amount for that unit. If the student has made upfront payments in relation to that unit, the provider must repay those amounts to the student [HESA subsection 169-15(3)], and, if the student has requested HECS-HELP, the student does not incur a debt for that unit and the provider will not be paid HECS-HELP by the Commonwealth [HESA subsection 137-5(3)].

23.9 Student withdrawal after the census date

A student who withdraws from their studies after the census date is liable to pay their student contribution amount in respect of the units of study from which they withdraw. However, students may apply to have any upfront payments of their student contribution amount refunded in special circumstances (see part 43.4) [HESA sections 36-20 and 36-21]. If special circumstances are taken to apply the provider does not receive payment for any HECS-HELP to which the person was eligible and must repay any amount already paid to it by the Commonwealth, the student’s HECS-HELP debt will be taken to be remitted if this occurs [HESA section 36-20].

23.10 Unit cancellation after the census date

In exceptional circumstances where a unit ceases to be available after the census date, the provider should attempt to make suitable arrangements for the affected students to complete the unit or a comparable unit. In making these arrangements, the provider must treat students fairly [HESA section 19-30]. If arrangements cannot be made for a student with which the student is satisfied, the provider should advise the student of their eligibility under the provisions for re-crediting and remission (see part 43.1) and also eligibility under tuition assurance arrangements, in the case of non-Table A providers, which the provider has in place.

23.11 Issuing the CAN

A provider is required to issue each of its Commonwealth supported students with a CAN (see part 12.1).
24 Domestic students who are fee-paying students

A student is Commonwealth supported only if their provider advises them they are a Commonwealth supported student for a unit of study [HESA section 36-5]. Domestic students who are not Commonwealth supported, and are therefore fee-paying students, must be charged tuition fees (see part 26.1) [HESA section 19-85] and may be eligible for FEE-HELP (see part 32.1) for all or part of those tuition fees [HESA Division 104].

Fee-paying students do not pay student contribution amounts (see part 24.1) and are not eligible for HECS-HELP (see part 31.1) [HESA section 90-1]. Fee-paying students are not included in determining the basic grant amount for CGS purposes [HESA section 33-5].

24.1 Fee-paying summer school units

A provider is able to offer a summer school unit on a fee-paying basis by determining that section 36-10 of HESA applies to the unit. A provider may only do this if:

- the period in which the unit will be wholly provided starts on or after 1 November in a year and ends after 1 January, but before 1 March in the following year [HESA subsection 36-10(10)]; and
- each person undertaking the unit could undertake, or could have undertaken, the unit outside the summer school period, including on a Commonwealth supported basis, if eligible [HESA subsection 36-10(8)].

This determination applies only in respect of a unit of study. A provider is not required to determine that all the units it provides during a summer school period are to be offered on a fee-paying only basis. A provider is able to offer a unit in a summer school on the same Commonwealth supported basis as it is offered at other times of the year. It does not need to do anything to achieve this.

No student in a fee-paying summer school unit can be Commonwealth supported. All students must pay tuition fees in this circumstance. Eligible students who are Commonwealth supported for other units in their course of study may access FEE-HELP for their tuition fees. Students who wish to access FEE-HELP must ensure they submit a Request for FEE-HELP Assistance form in respect of those units.

When determining that a unit is a fee-paying summer school unit, a provider must ensure that students are aware the unit is a fee-paying summer school unit.

24.2 Fee-paying winter school units

A provider is able to offer a winter school unit on a fee-paying basis only if:

- the period in which the unit will be wholly provided starts on or after 1 June in a year and ends on or before 31 August in that year [HESA subsection 36-10(10)]; and
- each person undertaking the unit could undertake, or could have undertaken, the unit outside the winter school period, including on a Commonwealth supported basis if eligible [HESA subsection 36-10(8)].

This determination applies only in respect of a unit of study. A provider is not required to determine that all the units it provides during a winter school period are to be offered on a fee-paying only basis. A provider is able to offer a unit in a winter school on the same
Commonwealth supported basis as it is offered at other times of the year. It does not need to do anything to achieve this.

No student in a fee-paying winter school unit can be Commonwealth supported. All students must pay tuition fees in this circumstance. Eligible students who are Commonwealth supported for other units in their course of study, may access FEE-HELP for their tuition fees. Students who wish to access FEE-HELP must ensure they submit a Request for FEE-HELP Assistance form in respect of those units.

When determining that a unit is a fee-paying winter school unit, a provider must ensure that students are aware the unit is a fee-paying winter school unit.
25 Domestic student tuition fees

25.1 Tuition fee requirements

A provider must require every domestic student that is enrolled, who is not Commonwealth supported in a unit of study, and who is not an exempt student (see part 13.1), to pay a tuition fee for the unit [HESA section 169-15]. The provider may levy other charges on these students that are not considered to be fees and that are not otherwise prohibited by HESA but cannot charge these students a student contribution amount for the unit [HESA subsection 169-15(2)].

The total fee for a course of study must not exceed the sum of the student’s tuition fees for all of the units undertaken by the student as part of that course [HESA section 19-100]. That is, the fee for a course cannot include fees other than the tuition fees for the units contributing to that course (see part 19.1).

Providers should note that education delivered to students to assist them in successfully completing tertiary education, of a nature usually delivered at secondary school or through vocational education, commonly known as “Foundation Studies” or “Foundation Courses” that typically do not lead to a qualification are not eligible for FEE-HELP. [Ministerial determination]

A tuition fee may include the costs of items associated with a unit of study if the items are compulsory and essential to complete the requirements of the unit of study and for which the student has no option of an alternative supplier other than the provider.

25.2 Determining tuition fees

A provider must determine one or more fees for each unit of study it offers in a year [HESA subsections 19-90(1) and 104-4(2)]. Providers may determine multiple tuition fees for a unit of study to apply to different categories of students.

What factors can be considered in determining tuition fees?

In determining multiple tuition fees for a unit of study, a provider may have regard to any matters the provider considers appropriate, but must not have regard to the manner or timing of payment of the tuition fee by the student or the Commonwealth to the provider, such as whether students pay upfront or with HELP, with a scholarship or by partial payments. [HESA subsection 19-90(2) and HEP Guidelines paragraph 5.15.1].

Example

- A provider determines the tuition fee for Maths 010 to be $1,200 in 2012.
- The provider determines that for students undertaking Maths 010 by distance education the tuition fee will be $1,000.

In determining multiple tuition fees, providers need to comply with the fairness provisions in HESA which require that a provider must treat fairly all of its students and all persons seeking to enrol.
Charging and publishing tuition fees

Students must be charged the tuition fee determined by the provider that is applicable to them. The tuition fees determined by the provider must be published (see part 37.1) with sufficient information so that students are able to determine the tuition fee that applies to them.

25.3 Minimum tuition fee requirements

HESA sets out requirements for the minimum amount that can be charged as a tuition fee. There are no requirements concerning maximum tuition fees.

Domestic fee-paying students in a unit of study must be charged an amount equal to, or more than, what Commonwealth supported students are charged for that unit. That is, for units in which Commonwealth supported students are enrolled, the tuition fee the provider sets cannot be less than the highest student contribution being paid by any Commonwealth supported student for that unit [HESA subsection 36-55(1)]. The only exception to this is where a student is enrolled in an employer reserved place (see part 18.1) [HESA subsection 36-55(2)].

Where a provider has no Commonwealth supported students enrolled in a unit, HESA does not set a minimum amount for tuition fees for domestic students (see part 27.1).

Example

- DEMO5011 is a unit available only on a non-award basis or to students undertaking a Graduate Diploma of Demography. Enrolment in the Graduate Diploma of Demography is available only on a fee-paying basis. There is no minimum tuition fee for DEMO5011.

25.4 Student withdrawal on or before the census date

A provider must repay those students who withdraw from units on or before the relevant census dates any tuition fee payments made on or before that date [HESA subsection 169-15(3)].
26  Domestic undergraduate fee-paying students

26.1  Offering fee-paying undergraduate places

Table A providers cannot offer fee-paying places to domestic students commencing an undergraduate course of study on or after 1 January 2009 except where a student:

- accepted a fee-paying place in a course of study prior to 1 January 2009 and deferred enrolment to 2009 or a later year;
- transfers from one course of study the student commenced prior to 1 January 2009 as a fee-paying student to another course of study at the same level at the same provider without completing the original course of study;
- undertakes a unit on a cross-institutional basis and the unit is not a compulsory part of the student’s course of study (see part 15.1);
- commences a course of study as an overseas student and becomes a domestic student;
- has advised the appropriate officer of the provider in writing they do not wish to be Commonwealth supported (see part 21.13); or
- is not eligible for a CSP, including:
  - enrolling in a fee summer or winter school (see parts 24.1 and 24.2);
  - enrolling in an employer reserved place (see part 17.1); or
  - enrolling in a bridging course for overseas-trained professionals (see part 31.6).

A student who commenced an undergraduate course of study as a fee-paying student prior to 1 January 2009 may continue to be enrolled in that course of study as a fee-paying student. This does not preclude a university from transferring a student to a CSP based on its policies and the availability of places.

Overseas students who obtain permanent residency at some point after commencing their course, may be transferred to a domestic fee paying place, or a CSP [HESA subsection 36-30].

Fee-paying undergraduate places can be offered at Table B providers, Table C providers and other approved providers. Table B providers that have been allocated National Priority places can offer fee-paying places in a course of study in which they offer National Priority places, only if they have filled or will fill all of their allocated National Priority places in that course of study [HESA subsection 36-30(3)].

All providers may offer fee-paying places in postgraduate courses (see part 7.6) and enabling courses (see part 7.7).
27 Waiving tuition fees

A provider must ensure that fee-paying students pay tuition fees [HESA section 169-15] and cannot waive the tuition fees for these students. The provider must report to the department the tuition fee charged for units of study undertaken as part of the course of study [HESA section 19-95]. The only exception to this requirement is if a student is an exempt student [HESA subsection 169-15(2)]. A provider can make a student an exempt student by offering the student an exemption scholarship (see part 14.1).

27.1 Fee scholarships

A provider may award students fee scholarships to pay all or part of their tuition fees. However, the provider is required to report the full tuition fee that is charged for that unit. The value of these scholarships is not included as income under income tests for social security payments, including Youth Allowance, Austudy, veteran affairs' pensions and allowances [Social Security Act 1991 subsection 8(8)] and ABSTUDY [ABSTUDY Policy Manual section 59.5.3].
28 Overseas student fees and course requirements

28.1 Fee requirements

The Commonwealth does not contribute to the educational costs for overseas students unless the students are recipients of a Commonwealth sponsored scholarship. Commonwealth grant amounts provided for the education of domestic students are not provided for the purposes of subsidising places or services for overseas students.

Chapter 6 of the HEP Guidelines sets out the requirements with which a provider must comply when determining fees for overseas students. The primary purpose of these requirements is to ensure the provision of educational services to overseas students does not result in the displacement of domestic students or reduce the resources available to providers for the education of domestic students.

In summary, a provider must 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. The department will only grant such approval where the provider is able to provide sufficient information to demonstrate the full cost of delivering the course will be met by the overseas student fee charged.

A provider is not required to meet these overseas student fee requirements for the following classes of students:

- overseas students who are undertaking a masters or doctoral degree by research in Australia and who have been awarded a scholarship for that study on the basis of merit following a competitive application process; and
- students who are studying in Australia under a formal exchange program.
- A formal exchange program must provide for the reciprocal exchange of students over time and specify that students are only to pay the fees of the institution in their home country.

Study programs covered by the HEP Guidelines

Study programs for overseas students that are covered by chapter 6 of the HEP Guidelines include:

- courses leading to a higher education award;
- enabling courses; and
- courses designed especially for overseas students.
28.2 Registration of courses offered for overseas students

Any course offered to an overseas student who holds a student visa must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). This is a requirement of the ESOS Act.

Courses delivered offshore do not need to be registered on CRICOS. However, if they are AQF qualifications, such courses must meet existing onshore registration, accreditation, and quality assurance and data collection arrangements.

A provider is not required to charge the minimum indicative fees for such courses as set out in chapter 6 of the HEP Guidelines.

28.3 Reporting requirements for third party or partnership arrangements

A provider is required to report to the department data for overseas students who are undertaking a course of study leading to one of the provider’s higher education awards [HESA section 19-70]. This is separate to reporting under the ESOS Act and immigration legislation.

The provider reports to the department the total fee and the total EFTSL for the unit. The total fee that must be reported is the fee that a student is charged, not just the income to the provider after the third party has been paid. The payment arrangements between the provider and the third party are a matter for the provider.
29 Higher Education Loan Program

29.1 What is HELP?

HELP consists of:

- **HECS-HELP**, which provides eligible students, enrolled in CSPs, with a loan to cover their student contribution amount and/or a discount if they choose to pay all, or at least $500, of their student contribution amount upfront (see part 31.1).
- **FEE-HELP**, which provides eligible fee-paying students, enrolled at an eligible provider, with a loan to cover some or all of their tuition fees up to the FEE-HELP limit (see part 32.1).
- **OS-HELP**, which provides eligible Commonwealth supported students who wish to study overseas with a loan to cover expenses such as accommodation and travel (see part 32.1).
- **SA-HELP**, which provides eligible students with a loan to cover any student services and amenities fee imposed by their providers (see part 33.1).

From 1 January 2015, subject to the passage of legislation, the HECS-HELP upfront discount will be removed.

29.2 Determining HELP eligibility

In determining a student’s HELP eligibility, a provider should collect sufficient information from the student to be satisfied the student meets the requirements for HELP eligibility. In some cases, this may mean that students provide additional documentation subsequent to their initial course enrolment.

**Example**

- Oliver completed his Bachelor of Arts/Law as a fee-paying student and used $80,000 of his FEE-HELP balance.
- Oliver is now seeking to enrol in a fee-paying Masters of Business Administration (MBA) and has been asked for evidence of his FEE-HELP balance by the university as part of his MBA enrolment.

The provider must comply with privacy requirements when handling students’ personal information (see part 40). For sample wording on seeking informed consent to give personal information, see Appendix J.
30 HECS-HELP

30.1 What is HECS-HELP?

HECS-HELP provides eligible students with a loan to pay their student contribution for Commonwealth supported units of study. It provides a loan to cover their student contribution and/or a discount if they choose to pay all, or at least $500, of their student contribution upfront.

30.2 Who is eligible for HECS-HELP?

To be eligible for HECS-HELP for a unit of study, the student must:

- be Commonwealth supported for that unit (see part 21.1) [HESA subsection 90-1(c)];
- meet the citizenship and residency requirements [HESA subsection 90-1(a)] and must be:
  - an Australian citizen, for students who commenced their course of study prior to 1 January 2013; or
  - an Australian citizen who will undertake in Australia at least one unit of study contributing to their course of study, for students who commenced their course of study on or after 1 January 2013; or
  - the holder of a permanent humanitarian visa who will be resident in Australia for the duration of the unit [HESA subsection 90-5(1)]; and
- meet the TFN requirements (see part 34) or have paid 90 per cent of their student contribution amount upfront on or before the census date (see part 30.5) [HESA subsection 90-1(f)]; and
- have completed, signed and given to an appropriate officer of the provider a Request for Commonwealth Support and HECS-HELP form on or before the census date (see part 10.1) [HESA subsection 90-1(g)]; and
- remain enrolled in that unit at the end of the census date [HESA paragraph 90-1(e)(ii)].

A student is not eligible for HECS-HELP for a unit of study, if the unit forms a part of a course of study that is, or is to be, undertaken primarily at an overseas campus [HESA section 90-10].

From 1 January 2015, subject to the passage of legislation, the upfront discount of 10 per cent will no longer apply and students will need to:

- pay 100 per cent of their student contribution amount upfront to the provider; or
- meet the TFN requirements so their student contribution amount may be deferred, if applicable.

Permanent humanitarian visa holders

In determining whether a permanent humanitarian visa holder will be resident in Australia for the duration of the unit, a provider must disregard any periods spent outside of Australia if:

- it cannot reasonably be regarded as indicating an intention to reside outside of Australia for the duration of the unit; or
- it is required for the purpose of completing the requirements of that unit [HESA subsection 90-5(2)].

However, a holder of a permanent humanitarian visa will not satisfy the citizenship or residency requirements if the provider reasonably expects the student will not undertake in Australia any of the units of study contributing to the course of study of which the unit forms a part [HESA subsection 90-5(3)].
Australian citizenship

An Australian citizen, who commences a course of study on or after 1 January 2013, will not satisfy the residency requirements if the provider reasonably expects the student will not undertake any of the units of study contributing to the course of study within Australia.

A person may automatically be an Australian citizen by birth or adoption, or after applying for Australian citizenship by descent or conferral. A person over 16 years applying for citizenship by conferral, will only obtain Australian citizenship after they have made the pledge of commitment and have been issued with evidence of Australian citizenship from the Department of Immigration.

30.3 Request for Commonwealth Support and HECS-HELP

A provider should ensure that all HECS-HELP eligible students complete the declaration at item 10 on the Request for Commonwealth Support and HECS-HELP form (see part 10.1). Failure to submit the form, including signing the declaration, will mean the student is not eligible for HECS-HELP [HESA subsection 90-1(g)].

Students are only required to provide their TFN if they intend to obtain a loan for all or part of their student contribution (see part 30.8). Students who choose to pay their student contribution upfront in full are not obliged to provide their TFN (see part 30.5). A provider is required to cancel a student’s enrolment, as a Commonwealth support student in a unit of study, if the student has not made the full upfront payment for that unit and has not provided their TFN on or before the census date [HESA subsections 36-40(2) and 90-1(f)].

30.4 Student contribution payment options

Students who are eligible for HECS-HELP may choose to:

- make a full upfront payment by paying 90 per cent of the student contribution amount for all of their units in a course of study with the same census date and receive a ten per cent discount for that payment [HESA section 96-10]; or
- pay part of their student contribution upfront, receive a ten per cent discount for any payments totalling $500 or more for units in a course of study with the same census date, and obtain a loan for the remainder [HESA subsection 96-5(4)]; or
- obtain a loan for the full amount of their student contribution [HESA section 96-1].

Although students indicate their intended payment option on their Request for Commonwealth Support and HECS-HELP form (see part 10.1), a provider can only determine a student’s payment status after the census date for the units of study in which the student is enrolled. This is on the basis of any payments made to the provider on or before the census date and the total amount of those payments.

From 1 January 2015, subject to the passage of legislation, the HECS-HELP upfront discount of ten per cent will be removed.

30.5 Full upfront payments for HECS-HELP eligible students

Students may choose to make a full upfront payment of their student contribution amount for all of their units of study to their provider [HESA section 96-10]. To do this, students are required to pay to their provider, on or before the census date for the units, 90 per cent of their student contribution amounts for all of their units in a course of study that have the same census
date. A provider may set an earlier date for payment for administrative purposes. However, any payment accepted after that date, and up until the census date, must be taken into account in determining discount eligibility [HESA subsection 93-15(2)].

A provider cannot accept upfront payments of more than 90 per cent of the student’s contribution amount for the units of study in which a student is enrolled [HESA section 36-50]. If a student does pay more than 90 per cent, the provider must repay the excess to the student unless the student agrees to apply the excess to other units.

This means that if a student makes an upfront payment of 90 per cent, for example, full upfront payment of the student’s contribution amounts for all of their units, the Commonwealth will pay the provider the remaining ten per cent of their student contribution as a benefit to that student. This will fully discharge the student’s liability [HESA sections 96-10 and 36-50].

If 90 per cent of a student contribution is made up of dollars and cents, the provider may collect the amount of cents from the student.

**TFN requirements for full upfront payments**

Students who choose to make a full upfront payment of their student contribution are not required to provide their TFN (see part 34). As long as they have made a full upfront payment to their provider on or before the census date, they will be eligible to remain enrolled as a Commonwealth supported student.

It is in students’ interests to provide their TFN as a precaution, particularly if they are not certain they will be able to make a full upfront payment on or before the census date. A provider is required to cancel a student’s enrolment in a unit as a Commonwealth supported student if the student has not made the full upfront payment for that unit and has not provided their valid TFN on or before the census date [HESA subsections 36-40(2) and 90-1(f)].

30.6 **Partial upfront payments**

A partial upfront payment is a payment of less than 90 per cent of the student’s contribution amount [HESA section 96-5] for all units in a course of study with the same census date. A provider must accept from a student at least one partial upfront payment of $500 or more of their student contribution for a particular census date. The provider may decide to accept multiple partial upfront payments, or payments of less than $500.

Partial upfront payments that total $500 or more, and which are made on or before the census date, will attract the ten per cent HECS-HELP discount. Payments that total less than $500 do not attract the HECS-HELP discount. From 1 January 2015, subject to the passage of legislation, the HECS-HELP upfront discount of ten per cent will be removed.

**Example**

- Marnie undertakes four units as part of her Bachelor of Engineering, all with a census date of 31 March 2012, and is eligible for HECS-HELP. The total student contribution for these units is $3,000.
- Marnie makes a partial upfront payment of $500 before the census date, which means her payment, including the discount, is $500/0.9 = $555.56. Her HECS-HELP debt will therefore be $3,000 – $555.56 = $2,444.44.
The Commonwealth will pay the debt amount of $2,444.44, plus the amount of the discount, which is $555.56 – $500 = $55.56, to Marnie’s provider on her behalf.

Because of her upfront payment, Marnie will defer the student contribution amount she hasn’t paid, $2,444.44 through HECS-HELP. Marnie will be required to repay her debt through the tax system when she earns above the minimum threshold for compulsory repayment.

Students who intend to make only a partial upfront payment must meet the TFN requirements (see part 34). This will enable the student to access HECS-HELP for the unpaid part of their student contribution.

A provider determines the amount of the unpaid portion of the student contributions after the census date, which will be the amount of the student’s HECS-HELP for that census date. The unpaid portion of the student contribution is the student contribution amount, minus any upfront payments and the related discounts.

A provider may pro-rata the partial upfront payments across all units the student has enrolled in on that particular census date, or allocate the upfront payments in a way that best suits the provider’s business processes. The only requirement is that a provider cannot accept more than 90 per cent of a student’s contribution for a unit. The allocation method chosen may impact on students who apply for a remission of a HECS-HELP debt for a unit in special circumstances. It may also impact on students’ eligibility for a discount.

**Example 1**

- Laura is enrolled in four units of study, each costing $500. The census date for two units is 31 March, and the other two units is 10 April.
  - 31 March
  - Unit 1 – $500
  - Unit 2 – $500
  - 10 April
  - Unit 3 – $500
  - Unit 4 – $500
- Laura makes an upfront payment of $1,000 on 20 February and doesn’t nominate which units or which census date the payment is to go towards. Two of the ways the provider may choose to apportion the payment are as follows:
  - $500 for each census date – in this case Laura receives a discount for the full $1,000 given that Laura has effectively made a partial upfront payment of $500 or more for each census date.
  - $900 for the first census date and $100 for the second census date. Laura would receive a discount for the $900 since she paid 90 per cent of her student contribution for those units, but will not receive a discount for the $100 given that this is a partial upfront payment of less than $500.

**Example 2**

- Helga is enrolled in four units of study on the same census date, each costing $500. Helga chooses to make a $900 partial upfront payment on or before the census date, or on an earlier date set by her provider.

<table>
<thead>
<tr>
<th>Cost</th>
<th>Payment A</th>
<th>Payment B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1  $500</td>
<td>$450</td>
<td>$225</td>
</tr>
<tr>
<td>Unit 2  $500</td>
<td>$450</td>
<td>$225</td>
</tr>
<tr>
<td>Unit 3  $500</td>
<td>$0</td>
<td>$225</td>
</tr>
<tr>
<td>Unit 4  $500</td>
<td>$0</td>
<td>$225</td>
</tr>
</tbody>
</table>

- In this case, the way the payments are distributed in Payment A and Payment B does not affect Helga financially. Helga will receive the full benefit of the discount either way. However, it would be different if Helga fails to provide a TFN. In Payment A, Helga’s enrolment will only be cancelled in units three and four as she has paid 90 per cent of the student contribution for units one and two. In Payment B, Helga’s enrolment must be
cancelled in all units as Helga has not paid 90 per cent of her student contribution upfront and has not supplied a TFN. Therefore, Helga is better off in Payment A.

30.7 Deadline for upfront payments

Students may only make upfront payments on or before the census date for the unit of study [HESA subsection 93-15(2)]. A provider may ask students to pay by an earlier date for administrative purposes but, in doing so, must ensure that students are treated fairly. Any payments that a provider does accept on or before the census date count as an upfront payment.

30.8 Payment of the HECS-HELP discount

The Commonwealth will, as a benefit to the student, pay a provider the amount of the ten per cent discount for HECS-HELP eligible students who either make a full upfront payment, or a partial upfront payment of $500 or more [HESA section 96-10 and subsection 96-5(3)]. Students do not incur a HECS-HELP liability to repay this discount amount.

30.9 HECS-HELP loans

Students who wish to access HECS-HELP for all or part of their student contribution amount must meet the TFN requirements, on or before the census date, in order to be eligible (see part 34).

The amount of the student’s HECS-HELP is equal to the unpaid portion of the student’s contribution amount for the units immediately after the census date. That is, the loan is equal to the student contribution amount, minus any upfront payments made on or before the census date and any related HECS-HELP discount amounts.

The Commonwealth will pay the provider the amount of the student’s HECS-HELP on the student’s behalf (see part 39.1) [HESA subsection 96-1(b) and paragraph 96-5(2)(b)].

30.10 Withdrawal on or before the census date

Students who enrol in a unit of study, but withdraw on or before the census date, are not liable to pay their student contribution amount for that unit. If the student has made upfront payments in relation to that unit, the provider must repay those amounts to the student [HESA subsection 169-15(3)], and, if the student has requested a HECS-HELP, the student does not incur a debt for that unit.

30.11 Refunding excess payments

Where a student is changing their enrolment between units of study before the census date, a provider may, with the student’s agreement, move payments between units. For administrative convenience, a provider may wait until the student’s enrolment for a census date is finalised before repaying any excess upfront payments. However, any excess payments held by the provider at the end of the census date must be repaid to the student unless the student consents to the payments remaining with the provider as credit towards future liabilities the student may have with the provider.
30.12 Withdrawal after the census date

Students who withdraw from their studies after the census date are still liable to pay their student contribution. However, such students may apply to have any upfront payments of their student contribution refunded, and/or have their HECS-HELP debt remitted, in special circumstances (see part 43.4).

30.13 Cancellation of units of study after the census date

In exceptional circumstances where a unit ceases to be available after the census date, the provider should attempt to make suitable arrangements for the affected students to complete the unit or a comparable unit. In making these arrangements, the provider must treat students fairly [HESA section 19-30]. If arrangements cannot be made for a student with which the student is satisfied, the provider should advise the student of their eligibility under the provisions for re-crediting and remission (see part 43.3), and, in the case of non-Table A providers, eligibility under tuition assurance arrangements the provider has in place.

30.14 CAN

Providers are required to issue each student who has requested HECS-HELP with a CAN (see part 12.1).

30.15 Repaying HECS-HELP debts

A person’s HECS-HELP debt is part of their accumulated HELP debt recorded by the ATO. People repay their accumulated HELP debt through the taxation system once their income is above the minimum repayment threshold for compulsory repayments (see part 35.1). They may also make voluntary repayments to the ATO. Graduates employed in certain occupations may be eligible to apply for a HECS-HELP benefit (see part 35.5).

30.16 Tax deductibility of student contribution amounts

Student contribution amounts are not tax deductible, regardless of how the student pays the student contribution [Income Tax Assessment Act 1997 paragraphs 26-20(1)(ca) and (cb)].

30.17 Voluntary repayments

Students can make voluntary repayments towards their HELP debt at any time to the ATO. Voluntary repayments of $500 or more attract a five per cent bonus [HESA Division 151]. From 1 January 2015, subject to the passage of legislation, the voluntary repayment bonus of five per cent will be removed.
31 FEE-HELP

31.1 What is FEE-HELP?

FEE-HELP provides an income contingent loan to eligible fee-paying students to pay for all or part of their tuition fees for units of study undertaken with an approved provider under HESA.

Over their lifetime, a student will be able to borrow up to the amount of the FEE-HELP limit. That is, repayments do not reset the maximum that can be borrowed. A student repays their loan through the taxation system once their repayment income is above the minimum repayment threshold for compulsory repayment (see part 35.1).

31.2 Which providers may be eligible to offer FEE-HELP?

Providers listed in Table A, Table B and Table C of sections 16-15, 16-20 and 16-22 of HESA are eligible to offer FEE-HELP. In addition, providers that have been approved by the Minister as providers under HESA are also eligible to offer their students FEE-HELP.

31.3 What does FEE-HELP cover?

FEE-HELP provides a loan for tuition fees only (see part 25.1) [HESA section 107-1].

31.4 Eligibility requirements

To be eligible for FEE-HELP for a unit of study, the student must:

- not be a Commonwealth supported student in the unit;
- meet the citizenship or residency requirements [HESA paragraph 104-1(1)(a) and section 104-5];
- be enrolled in a unit that meets the course requirements [HESA paragraph 104-1(1)(e) and section 104-10];
- not have exceeded their FEE-HELP limit;
- be enrolled in the unit on or before the census date for the unit and remain so enrolled at the end of the census date [HESA paragraph 104-1(1)(g)];
- meet the TFN requirements (see part 34); and
- have completed, signed and given to an appropriate officer of the provider [HESA subparagraph 104-1(1)(i)(ii)] a Request for FEE-HELP Assistance form (see part 10.3) on or before the census date.

A student is not eligible for FEE-HELP for a unit of study, if the unit forms part of a course of study that is, or is to be, undertaken primarily at an overseas campus [HESA subsection 104-1(2)].

Citizenship and residency requirements

To be eligible for FEE-HELP for a unit of study, a person must be:

- an Australian citizen, for students who commenced their course of study prior to 1 January 2013; or
- an Australian citizen who will undertake in Australia at least one unit of study contributing to their course of study, for students who commenced their course of study on or after 1 January 2013; or
- an Australian citizen who is resident in Australia on the day they give their Commonwealth Assistance Form in relation to the unit of study, for students studying through OUA; or
- the holder of a permanent humanitarian visa who will be resident in Australia for the duration of the unit; or
- the holder of a permanent visa who is undertaking bridging course for overseas-trained professionals and will be resident in Australia for the duration of the study [HESA subsection 104-5(1)].

Holders of permanent visas and New Zealand citizens who do not meet these criteria are not eligible for FEE-HELP.

In determining whether a New Zealand citizen or holder of a permanent visa will be resident in Australia for the duration of their unit, providers must disregard any periods spent outside of Australia if they:

- cannot be reasonably regarded as indicating an intention to reside outside of Australia for the duration of the unit; or
- are required for the purpose of completing the requirements of that unit [HESA subsection 104-5(2)].

However, a New Zealand citizen or holder of a permanent humanitarian visa will not satisfy the citizenship or residency requirements if the provider reasonably expects the student will not undertake in Australia any of the units of study contributing to the course of study of which the unit forms a part [HESA subsection 104-5(3)].

An Australian citizen who is undertaking a course of study provided by an approved provider while abroad may access FEE-HELP if they are enrolled at an Australian campus and this study is provided online.

An Australian citizen, who commences a course of study on or after 1 January 2013, will not satisfy the citizenship or residency requirements if the provider reasonably expects the student will not undertake in Australia any of the units of study contributing to the course of study of which the unit forms a part.

An Australian citizen who is undertaking a unit of study through OUA will not satisfy the citizenship or residency requirements in relation to that unit of study if the student was not resident in Australia on the day they gave the request for Commonwealth assistance form in relation to the unit.

**Australian citizenship**

A person may automatically be an Australian citizen by birth or adoption, or after applying for Australian citizenship by descent or conferral. If a person is over 16 years at the time they make their application for citizenship by conferral, they will obtain Australian citizenship only after they have made the pledge of commitment and have been issued with evidence of Australian citizenship from the Department of Immigration.

**31.5 FEE-HELP course requirements**

A unit of study is eligible for FEE-HELP if:

- it is, or is to be, undertaken as part of a course of study leading to a higher education award with an approved provider at an Australian campus; or
- access is provided by OUA; or
- it is part of a bridging course for overseas-trained professionals to enable a person to meet the requirements for entry into their profession in Australia [HESA paragraph 104-1(1)(f) and subsection 104(10)].

Units undertaken as part of a course that enables a person to meet the requirements for entry into a course of study leading to a higher education award, or enabling course, may also be eligible for FEE-HELP (see part 8.7).

Courses accredited as a VET course are not eligible for FEE-HELP. Some of these courses may be eligible for VET FEE-HELP. VET FEE-HELP is not covered by this AIP. For further information on VET FEE-HELP, see the department’s website at http://education.gov.au/approved-vet-provider-information.

A unit of study is not eligible for FEE-HELP if the Minister has determined the course or the provider of the course is one for which FEE-HELP is not available [HESA section 104-10]. Eligible students enrolled in a cross-institutional program, undertaking fee-paying units at a host provider, are eligible for FEE-HELP if the units count towards an eligible course with the home provider (see part 16.4).

OUA requirements

Students studying eight or more units of study through OUA must successfully complete at least 50 per cent of those units to be entitled to FEE-HELP for future OUA units [HESA section 104-2].

31.6 Bridging courses for overseas-trained professionals

Eligible overseas-trained professionals may request FEE-HELP for a bridging course to enable them to meet the formal requirements for entry into their profession in Australia.

Listed professional occupations

The FEE-HELP Guidelines specifies listed professional occupations and the assessing bodies for listed professional occupations. [HESA sections 104-60, 104-65 and 104-70].

Professional occupations are those occupations that are categorised as professional occupations under the Migration Regulations 1994 1.15 (I), and designated with a prefix numeral of ‘2’ under ‘Group 2 Professionals’ of the Australian and New Zealand Standard Classification of Occupations (ANZSCO) collection, catalogue Number 1220.0, 2013, Version 1.2.

Listed professional occupations are listed on the Skilled Occupation List (SOL) or Consolidated Sponsored Occupation List (CSOL). Only bridging courses related to the occupations in these lists are eligible for FEE-HELP assistance.

ANZSCO is the classification system that provides for the standardised collection, analysis, and dissemination of occupation data administered by the Australian Bureau of Statistics. Professional occupations are identified in Major Group 2 in the ANZSCO, available at http://www.abs.gov.au/AUSSTATS/ABS@.NSF/Product+Lookup/71200051AA046C37CA2575DF002DA5C3?opendocument.
The SOL, administered by the Department of Immigration, is used by potential applicants seeking to nominate skilled occupations which are acceptable for permanent and temporary skilled migration to Australia. See http://www.immi.gov.au/skilled/sol/.

The CSOL, administered by the Department of Immigration, is used by potential applicants seeking to nominate skilled occupations which are acceptable for permanent and temporary skilled migration to Australia. See http://www.immi.gov.au/skilled/sol/.

Eligible bridging courses

Depending on the requirements of the profession, a bridging course for overseas-trained professionals may consist of:

- subjects or units specified in the assessment statement [HESA section 104-50], issued by an assessing body for a listed professional occupation [HESA section 104-55], as studies that enable the person to meet the requirements for entry to that occupation [HESA subsection 104-45(1)];
- occupation-related study specified in the assessment statement issued by an assessing body that will enable a person to prepare to sit examinations that are necessary to enable entry to a profession in Australia [HESA subsection 104-45(2)]; or
- tuition and training programs specified in the assessment statement issued by an assessing body that, if undertaken by the person, would enable the person to meet requirements for entry to that occupation [HESA subsection 104-45(3)].

All bridging courses for overseas-trained professionals must be undertaken on a non-award basis (see part 7.8) [HESA section 104-45].

A bridging course is not eligible for FEE-HELP where the study:

- is for entry into an occupation outside of Australia [HESA subsection 104-70(1)];
- is not a requirement for entry to a listed professional occupation [HESA subsection 104-70(1)];
- provides training for occupations that do not require a higher education award for entry;
- is being undertaken as part of a course of study (see part 8.1);
- provides standing beyond basic entry level to the profession;
- leads to any higher education award course, including postgraduate degrees; or
- relates to general English language training including English language tests [HESA subsection 104-70(3)].

Study load limits

FEE-HELP for a bridging course for overseas-trained professionals is only available for a person to the maximum of one EFTSL of the study covered by the requirements of the assessment statement [HESA section 104-45].

Assessing bodies

Many professions, especially those that are regulated, require overseas-trained professionals to demonstrate they meet the Australian standard for practice by undertaking an assessment of their skills and knowledge. Each of the approved professions has an assessing body to complete this function. Assessments may consist of interviews, educational comparisons and/or written or practical examinations. Regardless of the type of assessment, professions that require an individual to undertake a bridging course will issue an assessment statement.

### Assessment statements

An assessment statement is a written statement provided by an assessing body for a listed professional occupation that states the studies, examinations and/or tuition and training programs that a person needs to undertake to meet the requirements for entry to that occupation [HESA section 104-50]. The assessing body may charge a fee for the assessment statement.

A bridging course only qualifies for FEE-HELP where the study relates directly to the assessment statement. Bridging students should be advised to confirm their proposed study with their assessing body prior to enrolment.

### Bridging course fees

Providers set the fees for a bridging course. In setting the tuition fees for a bridging course, providers should keep in mind that FEE-HELP is available for tuition fees only (see part 26.1).

#### 31.7 FEE-HELP limit and balance

Over a student’s lifetime, they may use FEE-HELP to pay tuition fees up to the amount of the FEE-HELP limit, which $96,000 in 2014. The limit for dentistry\(^1\), medicine\(^2\) and veterinary science\(^3\) courses is higher at $120,002 in 2014 [HESA section 104-20]. FEE-HELP limits are indexed each year.


Students may access up to the FEE-HELP balance for the year in which study is undertaken. Repayments do not reset the maximum that can be borrowed. The loan limit for FEE-HELP also covers VET FEE-HELP.

A person’s FEE-HELP balance is the amount of the FEE-HELP limit they have not used [HESA section 104-15]. Any loan fee amounts or indexation of outstanding debts are not included in a person’s FEE-HELP balance (see part 36.4).

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1 A course of study in dentistry means a course of study, completion of which would satisfy the minimum academic requirements for registration as a dentist by an authority of a state, a territory or the Commonwealth, regardless of whether further dentistry study is completed before registration is sought.

2 A course of study in medicine means a course of study, completion of which would allow provisional registration as a medical practitioner by an authority of a state, a territory or the Commonwealth.

3 A course of study in veterinary science means a course of study, completion of which would satisfy the minimum academic requirements for registration as a veterinary surgeon or veterinary practitioner by an authority of a state, a territory or the Commonwealth, regardless of whether further veterinary science study is completed before registration is sought.
The FEE-HELP limit is indexed on 1 January each year. If a person has reached their FEE-HELP limit in 2014 and wishes to enrol in 2015 or later years they will be able to access the difference between the FEE-HELP limit in 2014 and the FEE-HELP limit in the year they enrol.

**Exceeding the FEE-HELP balance**

If a student is enrolled in a unit of study where the tuition fee exceeds the student’s FEE-HELP balance, the student will only receive FEE-HELP equal to the FEE-HELP balance [HESA section 107-10]. Providers are responsible for collecting the remainder of the person’s tuition fee for the unit.

**Example**

- Tran has a FEE-HELP balance of $2,000. He enrols in four units with the same census date. The tuition fee for each unit is $600. The total amount of FEE-HELP to which Tran is eligible for the units is $2,000, even though the total amount of tuition fees for the units is $2,400.

**Students enrolled with multiple providers**

Students who are approaching their FEE-HELP limit, and who are enrolled with multiple provider or are enrolled in units, some of which are provided by OUA, must notify each provider and OUA of how much FEE-HELP they wish to receive for each unit [HESA subsections 107-10(3) and (4)].

In cases where a student is enrolled in multiple units on the same census date, does not have enough FEE-HELP balance to cover all the units, and fails to notify their providers, the units for which they will receive FEE-HELP will be determined according to the HEIMS order of precedence (see part 41.2). Where a student does not have enough FEE-HELP balance to cover a unit of study, the department will notify the affected provider via an exception report (see part 41.3). Providers are responsible for recovering any outstanding tuition fees from students. The Commonwealth can only pay the provider FEE-HELP up to the amount of the student’s FEE-HELP balance.

**Determining a student’s FEE-HELP balance**

A commencing student’s FEE-HELP balance will be provided at the same time as the student’s CHESSN.

For continuing students or commencing students who have previously accessed HELP assistance and already have a CHESSN, a provider can undertake an entitlement search at any time to obtain the student’s remaining balance. The balance will be calculated at the last quarterly census date for which all providers have reported data to the department (see HEIMSHELP for more information on how to check a student’s FEE-HELP balance).

### 31.8 Allocating a CHESSN

The department allocates CHESSNs to all students who request FEE-HELP (see part 41.5) through a provider or apply for a place through a tertiary admission centre. This will enable the monitoring of students’ use of HELP.
31.9 Calculating the amount of FEE-HELP

A student can borrow up to the amount of the tuition fee being charged by their provider as long as this amount does not result in the student exceeding their FEE-HELP balance. Students have the option of paying part of their tuition fee for the unit upfront to their provider on or before the census date and obtaining FEE-HELP for the remainder [HESA section 107-5].

The amount of FEE-HELP for a unit of study is the difference between the tuition fee for the unit and the sum of any upfront payments the student has made on or before the census date [HESA section 107-1]. This amount should be calculated immediately after the census date for the unit. A student's FEE-HELP balance will be reduced by this amount.

Providers report a student’s FEE-HELP through the Higher Education Student Data Collection (see part 36.1) and the Commonwealth pays the FEE-HELP amount to the provider (see part 39.2) [HESA section 110-1].

31.10 Loan fee and amount of FEE-HELP debt

If the loan relates to FEE-HELP for a unit of study that forms part of an undergraduate course of study, the amount of the FEE-HELP debt is the amount of the loan plus 25 per cent [HESA subsection 137-10(2)] and is incurred by the student immediately after the census date for the unit.

The following do not form part of an undergraduate course of study and do not attract the 25 per cent loan fee:

- postgraduate courses of study, including higher degrees by research (see part 8.6);
- enabling courses to assist students to meet the requirements for entry into an award program (see part 8.7);
- bridging course for overseas-trained professionals; or
- units made available by providers and accessed through OUA.

The loan fee is not included in a person’s FEE-HELP balance.

Example

- Pablo is enrolled in an eligible undergraduate course of study and has requested FEE-HELP for the course. Pablo’s tuition fees total $2,000 and he has paid $1,000 of these upfront to his provider.
- The amount of Pablo’s FEE-HELP is $1,000 and this is the amount by which his FEE-HELP balance is reduced. The amount of Pablo’s FEE-HELP debt will be $1,000 x 1.25 = $1,250. This is the amount he will be required to repay through the ATO.

31.11 Request for FEE-HELP Assistance

Students request FEE-HELP by completing, signing and submitting a Request for FEE-HELP Assistance form to the appropriate officer at their provider, or OUA as appropriate, on or before the census date for the unit (see part 11.1) [HESA paragraph 104-1(1)(i)].

31.12 CAN

Providers are required to issue each student who has requested FEE-HELP with a CAN (see part 12.1 and part 12.3). The CAN must be sent to all students who have requested
FEE-HELP after each census date, even if a student has made a full upfront payment of their tuition fees and therefore has not incurred a FEE-HELP debt on that census date.

### 31.13 Withdrawing on or before the census date

Students who withdraw from their unit of study or course of study on or before the census date will not incur a FEE-HELP debt. It is a provider’s responsibility to ensure the information it gives to the department is accurate and that students who have formally withdrawn from a unit or course on or before the census date do not incur a FEE-HELP debt for those studies.

### 31.14 Withdrawing after the census date

Students who have requested FEE-HELP who withdraw from a unit of study or course of study after the census date will incur a FEE-HELP debt for any unpaid tuition fees up to their FEE-HELP balance.

Students may apply to their provider to have their FEE-HELP balance re-credited, and thus their FEE-HELP debt remitted, in special circumstances (see part 43.4) [HESA sections 104-25 and 104-30].

### 31.15 Cancelling units of study after the census date

If a unit becomes unavailable after the census date, wherever possible, the provider should attempt to make suitable arrangements for the affected students to complete the unit or a comparable unit. In making these arrangements, the provider must treat students fairly [HESA section 19-30]. If arrangements cannot be made for a student with which the student is satisfied, the provider should advise the student of their eligibility under the provisions for re-crediting and remission (see part 43.3) [HESA section 104-42], and also any eligibility under tuition assurance arrangements, in the case of non-Table A providers, the provider may have in place. For further information on tuition assurance arrangements, see chapter 2 of the HEP Guidelines.

### 31.16 Repaying FEE-HELP debt

A person’s FEE-HELP debt is part of their accumulated HELP debt recorded by the ATO. People repay their accumulated HELP debt through the taxation system once their repayment income reaches the minimum repayment threshold for compulsory repayments (see part 36.1). They may also make voluntary repayments to the ATO.

### 31.17 Tax deductibility of tuition fees paid through FEE-HELP

Students may be eligible for a tax deduction for the amount of their tuition fees for which they receive FEE-HELP if the study meets the requirements for self-education expenses. However, the loan fee is not tax deductible. For further advice on the tax deductibility of tuition fees, contact the ATO.

### 31.18 Voluntary repayments

Students can make voluntary repayments towards their HELP debt at any time to the ATO. Voluntary repayments of $500 or more attract a five per cent bonus [HESA Division 151].
From 1 January 2015, subject to the passage of legislation, the voluntary repayment bonus of five per cent will be removed.
32 OS-HELP

32.1 What is OS-HELP?

OS-HELP provides financial assistance to eligible Commonwealth supported students (see part 22.1) to undertake part of their course of study overseas. OS-HELP may be used to cover expenses associated with the overseas study, such as airfares, accommodation and other travel or settling expenses.

32.2 Changes to OS-HELP from 2014

The Commonwealth made changes to the OS-HELP scheme to assist more Australian students to undertake some of their study overseas. These changes will apply for students selected on or after 1 January 2014.

From 2014, eligibility for the OS-HELP scheme will be broadened to include Commonwealth supported postgraduate students. The requirement that a student be enrolled at an overseas higher education institution will be removed, meaning the scheme will be opened up to students wishing to undertake clinical placements and other types of study programs overseas that contribute to the course of study in which they are enrolled at their Australian university.

The amount of study that a student is required to have remaining on completion of their overseas study will be reduced from 0.5 EFTSL to 0.125 EFTSL.

OS-HELP for Study in Asia

To promote study in Asia, the maximum loan amount for students undertaking study in Asia will be increased by around $1,250 to $7,500 in 2014. To better prepare students for their overseas study in Asia, eligible students may also apply for an additional loan of $1,000 to pay for intensive Asian language training as part of their study abroad opportunity from 2014.

32.3 How OS-HELP works

The steps to OS-HELP are:

- The Commonwealth allocates a number of OS-HELP loans to each provider and pays each provider OS-HELP funds to cover the value of the loans allocated.
- Each provider runs its own application and selection process and selects students to receive an OS-HELP loan in accordance with its OS-HELP policy.
- Selected students complete an OS-HELP Debt Confirmation form and providers pay an OS-HELP loan amount to each of their selected students.
- Students receive a CAN within 28 days of the date on which the OS-HELP debt was incurred.
- Each provider records information on students who received an OS-HELP loan and the amount of OS-HELP that each student received.
- This information is reported to the department.
- The department provides information on OS-HELP debts to the ATO.

For further information, see the OS-HELP Guidelines 2013 (OS-HELP Guidelines).
32.4 Allocating OS-HELP to providers

Annual request round

In September each year, the department invites the vice-chancellor or chief executive officer, or equivalent, of each provider that has been allocated CSPs (see part 22) to request a number of OS-HELP loans for the following year. Providers will need to submit an estimate of loans for overseas study undertaken in Asia and loans for overseas study not undertaken in Asia, as well as supplementary amounts for Asian language study.

If the aggregate number of loans for overseas study (i.e. for overseas study undertaken in Asia and for overseas study not undertaken in Asia) requested by providers is less than or equal to the number of loans for overseas study available for that year, then each provider will receive the allocation it requested. If the aggregate number of loans for overseas study requested by providers is greater than the number of loans for overseas study available for that year, then the department will allocate loans among providers taking into account the number of remaining loans available and eligible load across providers.

The department will advise the institutional OS-HELP manager, as nominated by the vice-chancellor or chief executive officer, of the allocation of OS-HELP loans for overseas study once the annual request round has been finalised. A provider cannot provide a greater number of loans for overseas study than the number advised by the department, even if the provider has a sufficient amount of funding to do so. Supplementary amounts for Asian language study do not count towards the number of loans allocated to a provider, as these are not considered to be a separate loan.

OS-HELP loans remaining from the annual request round may be allocated to providers in response to additional requests for loans.

Additional requests

If a provider expects that it will not have enough OS-HELP loans to meet expected student demand in a particular year, it can request an additional allocation of OS-HELP loans at any time. Such a request will only be valid if it is sent to the fep@education.gov.au mailbox by, or copied to, the institutional OS-HELP manager or the vice-chancellor or chief executive officer.

Additional loans are allocated to providers in the order that valid requests are received by the department until there are no loans remaining. The department will advise if the request for additional loans is approved. Providers must not select students to receive OS-HELP loans in expectation of receiving an additional allocation.

Funding for loans

Each provider will receive OS-HELP funding based on the total number of loans for overseas study it is allocated, valued at the maximum possible amount a student may borrow. For 2014 this is $8,500, comprising $7,500 for the maximum possible loan amount for overseas study plus $1,000 for the maximum possible supplementary amount for Asian language study.
Providers are paid 50 per cent of the OS-HELP funding for a year as an advance in January of that year, and the remaining 50 per cent is paid in July. Should a request for additional loans be approved, the provider will not be advanced the additional funding outside of these payment times.

### 32.5 OS-HELP eligibility

From 1 January 2014, to be eligible for OS-HELP assistance for overseas study in relation to a six-month study period, a student must:

- be an Australian citizen or the holder of a permanent humanitarian visa; and
- not have received OS-HELP assistance for overseas study on more than one other occasion (not including supplementary amounts for Asian language study); and
- be enrolled in an accredited course of study with their Australian provider; and
- have already completed at least one EFTSL of study in Australia that counts towards their course of study, as a Commonwealth supported student; and
- have their overseas study count towards the course of study they are enrolled in with their Australian provider; and
- on completion of that overseas study, have at least 0.125 EFTSL of study remaining to be undertaken with the Australian provider to complete their course; and
- meet the TFN requirements (see part 34); and
- submit an OS-HELP Debt Confirmation form (see part 11.1); and
- be selected by their Australian provider to receive an OS-HELP loan; and
- not have been granted an OS-HELP loan by another provider for an overlapping six-month study period; and
- not have completed the overseas study before making the application for an OS-HELP loan.

To be entitled to a supplementary amount for Asian language study in relation to a six-month study period a student must:

- be selected for OS-HELP assistance for overseas study in relation to that six-month period; and
- be undertaking the overseas study in Asia; and
- have applied to their home provider for a supplementary amount for language study in relation to that six-month study period; and
- be selected by their Australian provider to receive a supplementary amount for Asian language study.

A person may be outside Australia when they apply for an OS-HELP loan [HESA sections 118-1, 118-5 and 118-10].

A student’s OS-HELP eligibility is to be assessed by a provider at the time the application is made. Once a student has met the eligibility criteria for OS-HELP under Division 118 of HESA, and the provider has assessed the student as eligible for assistance, the OS-HELP loan is granted. Once the student has been paid, the student cannot subsequently be assessed as ineligible as a result of changed circumstances that did not exist at the time the OS-HELP application was made.

However, if a provider has offered OS-HELP to a student, but has not yet paid the OS-HELP amount to the student, the provider must withdraw the offer of OS-HELP if the provider determines the student will not meet the provisions for eligibility [OS-HELP Guidelines chapter 3].

If a student who has accessed OS-HELP seeks to continue their study overseas, it will be up to the Australian provider to determine whether the student will be allowed to complete further study in their course overseas.
Australian citizenship

A person may automatically be an Australian citizen by birth or adoption, or after applying for Australian citizenship by descent or conferral. If a person is over 16 years at the time they make their application for citizenship by conferral, they will obtain Australian citizenship only after they have made the pledge of commitment and have been issued with evidence of Australian citizenship from the Department of Immigration and Border Protection.

OS-HELP and honours

Where a student is undertaking an Honours component of an undergraduate course of study, the entire undergraduate course may be considered for the purposes of assessing eligibility for OS-HELP.

Example

- Gemma is invited to complete an Honours component of her Bachelor of Arts course of study at the end of 2013. In 2014 she commences Honours study towards the undergraduate higher education award Bachelor of Arts with Honours. In early 2014 she is selected for OS-HELP. Her undergraduate study in 2013 counts towards the prior study requirements.

OS-HELP and combined or double degrees

Only courses of study which are accredited are eligible for OS-HELP. This includes courses recognised by the provider as a combined or double degree leading to one or more higher education awards [HESA Division 118-1(1) (ca)]. Where a student is enrolled in a combined or double degree, the two courses may be jointly considered for the purposes of assessing eligibility for OS-HELP.

32.6 Determining OS-HELP eligibility

A provider must not select a student for OS-HELP unless the provider is satisfied the student meets all the eligibility criteria detailed in Division 118 of HESA.

Students undertaking their first or second discrete six-month study period

To be satisfied that a student meets the eligibility criteria, a provider should conduct its selection exercise as close as possible to the commencement of a student’s proposed six-month study period. A student should not be selected for OS-HELP more than six months before the commencement of their overseas study.

If a provider decides to undertake selection procedures for OS-HELP more than six months in advance of students commencing their six-month study period, it is recommended the provider only tentatively select the student. A check of the student’s eligibility can then take place closer to the commencement of the student’s six-month study period in order to finalise the selection.
Students undertaking a second six-month study period that is a continuation of a first

A provider may tentatively select a student to receive a second OS-HELP loan for a six-month study period that is a continuation of a first six-month study period. The student may apply for the two loans concurrently, that is, before the student commences the first six-month study period. However, the provider may only tentatively select a student to receive OS-HELP for the second six-month study period. The provider must determine, on a date that is not more than six weeks before the commencement of the second six-month period, if the student still meets the eligibility criteria [OS-HELP Guidelines chapter 2].

Students who have commenced their overseas study

A provider may select a student for OS-HELP if they have already commenced their overseas study if that student meets all of the eligibility criteria and such a selection is consistent with the provider’s OS-HELP policy. This means that a student may be eligible for OS-HELP if the student is already overseas when applying. However, a provider must not select a student to receive OS-HELP for overseas study if the student has completed or discontinued the overseas study for which the OS-HELP is being sought, regardless of whether the student is still overseas or has returned to Australia [HESA subsection 118-2(b)].

Students who have commenced their Asian language study

A provider may select a student for a supplementary amount for Asian language study if the student has already commenced their Asian language study, provided the student meets all of the eligibility criteria and such a selection is consistent with the provider’s OS-HELP policy (see part 32.13). However, a provider must not select a student to receive a supplementary amount if the student has completed or discontinued the Asian language study for which a supplementary amount is being sought prior to or at the time the application is made [HESA s118-2(2)].

32.7 Six-month study period

As students who receive OS-HELP are studying at higher education institutions in other countries, their study activities will not necessarily align with Australian study periods and units of study. In order to manage OS-HELP while maximising program flexibility, OS-HELP is built on the idea of a six-month study period.

A student specifies the commencement date of the six-month study period in their OS-HELP debt confirmation form. This date cannot be before the date on which the student begins the overseas study that counts towards the requirements of their course of study with their home provider.

A six-month study period is taken to commence on a day of one month and conclude on the corresponding day six months later.

If for the month that is six months later, there is no such corresponding day, then the last day of that month is considered to be the end of the six-month period. This mainly applies to study periods commencing at the end of August and concluding at the end of February.
Examples

- Sally is selected for OS-HELP for six months of full-time overseas study that starts on 5 December 2012. The end date of her six-month study period is 5 June 2013.
- Anne receives OS-HELP to undertake six months of full-time overseas study. Her six-month study period commences on 31 August 2013 and concludes on 28 February 2014.

Can a student receive OS-HELP for overseas study that is shorter than six months?

As long as a student meets all the eligibility criteria under Division 118 HESA, the student may receive OS-HELP for overseas study of any duration of time. However, OS-HELP loans are always provided in respect of a six-month study period, regardless of the actual duration of study.

Example

- Mangala is selected for OS-HELP for three months of full-time overseas study that starts on 1 December 2012 and finishes on 28 February 2013.
- Although Mangala will only study for three months, the six-month study period is defined as commencing on 1 December 2012 and concluding on 1 June 2013. This means that she can be selected for OS-HELP for a second time only if her second study period commences on or after 2 June 2013.

32.8 Overseas study requirements

A student’s overseas study must count towards the course of study they are enrolled in with their home provider. The student does not need to be enrolled with an overseas higher education institution or an overseas campus of an Australian provider. Types of overseas study for which a student may receive OS-HELP assistance could include, but are not limited to: semester or year-long study undertaken at an overseas higher education institution, short courses undertaken at an overseas higher education institution, clinical placements, professional placements or internships, and study tours.

In selecting students for receipt of OS-HELP assistance, a provider should have due regard for the likely safety and well-being of the student at their overseas study destination.

Overseas study undertaken in Asia

A student will be considered to be undertaking overseas study in Asia if they are undertaking study in at least one of the following countries: Bangladesh, Bhutan, Brunei, Cambodia, China, Democratic People’s Republic of Korea (North Korea), Timor-Leste, Hong Kong, India, Indonesia, Japan, Laos, Macau, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Republic of Korea (South Korea), Singapore, Sri Lanka, Taiwan, Thailand, and Vietnam.

A student visiting a number of countries around the world as part of a study tour would be considered to be undertaking overseas study in Asia if at least one of the countries is in Asia.

32.9 Asian language study requirements

In selecting a student for a supplementary amount for Asian language study, a provider must be satisfied the language study is appropriate preparation for the student’s overseas study in
Asia. As a guide, the Asian language study may be considered appropriate preparation for the student’s overseas study in Asia if:

- the language is spoken at the student’s overseas study destination;
- the language study is at a suitable level for the student, taking into account any prior study of the language they may have done; and/or
- the language study is aimed at either providing the student with general language skills that will assist with living or travelling in their overseas study destination, or providing specialised language skills relevant to their overseas study.

The Asian language study must not be taken as part of a course leading to a higher education award for which the student is in a CSP or receiving FEE-HELP. This means that, in many cases, if a student is taking their Asian language study through an Australian provider, they could only receive a supplementary amount if the study is on a non-award basis.

Alternatively, Asian language study for which students may be able to receive a supplementary amount could include language subjects undertaken at an overseas higher education institution or other organisation in Australia or overseas, either on an award or non-award basis.

### 32.10 Full-time study under OS-HELP

A student receiving OS-HELP must study full-time while overseas [HESA paragraph 118-10(a)(i)].

Overseas study is full-time if the level of academic engagement required by the student while studying overseas is broadly equivalent to the level of academic engagement required by a student undertaking at least 0.75 EFTSL (see part 10) per year in an equivalent course in Australia.

Indicators of the level of academic engagement should include contact hours, volume of assessable tasks and the credit that will be provided upon successful completion of the overseas study. Because students may undertake overseas study for periods of less than six months, the level of academic engagement should be averaged with respect to the actual duration of study.

Generally, a student should be regarded as studying full-time while overseas if, in respect of their course of study.

\[
\text{Credit a student can expect to receive for overseas study} \geq \left( \frac{\text{Duration of overseas study in weeks}}{\text{Typical duration of a standard academic semester in weeks}} \right) \times \text{Minimum credit a full-time student would receive in a standard academic semester}
\]

\(\geq\) means greater than or equal to; \(\div\) means divide; and \(\times\) means multiply.

**Example**

- Tim applies for OS-HELP to undertake a course of study overseas that will take four weeks to complete. He will be awarded 20 credit points for the overseas study. At Tim’s home provider, a full-time student receives a minimum of 30 credit points per semester for a 13 week semester. The formula can be used to assess whether Tim will be engaged in full-time study while overseas.
Tim meets the criterion of being enrolled in full-time study overseas as the 20 credit points he receives for a four-week period of overseas study is greater than the 9.23 credit point he would have received for undertaking four weeks study at his home provider.

### 32.11 Determining if a student has previously received, or applied for, OS-HELP

A provider should collect sufficient information from students during its OS-HELP application process to be satisfied that students have not previously received OS-HELP assistance for overseas study on more than one occasion. Students will declare they have read the OS-HELP statement of terms and conditions when they sign the OS-HELP Debt Confirmation form (see part 11.1). The statement indicates that a student must not receive OS-HELP more than twice [HESA paragraph 118-1(1)(b)].

The HEIMS outputs will include information on OS-HELP for the purpose of identifying students who have already received OS-HELP. Due to the time delay in providers reporting OS-HELP data to the department information in HEIMS may not reflect all OS-HELP loans a person has taken.

### 32.12 Evidence a student is undertaking Asian language study

Students may submit details of the proposed language study on request with the provider, for example as part of their application for selection for OS-HELP assistance. Providers are responsible for determining the suitability of the language study as preparation for the student’s overseas study.

If the student is not taking the Asian language study through their home provider, the student must provide evidence to the provider they are undertaking the language study, for example proof of enrolment, proof of application for admission to the language course, or a signed declaration from the student detailing the language study they are undertaking [OS-HELP Guidelines, chapter 2].

As students may not wish to apply for admission to the Asian language study prior to selection for OS-HELP assistance, a student may provide evidence they will undertake the Asian language study after they have been selected for the main OS-HELP loan. The evidence must be provided by the time the student submits their OS-HELP debt confirmation form. If, at the time the student submits their OS-HELP debt confirmation form, a provider is not satisfied the student will undertake the Asian language study, the provider should not pay the supplementary amount to the student and should inform the student of this in writing.
Determining if a student has already completed their Asian language study at the time of application

Under HESA, a student may only be granted OS-HELP assistance if the student applies for the assistance before completing the study [HESA s. 118-2 (2)]. Therefore, a provider should collect information from students during its OS-HELP application process to provide a level of assurance that students applying for a supplementary amount for Asian language study have not already completed that language study. This requirement should be clearly outlined by the provider in the provider’s OS-HELP policy. Students will declare they have read the OS-HELP statement of terms and conditions when they sign the OS-HELP debt confirmation form (see part 11.1). The OS-HELP statement of terms and conditions indicates that a student must not apply for a supplementary amount after they have completed their Asian language study [HESA s118-2(2)].

32.13 Selecting students for OS-HELP

The OS-HELP Guidelines set out the procedures a provider must follow when selecting students for receipt of OS-HELP [HESA section 118-15]. The OS-HELP Guidelines require a provider to establish its own OS-HELP selection policy.

What must be included in an OS-HELP policy?

The OS-HELP policy must set out open, fair and transparent procedures that a provider will use in making decisions about the selection of students for OS-HELP. The selection of students for OS-HELP must be based on merit [HESA subsection 19-35(2)].

A provider’s OS-HELP policy must not include anything that is contrary to the OS-HELP provisions set out in HESA or the OS-HELP Guidelines.

What should be included in a provider’s OS-HELP policy?

A provider’s OS-HELP policy should include sufficient information to enable the provider to administer its application and selection process for OS-HELP. The OS-HELP policy should also include information that allows students to understand what is involved in applying for, and receiving, OS-HELP.

In general, the policy should detail:

- how students apply for OS-HELP, including application closing dates, if applicable, and what information a student must provide in support of their application;
- what criteria the provider will use to assess students’ applications and establish an order of merit for receipt of OS-HELP;
- how and when students will be notified, in writing, of the outcome of their OS-HELP application;
- how the amount of OS-HELP paid to each student will be determined;
- how and when offers of OS-HELP will be made to students and how long offers will remain current;
- how and when OS-HELP payments will be made to selected students;
- any conditions that are to apply to OS-HELP;
- how and when selected students will be informed of the conditions of receiving OS-HELP;
- any restriction on OS-HELP payment dates;
- the provider’s minimum OS-HELP amount (if applicable); and
what action a student may take if they are dissatisfied with decisions the provider has made with respect to their OS-HELP application [OS-HELP Guidelines chapter 2].

32.14 Providing OS-HELP information to students

A provider that offers OS-HELP loans must be the first point of contact for students interested in the program. It must give all students who may be interested in applying for OS-HELP information about the program and how students can obtain an OS-HELP loan [OS-HELP Guidelines chapter 2].

32.15 Notifying students of their OS-HELP application outcome

It is a legal requirement that providers notify students who apply for OS-HELP of the outcome of the selection process, in writing, either within two months of receiving the application or within two months of the application closing date, whichever is later.

If a provider selects a student for OS-HELP, then the provider must offer the OS-HELP loan to the student in writing. The provider must also advise the student in writing of the loan amount to which they are eligible and the conditions of receiving an OS-HELP loan. The conditions of receiving an OS-HELP loan are contained in the OS-HELP Statement of Terms and Conditions Information Booklet [OS-HELP Guidelines chapter 3].

These notifications may be given electronically if the student has consented to receiving this information electronically (see part 42). Providers could, for example, receive this consent from students as part of their OS-HELP application.

32.16 OS-HELP Debt Confirmation form

Students who are selected to receive an OS-HELP loan must complete an OS-HELP Debt Confirmation form (see part 11.1) before the provider can make an OS-HELP payment to the student.

32.17 Collecting and handling information from students

A provider should collect sufficient documentation from students to be able to determine that a student meets all of the OS-HELP eligibility criteria. A provider should also collect sufficient documentation from students to assess students’ applications against the selection criteria set out in its OS-HELP policy.

A provider must comply with privacy requirements when handling students’ personal information (see part 40). For sample wording on seeking informed consent to give personal information that should be included on OS-HELP forms (see Appendix J).

A provider must provide a copy of a student’s application to the department if the student has received OS-HELP assistance and the provider has reason to believe the student provided false or misleading information in their application.

32.18 Calculating the amount of OS-HELP

The amount of OS-HELP paid to each selected student is determined by the provider in accordance with its OS-HELP policy.
The OS-HELP must:

- not exceed the maximum OS-HELP loan amount for a single OS-HELP loan;
- not be less than the minimum OS-HELP amount, if the provider has specified a minimum amount in its OS-HELP policy; and
- not be different to the amount indicated on the student’s completed and signed OS-HELP Debt Confirmation form.


For 2014, the maximum students may borrow for overseas study for a six month period is:

- $6,250 for study undertaken in a non-Asian country; or
- $7,500 for study undertaken in Asia.

For 2014, the maximum supplementary amount for Asian language study students may borrow for a six month period is $1,000.

Notwithstanding the maximum amount, a provider should not pay students OS-HELP amounts in excess of the amounts for which students apply [HESA sections 121-1, 121-5 and 121-10].

### 32.19 Setting a minimum OS-HELP amount

A provider may set minimum OS-HELP amounts for overseas study and for Asian language study. If a provider intends to set a minimum OS-HELP amount, this must be specified in writing [HESA section 121-10]. The provider’s OS-HELP policy would be the most appropriate place to specify this.

### 32.20 Amount of OS-HELP debt

The amount of a student’s OS-HELP debt is an amount equal to the amount of the loan [HESA subsection 137-15(2)].

### 32.21 Making OS-HELP payments to students

If a student is receiving OS-HELP assistance for both overseas study and Asian language study, a provider may pay the student their OS-HELP assistance in one or two payments by electronic funds transfer, cheque or cash. If a student is receiving OS-HELP assistance for overseas study only they must be paid the OS-HELP assistance in one payment [OS-HELP Guidelines, chapter 4].

Providers must not pay OS-HELP to a student until after the student has been selected for OS-HELP and submits a correctly completed OS-HELP Debt Confirmation form to the provider (see part 11.1). Providers must not pay a student more than six months in advance of the commencement of the student’s six-month study period [OS-HELP Guidelines, chapter 4].

Wherever possible, a provider should pay students their OS-HELP in such a time that allows students to use the funds for their key travel related expenses (such as airfares). A provider may enforce a limited number of OS-HELP payment dates but, if a provider chooses to do this, then the restricted OS-HELP payment dates should be:
- determined with regard for students’ financial needs;
- applied consistently to all students receiving OS-HELP; and
- set out in the provider’s OS-HELP policy.

### 32.22 Issuing a CAN

A student must be issued a CAN no later than 28 days after the date on which the OS-HELP debt was incurred (see part 12.2) [Administration Guidelines chapter 4].

### 32.23 Incurring OS-HELP debt

A student incurs their OS-HELP debt, the sum of their OS-HELP loan, on the day the provider makes the OS-HELP payment to the student [HESA subsection 137-15(3)].

#### Examples

- Mark is selected for OS-HELP for six months of full-time overseas study that starts on 1 January 2013. He is paid his OS-HELP loan on 1 December 2012 prior to commencing his studies. The date on which Mark incurs the OS-HELP debt is 1 December 2012.
- Andrew is selected for an OS-HELP loan of $7,500 for overseas study in Asia and a supplementary amount of $1,000 for Asian language study. He receives the supplementary amount for Asian language study on 1 February 2014, and incurs an OS-HELP debt of $1,000 on this date. He then receives an amount for overseas study on 1 April 2014, and incurs an OS-HELP debt of $7,500 on this date.

#### Payment by electronic funds transfer

If a provider pays a student their OS-HELP loan amount by electronic funds transfer, then the OS-HELP debt is incurred on the day the funds transfer occurs.

#### Payment in cash or by cheque in hand

If a provider pays a student their OS-HELP in cash or by cheque in hand direct to the student, the provider should obtain a signed and dated receipt from the student to record when the student received their payment. The date on the receipt is taken to be the date the OS-HELP debt is incurred.

#### Payment by mailed cheque

If a provider pays a student their OS-HELP by a cheque that is mailed to the student, then the provider must send the cheque by person-to-person registered mail with delivery confirmation. Only the student receiving the OS-HELP loan should be allowed to sign for the cheque, and the post office should send a receipt back to the provider to confirm when the student took possession of the cheque. The date the OS-HELP debt is incurred is taken to be the day the student took possession of the cheque.

### 32.24 Change in student’s circumstances

If a selected student’s circumstances change in such a way that a provider determines the student does not meet the OS-HELP eligibility criteria and the student has yet to be paid their OS-HELP, the provider must withdraw the offer of OS-HELP to the student.
If a selected student’s circumstances change in such a way the provider determines the student no longer meets the OS-HELP eligibility criteria but the student has already been paid their OS-HELP, then the provider is not obliged to do anything unless the provider has reason to believe the student provided false or misleading information in their OS-HELP application, in which case the provider must immediately notify the department [OS-HELP Guidelines chapter 3.5.15]. A student in this situation will already have incurred an OS-HELP debt and must repay this debt through the ATO.

### 32.25 Provision of false or misleading information by a student

If a provider knows, or has reason to believe, that a student in receipt of OS-HELP has provided false or misleading information in their OS-HELP application, the provider must immediately notify the department and provide the department with a copy of the student’s application and any other relevant information or material the department requests [OS-HELP Guidelines chapter 4].

### 32.26 What happens if a student does not undertake their overseas study or is otherwise ineligible?

If a student has been selected for OS-HELP, but has yet to be paid their OS-HELP, and the provider determines the student will not be undertaking their overseas study or is otherwise ineligible, then the provider should withdraw the offer of OS-HELP to the student and notify the student in writing.

If a student has been paid their OS-HELP and the provider determines the student will not be undertaking their overseas study or is otherwise ineligible, then the provider is not required to take any further action. A student in this situation will have already incurred an OS-HELP debt and must repay this debt through the ATO.

If an ineligible student has only received a supplementary amount for Asian language study in relation to that overseas study, the student will have already incurred an OS-HELP debt for this payment and must repay this debt through the ATO. The provider is not required to take any further action regarding the supplementary amount, but must not pay the student the OS-HELP assistance for overseas study and must notify the student of this in writing.

### 32.27 What happens if a student does not undertake their Asian language study?

If a student has been selected for, and received, a supplementary amount for Asian language study, but has yet to be paid the OS-HELP assistance, and the provider determines the student will undertake neither the Asian language study nor the overseas study, then the provider must withdraw the offer of the OS-HELP loan and not pay the loan amount to the student.

If a student has been selected for a supplementary amount for Asian language study, but has yet to be paid the supplementary loan amount and their OS-HELP assistance, and the provider determines the student will not be undertaking their Asian language study but will be undertaking their overseas study, the provider should pay the student the OS-HELP loan amount for overseas study but must not pay the student the supplementary amount for Asian language study.
If a student has been paid their OS-HELP assistance and the provider determines the student will not be undertaking their Asian language study, then the provider is not required to take any further action. A student in this situation will have already incurred an OS-HELP debt and must repay this debt through the ATO.

### 32.28 Remitting OS-HELP debt

OS-HELP debt must not be remitted under any circumstances.

### 32.29 Repaying OS-HELP debt

A student’s OS-HELP debt is included in their accumulated HELP debt [HESA Division 140]. Students repay their accumulated HELP debt through the taxation system once their repayment income is above the minimum repayment threshold for compulsory repayments (see part 36.1).

### 32.30 Voluntary OS-HELP debt repayments

Students can make voluntary repayments towards their HELP debt at any time to the ATO. Voluntary repayments of $500 or more attract a five per cent bonus [HESA Division 151]. From 1 January 2015, subject to the passage of legislation, the voluntary repayment bonus of five per cent will be removed.
33 SA-HELP

33.1 What is SA-HELP?

SA-HELP provides eligible students with a loan to cover a student services and amenities fee imposed on them by their providers. A provider who chooses to charge a student services and amenities fee must set a date the debt is incurred, which is the last date that a student can pay the fee upfront and is the date that a student using SA-HELP will incur a debt for deferral of the fee.

Students who wish to obtain SA-HELP for all or part of a student services and amenities fee imposed on them by their provider must meet the TFN requirements, on or before the date the debt is incurred, in order to be eligible.

33.2 SA-HELP eligibility

To be eligible for SA-HELP for a student services and amenities fee, the student must:

- meet the citizenship or residency requirements [HESA section 126-5] and be:
  - an Australian citizen, if the student commenced their course of study prior to 1 January 2013; or
  - an Australian citizen who will undertake in Australia at least one unit of study with their provider, if the student commenced their course of study on or after 1 January 2013;
  - the holder of a permanent humanitarian visa who will be resident in Australia for the duration of the unit [HESA section 126-5];
- be enrolled in a course of study or a bridging course for overseas-trained professionals;
- meet the TFN requirements (see part 32.13) [HESA section 187-1]; and
- have completed, signed and given to an appropriate officer of the provider a request for Commonwealth assistance form on or before the date the debt is incurred for the fee set by the provider.

However, a holder of a permanent humanitarian visa will not satisfy the citizenship or residency requirements if the provider reasonably expects the student will not undertake in Australia any units of study with the provider [HESA subsection 126-5(2)].

Australian citizenship

An Australian citizen, who commences a course of study on or after 1 January 2013, will not satisfy the citizenship or residency requirements if the provider reasonably expects the student will not undertake in Australia any of the units of study contributing to the course of study of which the unit forms a part.

A person may automatically be an Australian citizen by birth or adoption, or after applying for Australian citizenship by descent or conferral. If a person is over 16 years at the time they make their application for citizenship by conferral, they will obtain Australian citizenship only after they have made the pledge of commitment and have been issued with evidence of Australian citizenship from the Department of Immigration.
33.3 Requesting SA-HELP

Students can request SA-HELP by completing, signing and submitting a Request for SA-HELP Assistance form (see part 11.1) to the appropriate officer at their provider on or before the date the debt is incurred [HESA paragraph 126-1(1)(d)]. Providers may set an earlier administrative date for the submission of the form but must advise students of this date.

Re-applying for SA-HELP

A student will only be required to apply for SA-HELP once for a course of study at a provider. If a student changes courses or providers, the student will need to re-apply for SA-HELP.

33.4 SA-HELP for cross-institutional enrolments

To be eligible for SA-HELP a student must be enrolled in a course of study at the provider at which the fee is being imposed.

Students who are enrolled in a course of study at the home provider but undertaking a unit or a set of units at the host provider will only be eligible for SA-HELP at the home provider, even if the units of study being undertaken at the host provider form part of the course of study being undertaken at the home provider.

33.5 SA-HELP and the CHESSN

The department allocates CHESSNs to all students who request SA-HELP through a provider (see part 41.4). This enables the monitoring of students’ use of HELP and reporting to the ATO.

33.6 Amount of SA-HELP

The amount of a student’s SA-HELP is equal to the unpaid portion of the student services and amenities fee after the date the debt is incurred.

33.7 Paying SA-HELP

The Commonwealth will pay the provider the amount of the student’s SA-HELP on the student’s behalf [HESA section 128-1].

33.8 SA-HELP and the CAN

Providers must issue each student who has requested SA-HELP with a CAN (see part 12). The notice must be given to the student by the later of:

- 28 days after the date the SA-HELP debt was incurred; and
- The date on which the provider must give a CAN in relation to units of study that are Commonwealth supported, if any, provided the date the CAN must be given and the date the SA-HELP debt was incurred, both fall within one of the following two periods:
  - 1 January to 30 June; and
  - 1 July to 30 December [Administration Guidelines chapter 4].
33.9 Incurring SA-HELP

A student is taken to incur their SA-HELP debt after the date the debt is incurred for the fee set by the provider [HESA subsection 137-16(3)].

33.10 Remitting SA-HELP

SA-HELP debt cannot be remitted under any circumstances.

33.11 Repaying SA-HELP

A person’s SA-HELP debt is part of their accumulated HELP debt recorded through the ATO. People repay their accumulated HELP debt through the taxation system once their repayment income is above the minimum repayment threshold for compulsory repayments (see part 36.1).

33.12 Voluntary repayments

A person may also make voluntary repayments towards their HELP debt at any time to the ATO. Voluntary repayments of $500 or more attract a five per cent bonus [HESA Division 151]. From 1 January 2015, subject to the passage of legislation, the voluntary repayment bonus of five per cent will be removed.
34 Tax file number requirements

34.1 Who is required to provide a TFN?

All students who wish to obtain a HELP loan are required to provide their TFN, or a Certificate of application for a TFN on their request for Commonwealth assistance form (see part 11.1). Students who do not have a TFN should apply for one by completing a Tax file number application or enquiry for an individual form available from the ATO [HESA paragraph 90-1(f)(i), subsections 104-1(h), 118-1(g) and section 187-1]. For a sample Certificate of application for a TFN, see Appendix I.

Commonwealth supported students who are eligible for HECS-HELP, but who wish to pay their student contribution upfront, should also provide their TFN. This acts as a precaution if they fail to make a payment on or before the census date for the unit. Failure to make a full upfront payment on or before the census date, and failure to provide a TFN, will result in the provider cancelling the student’s enrolment as a Commonwealth supported student in their unit.

34.2 When must students provide their TFN?

Students are required to provide their TFN, or a Certificate of application for a TFN, on or before the census date for the unit of study for which they wish to obtain a HECS-HELP or FEE-HELP loan [HESA subsection 187-1(2)].

Students wishing to obtain SA-HELP for all or part of a student services and amenities fee imposed on them by their provider must meet the TFN requirements, on or before the date the debt is incurred, in order to be eligible.

Students wishing to obtain an OS-HELP loan must provide their TFN when applying for OS-HELP. Providers must not make any payments before the student provides a TFN or a Certificate of application for a TFN.

34.3 How should students provide their TFN?

Students should provide their TFN on one or more of the following forms (see part 11.1):

- Request for Commonwealth Support and HECS-HELP form;
- Request for FEE-HELP Assistance form;
- Request for FEE-HELP Assistance Open Universities Australia form;
- OS-HELP Debt Confirmation form; or
- Request for SA-HELP Assistance form.

If a student does not provide their TFN on the relevant form or a Certificate of application for a TFN on or before the census date for that unit, they are not eligible for HELP. Students requesting OS-HELP must provide their TFN on or before the OS-HELP payment date. Students requesting SA-HELP must provide their TFN on or before the date the debt is incurred. Students may also provide their TFN electronically in accordance with chapter 8 of the Administration Guidelines (see part 42).
34.4 Notification if a student does not provide a TFN

If a student does not provide a TFN on their request for Commonwealth assistance form (see part 11.1) and the student intends to access HELP, the provider must notify the student, in writing, the student's TFN or a Certificate of application for a TFN is required on or before the census date [HESA subsections 193-1(1),(2) (4A) and (4B)], or before the provider can pay the student any amounts of OS-HELP [HESA subsections 193-1(3) and (4)].

The provider must provide the student with this notification within seven days of receiving the form, or before the census date for HECS-HELP and FEE-HELP, or the date payable for SA-HELP, if earlier.

The provider is not obliged to provide this notice if the student is not eligible for HELP [HESA paragraph 193-1(5)(a)] or, in the case of requests for HECS-HELP, if the student has made upfront payments totalling 90 per cent of their student contribution for the unit [HESA paragraph 193-1(5)(b)].

34.5 Students who do not have, or cannot remember, their TFN

Students who do not have, or cannot remember, their TFN, or who have applied to the ATO but have not yet received a TFN, must contact the ATO to acquire their TFN or to obtain a Certificate of application for a TFN. A sample Certificate of application for a TFN is provided at Appendix I.

Providers may be given alternative documentation to the Certificate of application for a TFN issued by the ATO as proof that students have applied for a TFN.

Students who apply for a TFN online will be able to take their printed TFN application summary to an interview at a participating Australia Post retail outlet and confirm their identity. There is no charge for this service. Australia Post will issue a barcode matched receipt and this receipt plus the application summary can be given to providers as acceptable proof the student has applied for a TFN. See Appendix I for samples.

Participating retail outlets may be found using the Australia Post outlet locator available via http://www.ato.gov.au/Individuals/Ind/Apply-for-a-TFN-on-the-web.

As a TFN is usually provided within 28 days of application, it is essential for students to apply early to ensure they have their TFN on or before the census date. If a student applies for a TFN less than one month before the relevant census date, the student should request the ATO to issue them with a Certificate of application for a TFN.

If a student has not received their TFN within ten days before the census date, the student should provide this certificate to their provider as proof of having applied. The student must quote their TFN within 21 days from the day the ATO issues the student a TFN advice [HESA paragraphs 187-5(1)(a) and (2)(a)]. The provider must be satisfied the TFN quoted by the student is a valid TFN [HESA paragraphs 187-5(1)(b) and (2)(b)].

Students who provide a Certificate of application for a TFN but fail to quote their TFN

Students who provide a Certificate of application for a TFN should notify their provider of their TFN within 21 days of receiving it from the ATO. However, the ATO may be contacted
to obtain a TFN where students have not advised their TFN in this time and you have made genuine attempts to contact the student.

TFNs can be requested by either emailing the Higher Education Loan Accounts Unit of the ATO via HELA@ato.gov.au or by phoning 1300 650 225 between 8.00 am and 5.00 pm Australian Eastern Standard Time, Monday to Friday. If you are requesting more than 5 TFNs, this request must be made via email.

The ATO will only communicate a TFN back to a provider by phone. The provider must nominate a contact officer(s) who will be the only person(s) authorised to receive a student’s TFN. The nomination should be on the provider’s official letterhead, include the name, title and contact details of the nominated officer(s) and emailed to HELA@ato.gov.au before any requests for TFNs are made.

Students who fail to provide a TFN

**Commonwealth supported students seeking HECS-HELP**

A provider must cancel a student’s enrolment in a unit of study as a Commonwealth supported student if the student is seeking HECS-HELP and has not, on or before the census date:

- provided a TFN or a *Certificate of application for a TFN*; or
- paid 90 per cent of their student contribution for the unit upfront.

If a student’s enrolment as a Commonwealth supported student is cancelled, the provider must reduce the student’s debt for that unit to zero and repay that amount to the Commonwealth.

**Students seeking FEE-HELP**

If a student who is seeking FEE-HELP does not provide a TFN or a *Certificate of application for a TFN* on or before the census date, the Commonwealth will not be liable to provide a loan for the tuition fees. The provider must reduce the student’s debt for that unit to zero and repay that amount to the Commonwealth. A provider may make alternative arrangements for the student to pay their tuition fees.

**Students seeking OS-HELP**

Students seeking OS-HELP assistance must not be paid their OS-HELP until they have provided their TFN or a *Certificate of application for a TFN*.

**Students seeking SA-HELP**

If a student is seeking SA-HELP and does not provide a TFN or a *Certificate of application for a TFN* on or before the date the debt is incurred, the Commonwealth will not be liable to provide a loan for the student services and amenities fee.

### 34.6 Validation of TFNs

Students are eligible for a HELP loan only if they provide a valid TFN. The provider must validate and record TFNs for inclusion in information on student debts in the HELP Due File.
The provider must:

- visually check that each TFN has nine digits. No TFN is wholly comprised of the same digit, for example, 111111111 is not a valid TFN; and
- use the algorithm the ATO provides to validate the TFN.

The TFN Guidelines specify the circumstances in which the provider must be satisfied that a number is a valid TFN.

**What happens if a student has not provided a valid TFN?**

If a student has not provided a valid TFN, the provider must notify the student, in writing, within seven days of receiving the relevant form (see *part 11.1*), or before the census date or OS-HELP payment date, if earlier, the student:

- has not provided a valid TFN; and
- must provide either a TFN or *Certificate of application for a TFN* on or before the census date for the unit or, in the case of OS-HELP, on or before the OS-HELP payment date [*HESA section 193-1*].

A provider can notify the student using electronic means if it complies with the ETA and chapter 8 of the Administration Guidelines (see *part 42*).

**Students seeking SA-HELP**

If a student has not provided a valid TFN, the provider must notify the student in writing, on or before the day the student services and amenities fee is payable, date the debt is incurred, or within seven days of receiving the *Request for SA-HELP Assistance form*, the student:

- has not provided a valid TFN; and
- must provide either a TFN or *Certificate of application for a TFN* on or before the day the fee is payable.

### 34.7 TFN and the electronic submission of forms

Students who fill out an electronic form, and who are required to provide a TFN, must have a valid TFN. A provider cannot use the 00999999999 code as a valid TFN for electronic forms.

A provider may incorporate an electronic prompt that informs their students that if they have stated they have a *Certificate of Application for a TFN* – that they are required to provide a copy of this to the provider.

### 34.8 ATO TFN notices

The ATO may give the provider notice of the following twice yearly by late February and July each year [*HESA Division 190*]:

- a student’s TFN where:
  - the student provided a *Certificate of application for a TFN* on or before the census date or OS-HELP payment date, and a TFN has been issued; or
  - a student provided a valid TFN that has since been cancelled, withdrawn, or is otherwise wrong, but the student has a new valid TFN or if a new TFN has been issued to the student.
- information on students who do not have a TFN because the:
- ATO is unable to identify the student correctly;
- ATO is not satisfied the student has a TFN;
- TFN given by a student is not the student’s TFN;
- ATO has refused to issue a TFN to the student because the student already has a TFN; or
- ATO has cancelled the student’s TFN.

For sample notifications from the ATO, see Appendix L.

When the ATO advises the provider of a student’s TFN, the provider must record it for the student. If the provider is unable to satisfactorily match the student details, the provider must contact the ATO on 1300 650 225 to resolve the issue in line with the TFN Guidelines before recording the TFN.

**What happens if the ATO notifies a provider that a student does not have a TFN?**

*Commonwealth supported students seeking HECS-HELP*

If the ATO notifies a provider that a student does not have, or no longer has, a TFN, the provider must cancel the student’s enrolment as a Commonwealth supported student in the unit of study for which the student was seeking HECS-HELP if, at the end of 28 days after receipt of the notice from the ATO, the provider has not been notified of a number the provider is satisfied is a valid TFN. The provider must not allow a student to enrol as a Commonwealth supported student in that unit with the same census date again [HESA subsections 193-5(1) and (2)]. The provider must reduce the student’s debt for that unit to zero and repay that amount to the Commonwealth (see part 36.3).

*Students seeking FEE-HELP*

If the ATO notifies a provider that a student does not have a TFN and, at the end of 28 days after the provider receives this notice, the provider has not been notified of a number the provider is satisfied is a valid TFN, the Commonwealth will not be liable to provide a loan for the tuition fees [HESA subsections 193-10(1) and (2)]. The provider must reduce the student’s debt for that unit of study to zero and repay that amount to the Commonwealth (see part 36.3).

A provider may make alternative arrangements for the student to pay their tuition fees. The provider may also cancel the student’s enrolment in the unit for which the student was seeking FEE-HELP.

*Students seeking OS-HELP*

If the ATO notifies a provider that a student does not have a TFN and, at the end of 28 days after the provider receives this notice, the provider has not been notified of a number the provider is satisfied is a valid TFN, the Commonwealth will still be liable to provide an OS-HELP loan to the student if it has already been paid by the provider. However, if the provider has not yet paid the OS-HELP loan to the student, it should not do so until the student has provided a valid TFN [HESA subsections 193-5(1) and (2)].

*Students seeking SA-HELP*

If the ATO notifies a provider that a student does not have a TFN and, at the end of 28 days after the provider receives this notice, the provider has not been notified of a number the provider is satisfied is a valid TFN, the Commonwealth will not be liable to provide a loan for
the fee. The provider must repay any amount paid to the provider by the Commonwealth to
discharge the student’s liability for the student services and amenities fee [HESA section 193-15]. A
provider may make alternative arrangements for the student to pay their student services and
amenities fee.

34.9 TFN retention and disposal

Providers must retain TFNs until such time as the provider is satisfied the calculation of the
final unit of study debt for the course for which the student has sought HELP has been
completed, the student’s account with the provider is finalised, and the ATO has been
notified of the final debt.

In keeping with the Privacy Act 1988 and the TFN Guidelines any disposal of TFN
information must be by appropriately secure means.

34.10 TFN confidentiality

The law prohibits:

- the disclosure of student TFNs;
- provider’s use of TFNs for any purpose other than processing a HELP debt;
- use of TFNs as a means of identifying students;
- any unauthorised request for a student to provide a TFN; and
- any unauthorised recording of a TFN.

A provider must take reasonable precautions to prevent unauthorised access to HELP and
related information, including student TFNs. The provider must comply with the rules for
handling TFNs in the TFN Guidelines.

34.11 Provision of TFN if student enrolls in a new course of study

If a student cancels their enrolment in a course and enrolls in a different course, the provider
is not permitted to transfer a student’s TFN to the records or documents for the new course.
A student must separately meet the TFN requirements for each course they enrol in
[HESA subsection 187-1(1AA)].
35 Repaying HELP loans and indexation arrangements

35.1 Compulsory repayments

A person becomes liable to make a compulsory repayment towards their HELP debt when their repayment income is above the minimum repayment income for the income year. These repayments are made to the ATO.

From 1 July 2009, repayment income is the total sum of the following amounts from a person's income tax return for the income year:

- taxable income
- reportable fringe benefits (as reported on their payment summary)
- total net investment loss (which includes net rental losses)
- reportable super contributions
- any exempt foreign employment income amounts [HESA Subdivision 154A].

The amount a person repays each year is a percentage of their repayment income. The department publishes repayment rates in the information booklets and on the Study Assist website at http://studyassist.gov.au/sites/studyassist/PayingBackMyLoan/Loan-repayment.

Graduates employed in certain occupations and locations may be eligible to apply for a HECS-HELP benefit (see part 34.5).

35.2 Voluntary repayments

A person can make a voluntary repayment towards their HELP debt at any time to the ATO. [HESA Division 151].

If a person makes a voluntary repayment of $500 or more, they will receive a bonus of five per cent. This means their account will be credited with an additional five per cent of their payment. The bonus is five per cent of the payment they make, not five per cent of the outstanding debt. They will not receive a bonus on repayment amounts that are more than the balance of their account.

From 1 January 2015, subject to the passage of legislation, the voluntary repayment bonus of five per cent will be removed.

Example

- Claire owes $5,250 and she wants to make a $2,500 voluntary repayment. With the five per cent bonus, the value of Claire’s repayment is $2,625, ($2,500 x 1.05). Her total debt is reduced to $2,625, ($5,250 – $2,625). Claire’s bonus amount is ($2,625 – $2,500 = $125).

If a student wishes to pay off their total debt, the amount of the repayment is their total debt divided by 1.05. If they pay off their total debt with a voluntary repayment of less than $500, they may be eligible for the five per cent bonus. Students need to be aware that if they have any HELP debts that have not been reported to the ATO at the time of the payment, the bonus may be reversed once those debts are transferred to their account.

From 1 January 2015, subject to the passage of legislation, the voluntary repayment bonus of five per cent will be removed.
Graduates employed in certain occupations and locations may be eligible to apply for a HECS-HELP benefit. No benefit is payable where the relevant debt has been extinguished by a voluntary repayment.

35.3 Tax deductibility of repayments

Repayments of HELP debts by students or someone other than their employer are not tax deductible. If a student’s payer makes repayments for the student, the payer may be able to claim a tax deduction. However, they will be liable for fringe benefits tax on the repayments.

35.4 Indexation of outstanding HELP debts

HELP debts are indexed annually [HESA section 154-25] to maintain their real value, by adjusting them in line with changes in the cost of living, as measured by the consumer price index, but are otherwise interest free. The indexation adjustment is made by the ATO on 1 June each year and applies to the portion of debt which has remained unpaid for more than 11 months.

35.5 HECS-HELP benefit

A person may be eligible for a HECS-HELP benefit if they:

- graduated from an undergraduate mathematics or science course of study from the second semester of 2008 onwards and they are employed:
  - in a related occupation, including teaching of these subjects in secondary school; or
  - as a primary school teacher.
  - are an early childhood education teacher employed in a facility for providing education and/or childcare services to children prior to their commencing formal schooling. For example, a childcare centre in a regional or remote area, Indigenous community or an area of high socio-economic disadvantage.
- graduated from an education or nursing course of study, including midwifery, that is required for initial entry to work as a teacher or nurse/midwife from second semester 2009 onwards and are employed in a teaching or nursing profession.

A person who is eligible for the HECS-HELP benefit and who is required to make a compulsory repayment of their HELP debt will have their repayment reduced by the amount of the HECS-HELP benefit. If the person is an early childhood education teacher and is not required to make a compulsory repayment, they may be eligible for a reduction in their accumulated HELP debt.

The details of the eligibility requirements and the amount of the benefit are specified in chapter 2 of the HECS-HELP Benefit Guidelines.

No benefit is payable where the relevant debt has been extinguished by a voluntary repayment.

For further information about eligibility and how to apply for the HECS-HELP benefit, see the Study Assist website at http://studyassist.gov.au/sites/studyassist/PayingBackMyLoan/HECS-HELP-Benefit

Course of study field of education codes

In assessing applications for the HECS-HELP benefit for eligible mathematics and science graduates who take up employment in related occupations, it is necessary for the ATO to
identify graduates of mathematics or science undergraduate courses of study. ‘Mathematics or science graduate’ is defined in chapter 2 of the HECS-HELP Benefit Guidelines. The definition includes reference to having completed a natural and physical science course of study defined in the Higher Education Support Amendment (2008 Budget Measures) Act 2008. This is a course of study in the field of natural and physical sciences, classified as Broad Field 01 by the Australian Bureau of Statistics in the Australian Standard Classification of Education 2001.

In assisting the ATO to identify eligible courses, the department will generally refer to the primary field of education code for a course as reported in the course of study file, Element 461 in the HEIMS statistical collection. Where the course of study is a combined or double degree program, the department will also refer to the field of education supplementary code reported as HEIMS Element 462. If either of these elements indicates a broad field of study in the natural and physical sciences, it would be open for the ATO to assess the student as having graduated from an eligible course.

In some instances students may apply for the HECS-HELP benefit and specify a course that cannot be found in the statistical collection or which has not been classified in the collection in the broad field of study 01 but has a title that suggests that it may actually be in that broad field. In those instances it is necessary for the department to request the provider advise whether the student’s course of study was in fact in the natural and physical sciences field as defined in HESA.
36 Reporting requirements

36.1 The Higher Education Student Data Collection

A provider is required to report accurate and complete student information to the department through the Higher Education Student Data Collection.

Full details on the reporting requirements, including the scope documents, types of submissions and submission dates are available on the HEIMSHELP website at http://heimshelp.education.gov.au/sites/heimshelp/.

The Higher Education Student submissions are made to the department through HEPCAT.

A delay in accurate reporting of HELP debts can have significant consequences for students. The ATO is required to index unpaid HELP debts based on when the debts were incurred. If there is a delay in reporting a debt to the ATO, indexation may be applied even though the debt has not been included in the assessment by the ATO of any compulsory HELP repayment required. The consequence is that a person may have lower repayments than would otherwise have been required and have incurred higher indexation on their debt. Accurate and timely reporting of HELP debts is a requirement of HESA.

36.2 Data validation

A set of validation rules has been developed for the purpose of checking data reported to the department through the Higher Education Student Data Collection. All data submissions must be validated using HEPCAT and HEIMS. For further information on reporting requirements, see the HEIMSHELP web site at http://heimshelp.education.gov.au/sites/heimshelp/.

36.3 Variations

Census dates on or after 1 January 2005

Variations to a student’s HELP debt amounts that occur after the census date due to:

- remission of HECS-HELP debt in special circumstances (see part 43);
- re-crediting of FEE-HELP balance in special circumstances (see part 43);
- the provision of an invalid TFN (see part 34.6);
- administrative error;

must be reported to the department through a Revisions Submission. A provider is not able to separately report changes to a student’s HELP debt to the ATO. The department will send relevant information from the Revisions Submissions directly to the ATO.

Other changes to a student’s enrolment due to student withdrawal after the census date (see part 24.9) or the cancellation of HECS-HELP or FEE-HELP units of study after the census date (see part 31.13 and part 32.15) should not be reported to the department. A provider should report to the department as per the provider’s enrolment records as at the census date.
Census dates before 2005

Under section 106L of the *Higher Education Funding Act 1988* (HEFA), a person could apply in writing to the Secretary for remission of their HECS, Postgraduate Education Loan Scheme (PELS) and/or Bridging for Overseas-Trained Professionals Loan Scheme (BOTPLS) debt in special circumstances. The lodgement deadline for such an application was 12 months after a person’s withdrawal day in relation to a unit in the person’s course of study for the semester.

The time limit for a person to make an application to remit debts incurred under HEFA has lapsed. Therefore, there should be no remissions relating to pre-2005 debts, except in the rare event where an application that was made within the 12 month period had not been finalised, including as a result of a review and appeal to the Administrative Appeals Tribunal (AAT) (see part 44).

The forms provided in Appendices N and O notify the ATO and the department of variations to pre-2005 debt due to administrative error or oversight, except for in the rare cases outlined above, or for remissions finalised, but not reported, in previous years.

36.4 Variations to a student’s HELP debt amounts

Revisions to all HELP debts must be revised using the standard submission processes through the Higher Education Information Management System (HEIMS). The current quarterly transfer of student debts to the ATO should then ensure that in virtually all circumstances, including where a student has had a compulsory repayment raised on their debt, the most up to date debt information is available to the ATO directly from HEIMS.

This process generally commences within 2-3 days of the submission date. However delays can occur when providers have not submitted their data on time and/or data integrity issues are identified that must be resolved before the entitlement process can continue. The HELP entitlement calculations are generally completed within two – three weeks of each submission date.

On finalisation of the HELP entitlement calculations the department commences reporting student debt information to the ATO. The general timeframes for reporting student debts are listed below. The transfer of all data files for all providers takes approximately 4-6 weeks. This includes new debts for the relevant census dates and revisions to existing debts reported by the submission date. Delays in finalising the transfer of HELP data can be exacerbated by data integrity issues which impact on the decryption of the files.

<table>
<thead>
<tr>
<th>Submission deadlines</th>
<th>New debts for census dates in the reporting period</th>
<th>Reporting to ATO</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 May</td>
<td>1 January to 31 March</td>
<td>15 June - 31 July</td>
</tr>
<tr>
<td>31 August</td>
<td>1 April to 30 June</td>
<td>15 September - 31 October</td>
</tr>
<tr>
<td>31 October</td>
<td>1 July to 31 August</td>
<td>15 November - 30 December</td>
</tr>
<tr>
<td>31 March (the following year)</td>
<td>1 September to 31 December</td>
<td>15 April - 20 May (the following year)</td>
</tr>
</tbody>
</table>
Revised HELP debts, yet to be reported to the ATO

It is essential to your approval as a HEP that your data administration processes include the regular reporting of revisions to students’ debts. HEPs are responsible for ensuring that in every quarterly submission period, that all outstanding revisions to your student’s debts are reported to the department.

Reporting revisions to students’ debts as soon as possible helps to minimise any disadvantage to students that can occur from late reporting and inefficient HELP administration processes. For example, an incorrect compulsory repayment amount may be raised on a student’s income tax notice of assessment due to late reporting. HEPs must ensure that a single streamlined process is in place across all areas of their institution for reporting revisions to student A remitted debt may take up to six months, from the time the revision is reported to the department, to be applied to the student’s HELP debt at the ATO. It is recommended that providers incorporate standard advice to students regarding remitted debts and the delay.

If a student is unable to pay their compulsory repayment or are disputing the amount of compulsory repayment raised on their notice of assessment, the provider should direct the student to contact the ATO by phoning 13 28 61 between 8.00am and 6.00pm, Monday to Friday to discuss their situation or for further information.

Following is a link to the ATO website that provides all the information providers and students need to know in relation to their debt:


37 Publishing requirements

37.1 Schedule of student contribution amounts and tuition fees

A provider must publish a schedule of student contributions and tuition fees (schedule) for all units of study that it provides or proposes to provide, on or before the earliest enrolment date for units of study, enabling students to access information about fees before they enrol.

The schedule must contain enough information to enable a person to work out the student contribution amount and tuition fee for each unit the provider provides or proposes to provide. If more than one student contribution amount or tuition fee has been determined, the schedule must contain sufficient information to enable a person to work out which amount or fee applies to them [HESA subsection 19-95(2) and FEE-HELP Guidelines (for OUA) chapter 3].

A provider may choose to publish only student contributions on the schedule, except for tuition fees for units offered on a non-award basis. However, should a student be required to enrol as a fee-paying student, the provider will have to make a variation to its schedule to meet the requirement to publish the tuition fee.

A provider must ensure the schedule is available to all students and persons seeking to enrol with the provider on request and at no charge [HESA paragraph 19-95(2)(c) and FEE-HELP Guidelines (for OUA) chapter 3].
If a provider uses a consumption model for determining the EFTSL values for postgraduate research units of study (see part 10.1), it may publish an annual tuition fee per EFTSL, which enables students to work out their tuition fee after determining the EFTSL value that applies to their particular unit of study. If a provider has non-standard EFTSL for some of its units, it will need to provide sufficient information to enable the student to calculate the student contribution that will apply to them.

**Example**

- A provider sets the cost of Biology 101 at $3,000 per EFTSL. For a Bachelor of Science student, this unit contributes 0.2 EFTSL towards the student’s degree and for a Bachelor of Medicine student, it only contributes 0.125 EFTSL. Therefore, the science student will be charged $600 for the unit (0.2 x $3,000), and the medicine student will be charged $375 for the unit (0.125 x $3,000).

**Giving the schedule to the Minister**

Providers are required to publish schedules on their website on or before the earliest enrolment date for units of study, enabling students to access information about fees before they enrol.

Providers are not required to submit schedules to the department or upload them into HITS. Publishing the unit of study information on the provider's website satisfies the requirement for submission of this information to the Minister. The department may request this information as part of student support activities at any time.

There is no specific format required for published schedules. It is open to providers to display the information on their website in their individual style, using tables, spreadsheets, information cascades, or other web based systems. It must be clear to students which tuition fee applies to them.

**37.2 Schedule of student services and amenities fee**

A provider that determines a student services and amenities fee must publish a schedule of fees. The schedule must include:

- the amount of the fee;
- the date the debt is incurred;
- the period to which the fee relates; and
- a description of the category of persons required to pay the fee which allows someone to determine whether they are in that category.

A provider must tell a student the amount of the student services and amenities fee and the day on which it is payable if the student requests this information.

A provider must publish the information and notice respectively referred to in subparagraphs 19-37(6)(a)(i) and 19-37(6)(a)(ii) of HESA by:

- 1 April for a student services and amenities fee that is payable in the second half of that year (1 July to 31 December); and
- 1 October for a student services and amenities fee that is payable in the first half of the subsequent year (1 January to 30 June).
Where a provider is making this information available only through the Internet or in other electronic format, the provider must also provide students with access to an information system via which the student can access the information [Administration Guidelines chapter 6].

37.3 Census dates and EFTSL values

A provider must publish on their website the census dates and EFTSL value for each unit of study it provides or proposes to provide. EFTSL is used by the department in checking payment estimates calculations. Providers are required to calculate the EFTSL value for each unit of study and report the EFTSL value as part of the FEE-HELP data submission. The EFTSL value may also be included on the student’s CAN if the provider chooses, which must be provided to students within 28 days of the census date.

A provider may publish the census dates and EFTSL values in any format it chooses. However, a provider must ensure that students are able to easily access the information.

Flexible enrolments

A census date to accommodate rolling intakes or flexible enrolments can be a statement defining when the census date falls. Unit of study census dates cannot be earlier than 20 per cent of the way through the unit of study.

Example

- This is a 25 week online unit of study. The census date falls on day one of week 6 from the date that you started this unit of study. The census date will be listed against your unit list, in the census date column, when you start the unit.
- All units of study in this online course are to be completed within 10 weeks. The census date for each unit of study falls on day one of week 3 from the date that you started this unit of study. You will be emailed the census date by the online system when you start the unit.

37.4 Changes to published student services and amenities fee information

Once a provider has published its student services and amenities fee information for the period it can vary the information only in accordance with the requirements in the Administration Guidelines. The amount of the fee and/or the date on which the fee is payable may be varied if:

- the reason did not exist when originally published; or
- to correct an administrative error.

If the variation will, in the provider’s opinion, disadvantage a student seeking to enrol or enrolled with the provider then the variation can only be up to two months before the commencement date for the period.

A provider must notify the department of its intention to vary its published unit of study information in writing to the ssaf@education.gov.au mailbox at least five working days before making the variation.
The provider is required to publish the varied fee or date payable no later than two weeks after making the variation.

37.5 Changes to published unit of study information

Once a provider has published its unit of study information, it can vary the information only in accordance with the requirements in the HEP Guidelines for student contributions or tuition fees, or the Administration Guidelines for EFTSL and census dates, or with Ministerial approval.

Providers do not need to notify the department of variations that do not disadvantage students, but must publish the replacement schedule on their website as soon as practicable after making that decision.

Ministerial approval will still be required for proposed variations that will disadvantage students.

Unit of study information variations without Ministerial approval

The provisions that allow a provider to vary its published unit of study information are not intended to diminish a provider’s obligation to publish unit of study information for all the units that it provides or proposes to provide.

Providers are not required to notify the department of variations that do not disadvantage students. If unit of study information changes after publication, and the changes do not disadvantage students, providers must update the published information on their website as soon as practicable following the decision to make the variation.

Publishing the unit of study information on the provider’s website satisfies the requirement for submission of this information to the Minister. The department may request this information as part of student support activities at any time. Providers should ensure previously published fee and census date information is able to be provided to the department if requested.

Schedule variations without Ministerial approval

A provider may only change a published schedule of tuition fees if the change does not disadvantage students and:

- it is necessary due to circumstances that did not apply at the time the tuition fee or census date was determined; or
- it is to correct an administrative error.

A provider does not need to notify the department of variations that do not disadvantage students. If unit of study information changes after publication, and the changes do not disadvantage students, providers must update the published information on their website as soon as practicable following the decision to make the variation.
Schedule variations with Ministerial approval

Ministerial approval is required for proposed variations that will disadvantage students, such as increased fees or bringing the published census date forward in time.

A provider may request approval to make these types of variations by uploading a request into HITS. Refer to ‘Uploading a Document’ in the HITS User Guide for further information: http://education.gov.au/help-it-system-hits-user-guide.

The request must provide all information and include:

- the name of the affected unit of study and unit of study code;
- the course to which the unit of study form part;
- what change is being made;
- details of when the provider first became aware of the need to change;
- the commencement date for the unit of study;
- the end date for the unit of study;
- the current census date for the unit of study;
- the last day a person may enrol in the unit of study without incurring a penalty;
- the number of students who are eligible for FEE-HELP and enrolled in the unit of study;
- whether the students have been advised of the possible variation; and
- why the Minister should approve the request.

The Minister will give written advice of the decision. Providers are not required to submit varied schedules to the department or upload them into HITS.

Circumstances where students may be disadvantaged

In varying its unit of study information, a provider must determine whether students will be disadvantaged by the variation. The circumstances where students will be disadvantaged include, but are not limited to, being subject to a higher student contribution amount or tuition fee, lower EFTSL value or earlier census date. Providers are required to consider whether, in their reasonable view, students will be disadvantaged in any other way.

37.6 Revoking saved determinations with regard to student cohorts

Prior to November 2006, providers could establish student cohorts and set different student contribution amounts and tuition fees for students in those cohorts. The Higher Education Legislation Amendment (2006 Budget and Other Measures) Act 2006 repealed the provisions in HESA that allowed providers to establish such cohorts. Savings provisions were included in the amendments to preserve conditions relating to existing student cohorts. This means that where a provider has a student cohort, it continues to operate under the previous provisions unless it is revoked. For further information on student cohorts, see Appendix O.

Information on the student cohort’s student contribution amount and/or tuition fee and other conditions must have been published and made publicly available on or before the earliest enrolment date in the cohort’s course of study. This published information is referred to as the saved determination. Saved determinations with respect to student cohorts can be revoked.
37.7 Revoking a saved determination without Ministerial approval

In certain circumstances, a provider may revoke a saved determination relating to a student cohort, without Ministerial approval, up to two months before the earlier of:

- the date of commencement of the next unit of study, the next unit, to which the saved determination would otherwise apply; and
- the latest date that a student can enrol in the next unit without incurring a late enrolment fee.

All of the following circumstances must prevail for a provider to revoke a saved determination without Ministerial approval:

- the provider has advised the department, in writing via the TSEnquiries@education.gov.au mailbox, of its intention to revoke the saved determination; and
- the provider has notified the students who are in the cohort of the provider’s intention to revoke the saved determination (HESA note 2 Table A sub-items 13 and 14 and HEP Guidelines chapter 5).

37.8 Revoking a saved determination with Ministerial approval

Where a provider wishes to revoke a saved determination, but does not meet the circumstances and the timeframes, they may only do so with the written approval of the Minister (HESA note 2 Table A Schedule 3 items 13 and 14).

A provider can seek the Minister’s approval to revoke a saved determination by submitting a request to the department via the TSEnquiries@education.gov.au mailbox. This request should indicate:

- the provider requests to revoke the saved determination with the Minister’s approval;
- details of the student cohort that will be affected by the revocation including when the cohort commenced and any applicable conditions;
- which units will be affected by the proposed revocation;
- how many students are affected;
- the nature of the change that will occur to the student contribution amounts and tuition fees for next unit of study to which the saved determination would otherwise apply;
- why the revocation did not take place within the circumstances and timeframes allowed;
- why it would be reasonable for the Minister to approve the request for revocation of the saved determination;
- a contact name for further information about the proposed revocation; and
- to whom the outcome of the request should be sent.

The department will contact the provider as soon as a decision has been made. If the Minister, or the Minister’s delegate, gives written approval to vary unit of study information, the notice of approval will indicate the date by which, and the manner in which, the revocation must be published.

37.9 Student contribution amount or tuition fee after a saved determination is revoked

After a saved determination in relation to a student cohort is revoked, the student contribution amount or tuition fee that will apply to each of the students that was in the cohort is the amount that has been determined by the provider for places in the unit of study.
38 Financial viability

Providers must submit financial viability information to the department unless they are either OUA, or, a Table A or Table B provider approved by the Minister to offer FEE-HELP assistance to eligible students under subdivision 16C of HESA. A provider who is in this category must be financially viable and must be likely to remain financially viable.

The department may take into account all relevant information when considering whether a provider continues to meet financial viability requirements. The provider must meet these ongoing requirements, including any alternative or additional written arrangements requested by the Minister.

A provider must submit sufficient information to assist the Minister in assessing the level of risk associated with their financial viability. This information should include audited financial statements and be submitted on a commercial-in-confidence basis.

The Financial Viability Instructions (FVI) advises a provider on what financial information is required and how financial viability is monitored. The FVI is available from the department’s website at http://www.education.gov.au/financial-reporting-requirements.

38.1 Financial viability assessment process

Annual financial statements must be provided in the form approved by the Minister within six months after the end of the provider’s annual financial reporting period.

A provider is required to provide and upload into the HELP IT System all financial information, including financial statements in the prescribed form, requested in the FVI and complete the Financial Performance for the last two reporting periods in the HELP IT System. This information is used to assess the provider’s financial viability.

A provider must notify the department of any event that may significantly affect their capacity to meet the quality and accountability requirements, including the financial viability requirements [HESA section 19-65].
39 Provider payment and reconciliation

HELP payments are made to providers in advance based on estimates. HELP payments are adjusted following mid and end of year reconciliations as described below. They may also be revised on the basis of revisions submitted for prior years, including giving effect to remissions of HECS-HELP and FEE-HELP debts.

When a provider becomes aware the amount of the advance payments for the year is significantly different to actual liabilities incurred, the provider must contact the department at TSEnquiries@education.gov.au to request a variation. Variations for FEE-HELP advance payments may be requested at any time throughout the year.

39.1 HECS-HELP payment cycle

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>October</td>
<td>Review of amount of HECS-HELP paid for the current year based on updated CGS estimates. The remaining payments may be adjusted and a lump sum amount may be paid or recovered depending on variation from estimates.</td>
</tr>
<tr>
<td>October and November</td>
<td>HECS-HELP advances for the following year are calculated. Forward estimates for three additional out-years are also calculated.</td>
</tr>
<tr>
<td>December</td>
<td>Payments authorised for following year advances.</td>
</tr>
<tr>
<td>Early January</td>
<td>First HECS-HELP advance paid. Future payments are made in instalments throughout the year.</td>
</tr>
<tr>
<td>April</td>
<td>Review of amount of HECS-HELP paid for the current year based on updated CGS estimates.</td>
</tr>
<tr>
<td>July to September</td>
<td>End of year reconciliation of HECS-HELP paid for the previous year upon finalisation of full year data for the previous year. An additional payment or a recovery is used to resolve variations.</td>
</tr>
</tbody>
</table>

39.2 FEE-HELP payment cycle

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>October</td>
<td>FEE-HELP estimates for the following year are due. Review of amount of FEE-HELP paid for the current year based on updated estimates. The remaining payments may be adjusted and a lump sum amount may be paid or recovered depending on variation from current year estimate.</td>
</tr>
<tr>
<td>November</td>
<td>Providers advised of estimated advances for the following year.</td>
</tr>
<tr>
<td>December</td>
<td>Payments authorised for following year advances.</td>
</tr>
<tr>
<td>Early January</td>
<td>First FEE-HELP advance paid. Future payments are made in instalments throughout the year. Variations may be requested throughout the year.</td>
</tr>
<tr>
<td>April</td>
<td>Review of amount of FEE-HELP paid for the current year based on updated estimates.</td>
</tr>
<tr>
<td>June to July</td>
<td>End of year reconciliation of FEE-HELP paid for the previous years. An additional payment or a recovery is used to resolve variations.</td>
</tr>
</tbody>
</table>
As data is reported to HEIMS, interim data and payment reconciliations can occur at any time. Providers that have a significant change in student enrolments are encouraged to notify the department as soon as possible to ensure that advance payments are updated accordingly.

### 39.3 OS-HELP payment cycle

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>September and October</td>
<td>Providers are invited to request an allocation of OS-HELP loans for the following year as part of the annual request round.</td>
</tr>
<tr>
<td>November</td>
<td>Providers advised of OS-HELP allocation for the following year resulting from annual request round. If there are any OS-HELP loans remaining, providers may request an additional allocation.</td>
</tr>
<tr>
<td>December</td>
<td>Payments authorised for following year advances.</td>
</tr>
<tr>
<td>Early January</td>
<td>Payment of 50 per cent of the OS-HELP advance amount for the year.</td>
</tr>
<tr>
<td>June to August</td>
<td>Reconciliation of OS-HELP funds allocated in the previous year. Unused OS-HELP funds are recovered.</td>
</tr>
<tr>
<td>Early July</td>
<td>Payment of remaining 50 per cent of the OS-HELP advance amount for the year.</td>
</tr>
</tbody>
</table>

### 39.4 SA-HELP payment cycle

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>SA-HELP advances for the following year are calculated.</td>
</tr>
<tr>
<td>December</td>
<td>Payments authorised for following year advances.</td>
</tr>
<tr>
<td>Early January</td>
<td>First SA-HELP advance paid. Future payments are made in instalments throughout the year similar to FEE-HELP.</td>
</tr>
<tr>
<td>April</td>
<td>Review of amount of SA-HELP paid for the current year based on updated estimates.</td>
</tr>
<tr>
<td>August</td>
<td>End of year reconciliation of SA-HELP paid for the previous year. An additional payment or a recovery is used to resolve variations.</td>
</tr>
<tr>
<td>October</td>
<td>Review of amount of SA-HELP paid for the current year based on updated estimates. The remaining payments may be adjusted and a lump sum amount may be paid or recovered depending on variation from current year estimate.</td>
</tr>
</tbody>
</table>
40 Privacy requirements

40.1 Obligations under the Privacy Act 1988

A provider must comply with the Australian Privacy Principles (APPs), set out in section 14 of the Privacy Act 1988, when it handles personal information obtained for the purposes of assistance to students and the repayment of loans [HESA, section 36-20, chapter 3 and chapter 4].

A provider and its officers, employees and those who perform services by or for the provider, must ensure that:

- personal information is collected in line with APPs 1-4;
- suitable storage arrangements, including appropriate filing procedures, are in place;
- suitable security arrangements exist for all records containing personal information;
- access to a student’s own personal information held by the provider is made available to the student at no charge;
- records are accurate, up-to-date, complete, and not misleading;
- where a record is found to be inaccurate, the correction is made;
- where a student requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment are noted on the record;
- personal information is only to be used for the purposes for which it was collected, or for other purposes where expressly allowed by APP6; and
- personal information is only disclosed in accordance with APP6.

A provider must also have a procedure under which a student may apply to receive a copy of the personal information held by the provider in relation to that student [HESA subsection 19-60(2)]. Providers are also required to provide access under APP12.

40.2 Seeking informed consent from students

Students must give informed consent to their information being provided to the Commonwealth [Privacy Act 1988, APP 6]. Therefore, a provider must ensure that students are given appropriate privacy notices at the time they provide their personal information, for example, via application forms, websites and phone admission methods, and the request for Commonwealth assistance forms.

For students applying for admission through a tertiary admission centre this informed consent must be provided during the admission process.

For students applying directly to the provider, a provider is required to obtain the student’s consent to provide personal information to the department. The provider has two options for collecting this consent.

The request for Commonwealth assistance forms ask for the student’s consent to provide information to the department. If students submit such a form prior to the allocation of a CHESSN, this will satisfy the requirement.

Alternatively, if the provider’s business processes require the CHESSN to be allocated prior to the submission of the request for Commonwealth assistance forms, or a student does not require a CHESSN, the provider must obtain the student’s informed consent in another manner. For sample wording on seeking informed consent, see Appendix J.
40.3 Privacy complaints and advice

A provider is required to have student grievance procedures for dealing with student complaints relating to non-academic matters [HESA, section 19-45]. These procedures should extend to, but are not limited to, complaints about breaches of privacy by the provider. This includes breaches by its officers, employees and those who perform services by or on behalf of the provider, relating to personal information obtained for the purposes of section 36-20 Chapter 3 and Chapter 4 of HESA.
41 Higher Education Information Management System

41.1 What is HEIMS?

HEIMS manages students’ eligibility under HESA. HEIMS includes a number of core modules to:

- provide students with timely, accessible and accurate information about course offerings, Commonwealth and student contributions to course costs and loan details;
- enable the efficient and effective management of Commonwealth student loans and higher education eligibility, including scholarships; and
- enable providers to input data on HELP debts, statistical data, and data required for program management.

41.2 Managing student FEE-HELP eligibility

HEIMS order of precedence

If multiple units of study are uploaded to HEIMS for a student, either from different providers or the same provider, the units that consume FEE-HELP are processed according to an order of precedence. The underlying principle in determining the order of precedence is that units of study with a census date in the current approval period are processed first. Units submitted with a census date which relates to a previous approval period are then processed.

Uploads to HEIMS from one or more providers for units with different census dates

The precedence for uploads to HEIMS from different providers for units that have different census dates in the current period is based on the census date. The units with the earliest census date have first precedence to consume the remaining FEE-HELP available. That is, the first census date prevails over units with later census dates.

Uploads to HEIMS from different providers for units with the same census date

The order of precedence where uploads to HEIMS are from different providers for units with the same census dates is based on the date the file is successfully loaded to HEIMS. The first units with the same census date uploaded to HEIMS have first precedence to consume the remaining FEE-HELP available. That is, the first data submission successfully loaded to HEIMS prevails.

Uploads to HEIMS for multiple units from a single provider with the same census date

The order of precedence to consume the remaining FEE-HELP available is from the most expensive unit to the least expensive in terms of FEE-HELP requested. In the case of FEE-HELP, there may be several units uploaded from the one provider. The most expensive unit will be presented first, and then the second most expensive unit will be presented, and so on.

If the most expensive unit presented first has a value greater than the FEE-HELP balance, then the FEE-HELP balance will be fully consumed by the cost of this unit. Any amount not covered by FEE-HELP becomes the responsibility of the student to discharge directly with the provider. Alternatively, if the most expensive unit presented first has a value less than the
remaining FEE-HELP available, then the FEE-HELP balance will be partially consumed by the cost of this unit and the next most expensive unit will be presented, and so on, until the FEE-HELP balance is fully consumed.

41.3 HEIMS outputs for eligibility management

The HEIMS outputs detailed below are intended to assist a provider to monitor student eligibility. HEIMS outputs are generated from data reported by providers. As a result of the agreed arrangements for data submissions by providers, there will be a delay between a student consuming their eligibility and the department being able to provide output alerts based on the reported information.

The Commonwealth can only make payments to providers in respect of their Commonwealth assisted students if those students are eligible to that assistance. Payments cannot be made on behalf of students who have exceeded their eligibility. The department recommends that a provider institutes its own processes to ensure that students have sufficient entitlements to enable access to HELP for their units.

FEE-HELP output alerts to providers

Providers will be alerted via an output from HEIMS when a condition related to a student’s FEE-HELP balance has been met. When a student’s FEE-HELP balance drops below 40 per cent of the FEE-HELP limit, following the processing of the Student Load/Liability File, an output alert will be supplied to the provider. The information available about each student includes the FEE-HELP use and balance.

Eligibility management request

This process may be initiated by a provider to allow it to request eligibility information for a nominated set of students. This process will require the provider to supply data to identify the group of students for whom information is required. To lodge an eligibility management request a provider must supply data for the nominated group of students for whom information is required, for example, a set of CHESSNs and confirming data.

The information returned for each student currently includes:

- FEE-HELP usage and balance;
- Commonwealth scholarships use and balance; and
- OS-HELP use and balance.

41.4 CHESSN

The CHESSN is a unique identifier that a provider must use in communications with the Commonwealth concerning a person who:

- is enrolled, or seeking to enrol, in a unit with the provider; and
- has indicated they are seeking Commonwealth assistance under HESA for the unit, or is a Commonwealth supported student for the unit [HESA section 169-30].

The CHESSN will remain linked to the student for the remainder of their academic life for the purposes of managing HELP and Commonwealth scholarships.
The CHESSN is limited in its use to monitoring Commonwealth assistance to eligible higher education students, including the provision of data to the ATO regarding HELP debts.

Students also use their CHESSN to access information on their use of Commonwealth assistance through the Study Assist website at http://www.studyassist.gov.au.

### 41.5 Who must be allocated a CHESSN?

All Commonwealth assisted students must be allocated a CHESSN, including students who are:

- Commonwealth supported (which includes students seeking HECS-HELP, SA-HELP and OS-HELP) (see part 22.3);
- accessing FEE-HELP (see part 32.8); or
- in receipt of a Commonwealth scholarship;

Generally RTS students are not allocated a CHESSN. However, if they request a SA-HELP loan they will require a CHESSN. Overseas students are not allocated a CHESSN.

#### CHESSN for tertiary admission centre applicants

When applicants apply for admission to a provider through a TAC, they will be asked to consent to personal, identifying information being provided to the Commonwealth for the allocation of a CHESSN.

A subset of the applicant’s personal information is matched against existing HEIMS data to check whether a CHESSN has previously been allocated to the applicant.

If a CHESSN already exists for an applicant, it is retrieved from the HEIMS database. If the HEIMS data-matching process determines the applicant does not yet have a CHESSN, HEIMS will generate one and store it within its database, along with the applicant’s personal details.

HEIMS sends the CHESSN for each applicant, back to the TAC over the CHESSN interface. The TAC will transfer successful student’s details, including CHESSNs, to the provider for storage in its student administration system.

#### CHESSN for direct applicants

A direct applicant is an applicant who submits an application for admission directly to the provider. Direct applicants are asked to consent to personal, identifying information being provided to HEIMS for the allocation of a CHESSN. Direct applicants who fail to provide their consent will need to be advised they will not be eligible for HELP unless they provide their consent.

The direct applicant’s details are entered into the provider’s student administration system. The provider sends a subset of data on a consenting direct applicant to HEIMS to obtain a CHESSN, and FEE-HELP balance (see part 32.731.7).

The direct applicant's personal data are matched against existing HEIMS system data to check whether a CHESSN has previously been allocated to the direct applicant. If a CHESSN already exists for a direct applicant, it is retrieved from the HEIMS database. If the
HEIMS data matching process determines the direct applicant does not yet have a CHESSN, HEIMS will generate one and store it within its database, along with the direct applicant’s personal details.

HEIMS sends the CHESSN for each direct applicant, and FEE-HELP balance, back to the requesting provider through the CHESSN interface. If the direct applicant has not obtained any FEE-HELP previously, the FEE-HELP limit will be returned (see part 32.7).

A provider is not required to delete CHESSNs from its system for direct applicants who do not complete the enrolment process, or who withdraw on or before the census date.

**Process for managing CHESSN duplicates**

Whenever a TAC or provider submits a request for a CHESSN, the student data is compared to that already stored in the system. If no acceptable match is found, a new CHESSN is created. If an acceptable match is found, an existing CHESSN is returned.

While the data-matching tool reduces the number of duplicate CHESSNs issued, it cannot eliminate their occurrence. The department has developed a CHESSN duplicate management function in the HEIMS administration system that allows TACs and the provider to submit information to the department on CHESSN duplicates. There are two types of CHESSN duplicates:

- Type 1 duplicates occur when a single person has been issued with more than one CHESSN. This can occur, for example, when a student applies to study through a TAC and a provider, and supplied different personal information.
- Type 2 duplicates occur when two people are issued with the same CHESSN. This can occur when two people have very similar personal information, for example, twins.

TACs and the provider are able to resolve duplicate student records by using the web browser for CHESSN duplicate processing. The department will confirm a master CHESSN for Type 1 duplicates, and issue a new CHESSN for one of the students for Type 2 duplicates.

If a TAC or the provider does not have access to the HEIMS for processing CHESSN duplicates, it should email the heims.datacollections@education.gov.au mailbox for information on how to register to use this facility.

**Notifying students of their CHESSN**

Students are notified of their CHESSN via the CAN (see part 12) [Administration Guidelines chapter 4].

**41.6 The Study Assist website**

The Study Assist website, available at http://www.studyassist.gov.au, provides students with information on Commonwealth assistance for financing tertiary study, including HELP, scholarships and student income support. It also includes information on HELP repayments, indexation and re-crediting.

Students who have been allocated a CHESSN (see part 41.4) will be able to access information on their use of Commonwealth assistance through myUniAssist, which is part of
the *Study Assist* website. Students can access their information on the website using their CHESSN and other identifying information.

Students can obtain information on:

- Commonwealth supported units of study (see [part 22.1](#));
- units for which they have accessed FEE-HELP (see [part 32.1](#));
- receipt of Commonwealth scholarships report to the department;
- OS-HELP loans (see [part 32.1](#)); and
- possible eligibility for the HECS-HELP Benefit (see [part 36.5](#)).

Student information is populated using data that providers report to the department. Due to the timing of data reporting there will be a delay between a student consuming their entitlement and the department being able to report this information on the myUniAssist website.
Electronic communications

A provider may communicate electronically with its students if the provider complies with the requirements of the ETA, HESA and chapter 8 of the Administration Guidelines.

The requirements in the Administration Guidelines only relate to information that HESA requires or permits to be given between students and providers. The ETA does not apply to information that is not covered by HESA and its guidelines, such as enrolment forms.

Electronic communication of documents, forms, notices and requests (information) includes facsimile, email, web based communication or any other form of electronic communications specified by the provider [Administration Guidelines chapter 8], as long as the method of electronic communications provides a reliable means of assuring the maintenance of the integrity of the information [ETA section 11].

42.1 What can be communicated electronically

Information required or permitted under HESA to be given between the student and the provider, may be communicated electronically or online using an information system. This includes:

- requests for Commonwealth assistance (see part 11);
- requests for the correction of a notice (see part 12.4);
- notification, by a student, of their TFN, or the provision of a Certificate of application for a TFN (see part 34.3);
- notification, by a student, that he or she does not wish to be Commonwealth supported for a unit of study (see part 22.13); and
- the CAN (see part 12).

Information technology requirements

The information system used for providing or receiving electronic communications must be:

- accessible by students. To be accessible, the provider must have:
  - informed students by direct communication to the students or by way of the provider’s publications, that communication will occur by electronic means using the information system; and
  - given the students authority to use the information system;
- able to store the information so that it is readily accessible by the student and can be made available for subsequent reference and printing. For example, a student should be able to access or print the information.

Online access to electronic CANs

Providers must ensure the electronic CAN is accessible by a student during the period in which the student is enrolled in the unit of study for which the provider was required to initially issue a CAN under subsection 169-5(1) of HESA. The provider’s obligation to provide online access to the CAN ceases when the person is no longer enrolled in the relevant unit of study, such as, by completion of the unit.
A new and separate obligation for the provider to provide online access is created each time the person enrols in further units of study for which the provider must issue a new CAN in respect of these new units of study under subsection 169 5(1) of HESA.

### 42.2 Requirements for electronic communication of information from a student to a provider

Where providers receive information from students electronically, they will need to comply with the provisions of the ETA and chapter 8 of the Administration Guidelines. This includes:

- requests for Commonwealth assistance (see part 42.3);
- a request for the correction of a notice (see part 11.5);
- notification, by a student, of their, or the provision of a certificate from the Commissioner of Taxation stating the student has applied for a TFN (see part 34.3); and
- notification, by a student, that he or she does not wish to be Commonwealth supported for a unit of study (see part 22.13).

The requirement or permission for this information to be given in writing by the student is met if the student gives the information to the provider by means of electronic communications and all of the following circumstances prevail:

- **information system requirements**: the information system used for providing the information must be:
  - Compliant with the information technology requirements in part 42.1;
  - Secure – see security and back-up measures at part;
  - Able to generate a printable receipt for the student.

- **information technology requirements**: the information is given by the student to the provider is in accordance with instructions prescribed by the provider. For example, the provider may require a notice from a student that can be provided by email or facsimile to be sent to a particular email address or facsimile number.

- **verification of receipt**: the student must be able to verify the provider has received the information in accordance with any requirements for verification the provider may have. A provider should inform students of the procedures they will need to follow regarding the electronic submission of information. For example, a provider should inform a student what they should do if they do not receive a confirmation of receipt of the information within the specified period.

- **signed documents**: where a document is required to be signed, a method is used to identify the person and indicate the person's approval of the information [ETA sections 9-11 and Administration Guidelines chapter 8].

### 42.3 Electronic submission of documents that require signature

For documents that students are required to sign under HESA, such as the request for Commonwealth assistance (see part 11.1), students are deemed to have met the requirement to sign the document if they use a unique identifier, issued by their provider, to identify themselves and indicate their approval of the conditions and requirements set out in the request for Commonwealth assistance or other document [ETA section 10 and Administration Guidelines chapter 8].

### 42.4 Issuing unique identifiers to students

A provider must have in place a method the student can use to uniquely identify themselves in the communication and indicate approval of information in it. A unique identifier can be in the form of a personal identification number (PIN), a username and password combination, or in a form as determined by the provider. CHESSNs cannot be used as the identifier.
In issuing the unique identifier, the provider must ensure it uses a reliable method of verifying a person’s identity [ETA subsection 10(b)]. The provider must:

- verify the identity of the person to whom the identifier is to be issued; and
- take all reasonable precautions to ensure there is no unauthorised access to, or use of, the identifier; and
- ensure the student is advised that, apart from the provider’s obligations under paragraphs a) and b), the student is personally responsible for protecting the identifier.

A provider may issue the student a unique identifier that can be multi-functional. That is, a student can use the identifier to submit their electronic Request for FEE-HELP Assistance form and for other enrolment processes. A student’s unique identifier does not need to remain the same for the period of their enrolment.

42.5 Verifying a student’s identity

The unique identifier and other details should be immediately matched with other data on the provider’s system to validate the name and the identifier. If the information provided by the student does not match the data on the provider’s system, the form should be rejected and a message provided to the student stating there is an error and advising of any follow-up action required.

42.6 Requirements for electronic forms

Key requirements for electronic forms are described below.

Inclusion of a date field

Students who complete an electronic form are not required to date the form. A provider must include a date field that is automatically generated by the system when the student submits the form.

Submission of the form

A provider must ensure that students have reasonable access to the relevant student information booklet (see part 11.2), either in hard copy or by electronic means, to assist students when completing electronic forms. A provider should give students the opportunity to re-read the information they have provided online and correct any errors if necessary.

If the provider is satisfied the student has made an error in completing the form, the student should be provided with an opportunity to correctly complete and resubmit the form [HESA section 169-10].

Issue of a receipt

Any information system that students use to submit a request for Commonwealth assistance form must be able to generate a printable receipt for the student. A provider may determine the format of this receipt. However, TFNs must not be printed on the receipt issued to the student.
42.7 Retrieval of information

A provider must store all electronic forms, notices, documents, and other information in such a way they can be reproduced and retrieved. A provider may use the paper form as a template for inputting stored data into the related fields and generating a hard copy. The hard copy of the electronic form does not need to be in the same format as the current paper form but should reflect what the student has submitted or had the opportunity to submit. The department can provide electronic versions of the design of the forms to providers who wish to use them.

42.8 Storage of data

The information system must store the information so that it is readily accessible by the student and can be made available for subsequent reference.

A provider must store the data in a dataset. Information provided by students, in particular TFNs, must be in a secure database. The storage and security of TFNs must comply with the TFN Guidelines.

Security and back-up measures

A provider must ensure a student’s information can only be accessed by a person authorised by the provider to access that information.

A provider should ensure that back-up measures are in place to cater for situations where computer malfunctions occur. In such cases, if a student is unable to complete an electronic form, the provider must instruct the student to complete a paper form.

42.9 Requirements for electronic communication of information from a provider to a student

Where providers are sending any written information, documents, forms, requests and notices (‘information’) required or allowed by HESA to students electronically, they will need to comply with the provisions of the ETA and chapter 8 of the Administration Guidelines. The information likely to be sent would include a CAN.

In accordance with section 9 of the ETA and chapter 8 of the Administration Guidelines, the requirement for a provider to give a student a CAN or other information in writing is met if the information is provided by means of electronic communications and all of the following circumstances prevail:

- the information system used for providing the information electronically must be compliant with the information system requirements in part 42.1; and
- the student consents to receiving the CAN electronically [ETA sections 9(1)(d), 11(1)(c), 11(2)(e)]. It is up to providers to determine the means by which they obtain the student’s consent. A provider may wish to obtain the student’s consent through enrolment documentation.

Privacy

Where personal information of a student is stored on an information system, the provider is required to comply with the Privacy Act 1988 and Division 179 of HESA (see part 40).
43 Re-crediting, remission and repayment

In certain circumstances, a person who withdraws from their studies after the census date, or does not complete the requirements of a unit of study during the period in which the person undertook, or was to undertake, the unit, can apply to:

- have their FEE-HELP balance re-credited (see part 32.13) [HESA sections 104-25 and 104-30]; or
- as applicable, have either or both their HECS-HELP debt remitted; and/or
- upfront payment of a student contribution amount repaid [HESA sections 36-20 and 36-21].

**Remission of debts under HEFA**

Under HEFA section 106L, a person could apply in writing to the Secretary for remission of their HECS, PELS or BOTPLS debt in special circumstances. The lodgement deadline for such an application was 12 months after a person’s withdrawal day in relation to a unit in the person’s course of study for the semester. The time limit for applications to remit debts due to special circumstance incurred under HEFA has lapsed. There is no discretion for the Minister to waive this time limit. There are no other provisions under HEFA for the Minister to waive a debt and no other statutory basis exists within the Minister’s portfolio to do so (see part 45).

There should be no remissions relating to pre-2005 debts except in rare cases, such as when an application that was made within the 12 month period has not been finalised. This includes as a result of a review and appeal to the AAT, and remissions that were finalised in previous years but not reported.

The forms provided in Appendix M and Appendix N are for notifying the ATO and the department of any variations to pre-2005 debts.

**43.1 Re-crediting a person’s FEE-HELP balance**

A provider must, if the threshold criteria and the special circumstances test (see Appendix P) are satisfied, re-credit a person’s FEE-HELP balance with an amount equal to the amount of FEE-HELP the person received for the unit of study [HESA subsection 104-25(1)].

If a person’s FEE-HELP balance is re-credited, any FEE-HELP debt they incur for the unit is taken to be remitted [HESA subsection 137-10(4)] and the provider must repay any amounts of FEE-HELP for the unit to the Commonwealth [HESA section 110-5]. In these circumstances, a provider has the discretion to repay any upfront payments the person made in respect of the unit in accordance with its own rules, which should be accessible to the person.

For further information on the threshold criteria and special circumstances test, see Appendix P.

**43.2 Remission of HECS-HELP debt and/or repayment of upfront payments of student contribution amounts**

With the abolition of SLE from 1 January 2012, providers will no longer re-credit a person’s SLE balance when a person withdraws from a unit of study after the census date, or otherwise does not complete a unit of study, and when the person has satisfied the threshold...
criteria and the special circumstances test. This applies to enrolment in units of study with census dates on or after 1 January 2012 (see Appendix P).

If a provider determines the threshold criteria and the special circumstances test are satisfied by a person in respect of a unit of study:

- then any HECS-HELP debt in relation to the unit of study is taken to be remitted \[^{HESA\text{ subsection}\ 137-5(4)}\] and the provider must repay an equivalent amount to the Commonwealth \[^{HESA\text{ subsection}\ 36-20(2)}\]; and/or
- the provider must repay any upfront payments of student contribution amounts the person made in relation to the unit of study \[^{HESA\text{ subsection}\ 36-20(2)}\].

Where there is a revision or a remission of debt to a unit of study with a census date prior to 1 January 2012, providers should continue to report such changes in the same way as they have through the student revisions submission. Any CANs issued for units of study with a census date falling on or before 31 December 2012 must accurately report the student’s available SLE.

**Units with census dates before 1 January 2012**

The *Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Act 2011* (Amendment Act) made significant amendments to HESA, including repealing Part 3.1 of HESA, which includes sections 79-1 – 79-15. However, the version of HESA that applied prior to the Amendment Act continues to be applicable to special circumstances applications made by persons in relation to units of study with a census date prior to 1 January 2012.

In applying the old version of HESA to such units:

- the SLE Guidelines were repealed at the beginning of 2012 following the abolition of SLE as part of the implementation of the demand driven system;
- chapter 2 and chapter 5 of the SLE Guidelines were still relevant to the operation of HESA and were moved into the Administration Guidelines;
- chapter 3 of the Administration Guidelines does not apply, as a matter of law, to units of study with a census date prior to 1 January 2012;
- in making a decision about whether a person meets the special circumstances test in HESA, for a unit of study prior to 1 January 2012, providers should not apply the SLE Guidelines as it is no longer in force.

**Application of the Administration Guidelines to units with census dates before 1 January 2012**

The department’s policy position is that, in applying the special circumstances test to units of study with census dates prior to 1 January 2012 providers must make their decisions in accordance with chapter 3 of the Administration Guidelines.

As this is a statement of departmental policy, providers are not bound to apply chapter 3 of the Administration Guidelines when making decisions in respect of units of study with census dates prior to 1 January 2012. However, as a statement of departmental policy relevant to special circumstances decision-making by providers, in respect of such units, the guidelines should be taken into account in making these decisions.
Providers should ensure that any guidance provided to students in relation to special circumstances decisions for units of study with census dates prior to 1 January 2012 reflects this position.

The Administration Guidelines apply to special circumstances decisions for units of study with census dates on or after 1 January 2012, as a legislative instrument and by force of the relevant provisions in HESA [HESA subsections 36-21(2) and 104-30(2)].

43.3 Re-crediting, remission and/or repayment process

Advising students of the process

If a person withdraws from a unit of study after the census date the provider should advise the person they may apply, in writing, to the provider, for re-credit, remission and/or repayment, whichever is relevant to the person. For a guide to special circumstances decision-making, see Appendix P.

When can a person apply for re-credit, remission and/or repayment?

Where the student withdraw from their unit after the census date or the person has not completed the requirements for the unit [HESA section 104-25] a person may apply to the provider for:

- a re-credit of FEE-HELP balance for a unit [HESA section 104-25]; or
- a remission of HECS-HELP debt and/or repayment of the student contribution amount for a unit [HESA section 36-20].

A person’s HECS-HELP debt in relation to a unit is taken to be remitted if the person’s provider repays the amount of their HECS-HELP, for the unit, to the Commonwealth [HESA subsection 137-5(4)]. A person’s FEE-HELP debt in relation to a unit is taken to be remitted if the person’s FEE-HELP balance is re-credited [HESA subsection 137-10(4)].

A person cannot apply for a re-credit, remission and/or repayment if they have successfully completed the unit. A person who receives a fail grade is considered not to have successfully completed the requirements of the unit.

An application for a re-credit, remission and/or repayment must be made, in writing, within 12 months of the withdrawal date, or, if the person has not withdrawn, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken. Where a provider allows a person to defer completion of their studies regarding a unit of study in issue, the 12 month period applies from the end of the extended period for the unit in issue. If an application is made outside the application period, the provider should consider whether it is prepared to waive the requirement the application be made before the end of the application period on the ground that it was not possible for the application to be made before the end of that period [HESA sections 36-20, 36-23, 104-25 and 104-40].

In deciding whether to waive the 12 month application period in relation to a unit of study, providers should consider whether it was not possible for the application to be made before the end of the application period. ‘Possible’ should be given its plain and ordinary meaning. In that regard, the Macquarie Dictionary defines ‘possible’ as ‘that may or can be, exist, happen, be done, be used.'
The special circumstances test as set out in sections 36-21 and 104-35 of HESA and explained in chapter 3 of the Administration Guidelines is not applicable to the waiver.

In circumstances when an application was made outside the application period, and the provider does not waive that requirement, the person should be advised the application has been refused on the basis the person has not satisfied one of the threshold criteria (see step 1, Appendix P). The applicant should also be provided with written reasons why the application period was not waived. In these circumstances, it is not necessary for the provider to address whether the special circumstances test has been satisfied. A decision made on this basis will be a reviewable decision under HESA and there is an obligation to inform the person of this and provide the person with the opportunity to seek reconsideration of the decision.

43.4 When must a provider re-credit, remit and/or repay?

A provider must re-credit, remit and/or repay if the provider is satisfied, in respect of a unit of study the threshold criteria and the special circumstances test apply to the person.

Special circumstances apply to a person if, and only if, the provider is satisfied that circumstances apply to the person 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; and
- make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit [HESA sections 36-21 and 104-30].

Chapter 3 of the Administration Guidelines specifies the circumstances in which a provider will be satisfied that special circumstances apply to the person. This chapter does not apply to OUA as a matter of law, but rather as a matter of departmental policy.

The person’s application may include any independent supporting documentation, for example, a letter from the person’s doctor or counsellor, to support the person’s claims.

Each application should be examined and determined on its merits. The provider should consider the person’s claims, together with any supporting documentary evidence that substantiates these claims.

Special circumstances

Chapter 3 of the Administration Guidelines specifies circumstances in which a provider will be satisfied that special circumstances apply to the person. This section summarises these requirements. More detailed guidance for decision making is at Appendix P.

Special circumstances do not include, for example:

- lack of knowledge or understanding of the requirements under the schemes; or
- a person’s incapacity to repay a HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances [HESA sections 154-45 and 36-21].
Special circumstances beyond a person’s control

Circumstances are beyond a person’s control if a situation occurs that a reasonable person would consider is not due to the person’s action or inaction, either direct or indirect, and for which the person is not responsible [Administration Guidelines section 3.5]. This situation must be unusual, uncommon or abnormal.

For example, a lack of knowledge of how HECS-HELP or FEE-HELP works is not considered beyond a person’s control.

Special circumstances that do not make full impact until on or after the census date

A provider will be satisfied that a person’s circumstances did not make their full impact on the person until on or after the census date for a unit of study if the person’s circumstances occur [Administration Guidelines section 3.10]:

- before the census date, but worsen after that day; or
- before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
- on or after the census date.

A person does not need to demonstrate they were prevented from withdrawing from the unit prior to the census date.

Special circumstances arising from pre-existing conditions

A pre-existing condition is not necessarily a basis to reject an application to re-credit a person’s FEE-HELP balance or remit a person’s HECS-HELP debt.

For example, a person may have an illness, or other underlying, pre-existing condition or incapacity, prior to the census date for a unit of study, but have a reasonable expectation they will recover and be able to complete the requirements of the unit.

A delegate must consider whether the person’s condition changed on or after the census date and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition, that may have affected the person on or after the census date.

Special circumstances that made it impracticable for the person to complete the unit

A provider will be satisfied that a person’s circumstances make it impracticable for the person to complete the requirements for the unit of study during which the person undertook, or was to undertake, the unit, if circumstances such as the following occur [Administration Guidelines section 3.15]:

- medical circumstances. For example, where a person’s medical condition has changed to such an extent that he or she is unable to continue studying; or
- family/personal circumstances. For example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies; or
- employment related circumstances. For example, where a person’s employment status or arrangements have changed so the person is unable to continue their studies, and this change is beyond the person’s control; or
course related circumstances. For example, where the provider has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

A person is unable to complete the requirements for a unit, for example, if the person is unable to:

- undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- complete the required assessable work; or
- sit the required examinations; or
- complete any other course requirements because of their inability to meet the above.

Consideration should also be given to whether at the time the person’s special circumstances emerged, it was already not practicable for the person to meet the requirements of the unit.

This situation may arise where a person has not met progressive requirements relating to compulsory assessment and/or attendance at classes for the unit of study.

For example, a person may have failed to sit the final examination and/or a special/supplementary examination on the basis of a special circumstance that applied at the time of the examination. If that person has not met the ongoing compulsory requirements of the unit of study, their failure to sit the final or special examination, does not of itself make it impracticable for them to complete the unit of study.

In this case the provider may make a decision not to re-credit the person’s FEE-HELP balance or remit the person’s HECS-HELP debt.

These requirements for continuous assessment and attendance would need to be stated explicitly in the university’s rules prior to the commencement of the unit and substantiated if the need arises.

A person, who has met the compulsory requirements of the unit but still failed the unit, is also taken to have not completed the requirements of the unit. In this circumstance providers should consider whether or not the person applied for a supplementary exam when evaluating whether the threshold criteria, including special circumstances have been met.

**Application of Administration Guidelines to OUA**

The Administration Guidelines do not apply to special circumstances decisions to be made by OUA, as OUA is not a provider under HESA [HESA subsection 104-30(2)].

The department’s policy position is, however, that in applying the special circumstances test, OUA is to make its decisions in accordance with chapter 3 of the Administration Guidelines [HESA paragraph 104-25(2)(c) and subsection 104-30(3)]. In other words, as a statement of departmental policy relevant to special circumstances decision-making by OUA, the guidelines should be taken into account in making these decisions.

OUA should ensure that any guidance provided to students in relation to special circumstances decisions reflects this position.
43.5 Academic review and re-credit or remission of HELP debt

A provider should have in place procedures that allow for revision of a person’s academic grades independent of re-crediting of their FEE-HELP balance, remission of their HELP debt and/or refund of upfront payments.

Decisions relating to re-credit, remission and/or repayment, are made by providers as the delegate of the Secretary of the department. On the other hand, decisions relating to academic standing are a matter entirely for the provider. The granting of a withdrawal without academic penalty does not have to lead automatically to the remission of a HELP debt or the reimbursement of fees.

43.6 Timeframe for making decisions

A provider should consider the person’s application as soon as practicable. Chapter 3 of the Administration Guidelines specifies that a provider must publish the timeframe within which it will consider applications for the re-crediting of a person’s FEE-HELP balance, remission of a person’s HELP debt and/or repayment of their student contribution for units of study. Providers must also publish the timeframe within which it will notify applicants of its decision.

Notifying applicants of the decision

A provider must notify the person of its decision and the reasons for making the decision [HESA sections 36-23 and 104-40].

Chapter 3 of the Administration Guidelines specifies that a provider must also advise the applicant of their rights for a review of the decision if the applicant is unsatisfied with the outcome [HESA section 209-10]. The person must be advised the time limit for applying for a reconsideration of a decision is 28 days from the day the person first received notice of the decision, or such longer period as the reviewer allows [HESA subsection 209-10(2)].

Notifying the department of the decision

Where a decision results in the re-crediting of a person’s FEE-HELP balance, the remission of a person’s HELP debt, and/or the repayment of any amount the person paid in relation to their student contribution amount for a unit, the provider must notify the department through the Revisions File (see part 36.3). The provider is required to repay to the Commonwealth any amounts of HECS-HELP or FEE-HELP the provider received from the Commonwealth on the person’s behalf [HESA subsection 36-20(2) and section 110-5].
44 Review of decisions

44.1 Provider review of decision

A provider must have review procedures for reconsidering decisions relating to a person's assistance [HESA paragraph 19-45(1)(c)]. The review procedures must be published, publicly available, and up-to-date. They must comply with any requirements in chapter 4 of the HEP Guidelines, and sections 19-45, 19-50 and 19-55 of HESA. For the Code of Practice for Notification of Reviewable Decisions and Rights of Review, see Appendix Q.

The minimum requirements for a provider's review procedures are they should inform applicants how to submit a valid request for review and provide details of the letters, including the required content of the letters, that providers are required to send to a person who has requested the review of a decision.

A provider may include other review procedures with which its review officers must comply, provided these procedures are consistent with HESA requirements. These other review procedures must not limit a person’s right to apply for a review of a decision.

Request for reconsideration of decision

A person has the right to apply for a reconsideration of a decision to not re-credit, remit and/or repay [HESA section 209-10]. The time limit for applying for a reconsideration of a decision is 28 days from the day the person first received notice of the decision, or such longer period as the reviewer allows [HESA subsection 209-10(2)]. The person must state the reasons why they are applying for a reconsideration of the decision [HESA subsection 209-10(3)].

If a full fee-paying student has paid their fees upfront, and did not request FEE-HELP assistance, the review procedures under HESA do not apply. In this instance, the student cannot under HESA request a review or refer the matter to the AAT.

Reconsideration of decisions made out of time

Where an applicant applies to a provider to reconsider a decision not to re-credit, remit and/or repay, and the application is made outside of the 28 day time limit, or such time as the provider allows, the provider is not obliged to reconsider the decision [HESA subsection 209-10(2)]. When deciding whether to accept an out-of-time application for reconsideration, a provider should take into account reasons provided by the applicant for making a late application and the amount of time that has expired. When deciding whether to accept an out-of-time application for reconsideration, a provider should take into account reasons provided by the applicant for making a late application, and the amount of time that has expired. The special circumstances test does not apply to decisions about whether to extend the time to seek reconsideration of a decision.

If the provider does not extend the time limit, the applicant should be advised the application for reconsideration of the decision has been rejected because it was made out of time and provided with written reasons why the time limit was not extended. The provider should not address the merits of the application for reconsideration.
Where a provider declines to reconsider an application because the appeal was made out of time, there is no obligation under HESA to refer the student to the AAT. Providers should consider carefully whether, as a matter of procedural fairness, they should allow students to access their internal appeals and complaints process for review of a decision not to extend time.

Chapter 4 of the HEP Guidelines require that a provider must acknowledge receipt of the request for reconsideration. If the request for reconsideration is received within time, this acknowledgement must also:

- inform the person the reviewer is taken to have confirmed the original decision if the reviewer does not give notice of a decision to the person within 45 days of receiving the application for review [HESA subsection 209-10(6)];
- inform the person of their right to apply to the AAT for a review of the reviewable decision that has been confirmed, varied or set aside under section 209-5 or 209-10 of HESA; and
- provide the contact details of the closest AAT Registry and the approximate costs of lodging an appeal with the AAT.

Providers must inform applicants that an application to the AAT must generally be made within 28 days from the date the applicant receives the reviewer’s decision.

A provider must also:

- appoint a review officer who is not the same officer who made the original decision and who occupies a position that is senior to that occupied by the original decision-maker;
- notify the person, in writing, of the reviewer’s decision and the reviewer’s reasons for making the decision (the reviewer’s available options are to confirm the decision, vary the decision, or set the decision aside and substitute a new decision);
- advise the person of their right to appeal to the AAT for a review of the reviewer’s decision if the person is unsatisfied with the outcome [Administrative Appeals Tribunal Act 1975 section 27A]; and
- provide the person with the contact details and address of the nearest AAT Registry.

Providers may find it useful to maintain an up-to-date register of appointments of review officers.

### 44.2 Review by the AAT

A person may make an application to the AAT for a review of a provider’s decision to refuse to re-credit, remit and/or repay (which has been confirmed, varied or set aside on reconsideration), and may supply additional information to the AAT they did not previously supply to the provider, including the provider's reviewer.

The Secretary of the department, or their delegate, will be the respondent for cases that are before the AAT. When the department receives notification of an application to the AAT it may choose to review the original decision under paragraph 209-5(2)(b) of HESA.

Once the department has received notification from the AAT the person has applied for the review under section 37 of the Administrative Appeals Tribunal Act 1975, the Secretary must lodge the following documents with the AAT within 28 days:

- a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
• every document or part of a document that is in the decision-maker's possession or under the decision-maker's control and is considered by the decision-maker to be relevant to the review of the decision by the AAT.

Upon receipt of a notification from the AAT, the department will notify the provider(s), in writing, that a request for review has been lodged. To enable the department to meet the 28 day timeframe, a provider must, within a further five business days of being requested, provide the department with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to the department electronically as attachments to an email to the address/email address provided by the department in the request. The provider should keep any originals and copies of the documents in accordance with their normal record keeping practices.

Under paragraph 209-5(2)(b) of HESA, and subject to there being a current delegation of powers under this provision, by the Secretary of the department, to review officers of providers, a provider may still reconsider matters that are before the AAT and must advise the department if a decision is made to re-credit, remit or repay. However, until a person withdraws their AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, the department is still required to comply with the requirement under section 37 of the Administrative Appeals Tribunal Act 1975 to lodge the statement, and relevant documents described in the two dot points above, with the AAT. Therefore, a provider must still forward all relevant documents to the department within the five business days, unless advised not to do so by the department. The department will deal with cases from that point and advise the provider of the outcome.
45 Waiver of HELP debt

A waiver is a special concession granted to a person that extinguishes a debt owed to the Commonwealth. This means the debt is completely forgiven and can no longer be recovered by the Commonwealth.

The waiver of debt power is found in section 63 of the Public Governance, Performance and Accountability Act 2013 (PGPA Act). It allows the Finance Minister to waive amounts owing to the Commonwealth. The waiver of debt power has been delegated to officials within the Department of Finance.

The waiver of debt power is discretionary. This means there is no automatic entitlement to a waiver of debt. Debts are usually waived where the decision-maker considers recovery of the debt would be inequitable or cause ongoing financial hardship and that other options are not appropriate. In this context, ongoing financial hardship is likely to be taken to exist when payment of the debt would leave a person unable to provide food, accommodation, clothing, medical treatment, education or other necessities for the person or their family, or other people for whom they are responsible.

However, even if the person demonstrates financial hardship, the decision-maker may still consider their debt should not be waived.

The waiver of debt mechanism is generally an avenue of last resort and is used only where there is no other viable avenue to provide redress.

In general, this assistance may be granted where it is considered the Commonwealth has a moral responsibility to provide assistance, rather than a legal responsibility.

Any individual, company or other organisation can apply for waiver of a debt owed to the Commonwealth, either for themselves or for an authorised third party. Claims are made in writing. Face-to-face meetings are generally not conducted. Waivers of debt are applied for by completing the application form. All relevant evidence in support of an application e.g. correspondence between the applicant and the relevant Government agency, medical certificates etc., must be included. If an application for a waiver of debt is on the grounds of financial hardship, the additional Statement of Financial Details must be included.

Application forms are available on the Finance website. Once completed, they can be sent to:

Discretionary Payments Section
Risk, Insurance and Special Claims Branch
Department of Finance
John Gorton Building
King Edward Terrace
PARKES ACT 2600

People are not required to repay their HELP debt until their repayment income is above the minimum compulsory repayment threshold provided for in HESA.
HESA provides a safeguard for individuals who use HELP to undertake their studies, to ensure their liability for repayment is proportional to their earnings and to avoid any undue financial burden.

Indexation is applied to the HELP debt to maintain the value of the debt in real terms. Indexation is not interest, but is based on changes in the consumer price index. The ATO is required by legislation to calculate and apply indexation yearly to the part of the HELP debt that has remained unpaid for 11 months or more. It is not possible to stop the calculation of indexation on the HELP debt.

If there is a dispute between a person and a provider about whether a debt may be due to an administrative error that has occurred in relation to withdrawal from a unit(s) or course of study the person should seek help through the provider’s formal grievance procedures. If the grievance cannot be resolved then the person could seek help from the relevant state or territory ombudsman.

46 Freedom of information

All documents created or held by the department with regard to Commonwealth support and HELP are subject to the Freedom of Information Act 1982 (FOI Act). Unless a document falls under an exemption provision, it will be made available to the general public if requested under the FOI Act.

All freedom of information requests received by the department are referred to the department’s Freedom of Information Coordinator. Decisions regarding requests for access will be made by the department’s authorised freedom of information decision-maker in accordance with the requirements of the FOI Act.
Appendices

A. Contacts and useful links

On 18 September 2013, Machinery of Government changes transferred the responsibility for HESA from the Department of Industry, Innovation, Climate Change, Science and Tertiary Education to the newly established Department of Education.

Department of Education

<table>
<thead>
<tr>
<th>Internet</th>
<th><a href="http://www.education.gov.au">http://www.education.gov.au</a></th>
</tr>
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<tbody>
<tr>
<td>Phone</td>
<td>1800 020 108</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:TSEnquiries@education.gov.au">TSEnquiries@education.gov.au</a></td>
</tr>
<tr>
<td>Postal address</td>
<td>Student Support Branch</td>
</tr>
<tr>
<td></td>
<td>Department of Education</td>
</tr>
<tr>
<td></td>
<td>GPO Box 9839</td>
</tr>
<tr>
<td></td>
<td>CANBERRA ACT 2601</td>
</tr>
</tbody>
</table>

Enquiries regarding the administration of HELP, including notifications to the Branch Manager and orders for student information products, may be submitted to the TSEnquiries@education.gov.au mailbox or the postal address listed above.

Information products are available for download from the Study Assist website at: http://www.studyassist.gov.au.

Enquiries regarding CGS, HECS-HELP, SA-HELP and OS-HELP policy, and loading may be directed to the cgs@education.gov.au mailbox.

Enquiries regarding Unipay and HELP advance payments and estimates for Table A and Table B providers may be directed to fep@education.gov.au.


HEIMS

Enquiries regarding HEIMS and the CHESSN may be submitted to the HEIMS helpdesk mailbox at heims.datacollections@education.gov.au.

Australian Taxation Office (ATO)

<table>
<thead>
<tr>
<th>Internet</th>
<th><a href="http://www.ato.gov.au">http://www.ato.gov.au</a></th>
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<tbody>
<tr>
<td>Phone</td>
<td>1300 650 225</td>
</tr>
</tbody>
</table>

Queries on HELP debts, compulsory and voluntary repayments and indexation may be directed to the phone line listed above.
Commonwealth Ombudsman

**Internet**  [http://www.ombudsman.gov.au](http://www.ombudsman.gov.au)  **Phone**  1300 362 072

The Commonwealth Ombudsman has offices in all Australian capital cities. Refer to website above for further information.

Department of Immigration and Border Protection (Department of Immigration)

**Internet**  [http://www.immi.gov.au](http://www.immi.gov.au)  **Phone**  13 18 81

*Privacy Act 1988* considerations prevent the Department of Immigration from providing information about the visa status of individuals to the provider for the purpose of determining HELP eligibility without the consent of the applicant. Requests for information from provider enrolment officers should be in writing and accompanied by a signed authorisation from the applicant and details such as the applicant’s full name, date of birth and current visa and passport numbers. The Department of Immigration has offices in all Australian capital cities. Requests for information may be faxed to the following offices:

<table>
<thead>
<tr>
<th>Location</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canberra</td>
<td>02 6248 0479</td>
</tr>
<tr>
<td>Brisbane</td>
<td>07 3136 7473</td>
</tr>
<tr>
<td>Hobart</td>
<td>03 6281 9579</td>
</tr>
<tr>
<td>Perth</td>
<td>08 9415 9766</td>
</tr>
<tr>
<td>Sydney</td>
<td>02 8862 6096</td>
</tr>
<tr>
<td>Darwin</td>
<td>08 8981 6245</td>
</tr>
<tr>
<td>Adelaide</td>
<td>08 7421 7653</td>
</tr>
</tbody>
</table>

Administrative Appeals Tribunal (AAT)

**Internet**  [http://www.aat.gov.au](http://www.aat.gov.au)  **Phone**  1300 366 700

Australian Capital Territory
- Administrative Appeals Tribunal
- 4th Floor, Canberra House
- 40 Marcus Clarke Street
- CANBERRA CITY ACT 2601
- Ph: 02 6243 4611
canberra.registry@aat.gov.au

New South Wales
- Administrative Appeals Tribunal
- Level 7, City Centre Tower
- 55 Market Street
- SYDNEY NSW 2000
- Ph: 02 9391 2400
sydney.registry@aat.gov.au

Queensland and Northern Territory
- Administrative Appeals Tribunal
- Level 4, Commonwealth Law Courts
- Cnr North Quay & Tank Street
- BRISBANE QLD 4000
- Ph: 07 3361 3000
brisbane.registry@aat.gov.au

South Australia
- Administrative Appeals Tribunal
- 11th Floor, Chesser House
- 91 Grenfell Street
- ADELAIDE SA 5000
- Ph: 08 8201 0600
adelaide.registry@aat.gov.au

Tasmania
- Administrative Appeals Tribunal
- Ground Floor, Commonwealth Law Courts
- 39-41 Davey Street
- HOBART TAS 7000
- Ph: 03 6232 1712
hobart.registry@aat.gov.au

Victoria
- Administrative Appeals Tribunal
- Level 16, HWT Tower
- Southgate
- 40 City Road
- SOUTHBANK VIC 3006
- Ph: 03 9282 8444
melbourne.registry@aat.gov.au
Useful links

Websites

- Study Assist – http://studyassist.gov.au

Higher Education Support Act 2003 and amendments


Other Legislation


Guidelines


Ministerial determinations


- Ministerial determination under HESA subsection 36-15(2)
- Ministerial determination under HESA paragraph 36-35(1)(b)
- Ministerial determination under HESA Schedule 1 – definition of enabling course

Other

### B. Terminology used in the AIP

<table>
<thead>
<tr>
<th>Term</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>AAT</td>
<td>Administrative Appeals Tribunal</td>
</tr>
<tr>
<td>ANZSCO</td>
<td>Australian and New Zealand Standard Classification of Occupations</td>
</tr>
<tr>
<td>APP</td>
<td><em>Privacy Act 1988</em> Australian Privacy Principle, which came into effect on 12 March 2014</td>
</tr>
<tr>
<td>AQF</td>
<td>Australian Qualifications Framework</td>
</tr>
<tr>
<td>ATO</td>
<td>Australian Taxation Office</td>
</tr>
<tr>
<td>BOTPLS</td>
<td>Bridging for Overseas-Trained Professionals Loan Scheme</td>
</tr>
<tr>
<td>business day</td>
<td>any day other than a Saturday, a Sunday or a public holiday</td>
</tr>
<tr>
<td>CAN</td>
<td>Commonwealth Assistance Notice</td>
</tr>
<tr>
<td>CGS</td>
<td>Commonwealth Grant Scheme</td>
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<tr>
<td>CHESSN</td>
<td>Commonwealth Higher Education Student Support Number</td>
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<td>CRICOS</td>
<td>Commonwealth Register of Institutions and Courses for Overseas Students</td>
</tr>
<tr>
<td>CSOL</td>
<td>Consolidated Sponsored Occupation List</td>
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<tr>
<td>CSP</td>
<td>Commonwealth supported place</td>
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<tr>
<td>department</td>
<td>Commonwealth Department of Education, responsible for the administration of HELP</td>
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<tr>
<td>Department of Immigration</td>
<td>Commonwealth Department of Immigration and Border Protection</td>
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<tr>
<td>EFTSL</td>
<td>equivalent full-time student load</td>
</tr>
<tr>
<td>ETA</td>
<td><em>Electronic Transactions Act 1999</em></td>
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<tr>
<td>FVI</td>
<td><em>Financial Viability Instructions</em></td>
</tr>
<tr>
<td>HECS</td>
<td>pre-2005 Higher Education Contribution Scheme</td>
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<tr>
<td>HEFA</td>
<td><em>Higher Education Funding Act 1988</em></td>
</tr>
<tr>
<td>HEIMS</td>
<td>Higher Education Information Management System</td>
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<td>HELP</td>
<td>Higher Education Loan Program, a suite of ICLs consisting of VET FEE-HELP, FEE-HELP, HECS-HELP, OS-HELP and SA-HELP</td>
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<tr>
<td>HEPCAT</td>
<td>Higher Education Provider Client Assistance Tool</td>
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<tr>
<td>HESA</td>
<td><em>Higher Education Support Act 2003</em></td>
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<td>HITS</td>
<td>HELP Information and Technology System</td>
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<td>ICL</td>
<td>income contingent loan</td>
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<td>IPP</td>
<td><em>Privacy Act 1988</em> Information Privacy Principle</td>
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<td>Minister</td>
<td>Commonwealth Minister responsible for the administration of HELP</td>
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<td>OLDPS</td>
<td>Open Learning Deferred Payment Scheme</td>
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<td>OUA</td>
<td>Open Universities Australia</td>
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<td>PELS</td>
<td>pre-2005 Postgraduate Education Loan Scheme</td>
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<td>RTS</td>
<td>Research Training Scheme</td>
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<tr>
<td><strong>Term</strong></td>
<td><strong>Explanation</strong></td>
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<td>SCV</td>
<td>Special Category Visa</td>
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<td>SLE</td>
<td>Student Learning Entitlement</td>
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<td>SOL</td>
<td>Skilled Occupation List</td>
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<td>special admissions test</td>
<td>a test to determine the suitability of a person seeking admission into a course that is necessary to establish suitability of that person for admission into that course</td>
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<td>TAC</td>
<td>tertiary admissions centre</td>
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<tr>
<td>TFN</td>
<td>tax file number</td>
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<td>VET</td>
<td>vocational education and training</td>
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<tr>
<td>WEI</td>
<td>work experience in industry</td>
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</table>
C. Sample Request for Commonwealth Support and HECS-HELP form

Before completing this form, you must read the Commonwealth supported places and HECS-HELP information booklet, available at www.studyassist.gov.au.

You must:

- complete this form if you are a Commonwealth supported student and the booklet says that you have to complete this form;
- ensure that you complete each question that is relevant to you, including ticking the relevant boxes. Your form will not be valid unless each question is completed correctly; and
- return the completed form to the student administration at your higher education provider (provider) on or before the census date for your unit(s) of study. Note that your provider may set an earlier date for the submission of the form – check with your provider.

You will be provided with a copy of this form for your records.
D. Sample Request for FEE-HELP Assistance form

Before completing this form, you must read the FEE-HELP information booklet, available at www.studyassist.gov.au.

You must:

- complete this form if you are requesting FEE-HELP assistance for some or all of your tuition fees for your units of study;
- ensure that you complete each question that is relevant to you, including ticking the relevant boxes. Your form will not be valid unless you complete each question correctly; and
- return the completed form to the student administration at your higher education provider (provider) on or before the census date for the first unit(s) of study for which you are requesting FEE-HELP assistance. You will be given a copy of this form for your records. Note that your provider may set an earlier date for the submission of this form – check with your provider.

IMPORTANT: this form is valid for your whole course of study unless you cancel your request for FEE-HELP assistance in writing to your provider. However, you will be entitled to FEE-HELP assistance for a particular unit of study only if you remain eligible and have sufficient FEE-HELP balance. It is your responsibility to be aware of your FEE-HELP balance and you must advise your provider if you do not have enough FEE-HELP balance to cover your tuition fees.
E. Sample Request for FEE-HELP Assistance Open Universities Australia form

Before completing this form, you must read the FEE-HELP information booklet, available at www.studyassist.gov.au.

You must:
- complete this form if you are requesting FEE-HELP assistance for some or all of your tuition fees for units of study that you are undertaking through OUA;
- ensure that you complete each question that is relevant to you, including ticking the relevant boxes. Your form will not be valid unless you complete each question correctly; and
- return the provider copy of the completed form to the address below on or before the census date for the first unit(s) of study for which you are requesting FEE-HELP assistance. Retain the student copy of the form for your records.
- Note that OUA may set an earlier date for the submission of this form – check with OUA. 

Open Universities Australia
GPO Box 5387
MELBOURNE VIC 3001
Phone: 03 8628 2500 or 1300 36 38 52

IMPORTANT: this form is valid for the units listed unless you cancel your request for FEE-HELP assistance in writing to OUA. However, you will be entitled to FEE-HELP assistance for a particular unit of study only if you remain eligible and have sufficient FEE-HELP balance. It is your responsibility to be aware of your FEE-HELP balance and you must advise OUA if you do not have sufficient FEE-HELP balance to cover your tuition fees.
F. Sample OS-HELP Debt Confirmation form

Before completing this form, you must read the OS-HELP statement of terms and conditions booklet, available at www.studyassist.gov.au.

You must:
• complete this form if you want to receive an OS-HELP loan;
• ensure that you complete each question. Your form will not be valid unless each question is completed correctly; and
• return the completed form to your higher education provider (provider). You will be given a copy of this form for your records.
G. Sample Request for SA-HELP Assistance form

Before completing this form, you must read the SA-HELP information booklet, available at www.studyassist.gov.au.

You must:
- complete this form if you are requesting SA-HELP assistance to pay your student services and amenities fee;
- ensure that you complete each question correctly, otherwise your form will not be valid; and
- return the completed form to the student administration at your higher education provider (provider) by the date advised by your provider. You will be given a copy of this form for your records.

IMPORTANT:
- if you submit this form by the required date you will be entitled to SA-HELP assistance for all student services and amenities fees that are payable to your provider for the duration of your course of study or bridging course for overseas-trained professionals;
- you can still pay some or all of the fee by the date payable;
- you will only receive a loan for any unpaid amount; and
- you will need to submit a new form if you change your course or provider, or are enrolled in a course of study with more than one provider.
H. **Permanent visas and permanent humanitarian visa subclasses**

**Permanent visa holders**

Non-citizens applying for a permanent visa within Australia become the holder of a permanent visa on the date on which they are granted that visa for the first time or at a date or event specified in the visa [*Migration Act 1958 section 68*].

Non-citizens applying for a permanent visa outside Australia become the holder of a permanent visa on the date on which they enter Australia for the first time after the Department of Immigration has approved their visa.

**Evidence of permanent visa**

The provision of a TFN by a student must not be taken as proof of permanent visa status.

From 24 November 2012, visa holders will need to pay a Visa Evidence charge of $70 to have a visa label placed in their passport. The charge is being introduced as part of the Department of Immigration’s user-pays initiatives to encourage the use of online immigration services.

The Department of Immigration’s Visa Entitlement Verification Online (VEVO) system is a free, online service that allows visa holders and registered Australian organisations, such as providers, to check the details and entitlements of a visa. VEVO means that permanent visa holders will no longer need a visa label in their passport.

For further information on these changes, and to register for VEVO, see the Department of Immigration’s website at [http://www.immi.gov.au/e_visa/vevo.htm](http://www.immi.gov.au/e_visa/vevo.htm).

**Permanent humanitarian visa subclasses**

Providers should contact the Department of Immigration or use the VEVO system to confirm if the visa class held by a person applying for HELP is a permanent humanitarian visa.
Historical Permanent humanitarian visa subclasses

Holders of permanent humanitarian visas should give their provider relevant documents, such as their permanent visa, to demonstrate their eligibility for HELP.

The table below is a list of historical permanent humanitarian visa subclasses. Pre-1989 visa subclasses may not appear on this list. To confirm pre-1989 visa subclasses, contact the Department of Immigration.

**Permanent humanitarian visa subclasses – historical***

<table>
<thead>
<tr>
<th>Subclass number</th>
<th>Subclass title</th>
</tr>
</thead>
<tbody>
<tr>
<td>205</td>
<td>Camp Clearance – obsolete code</td>
</tr>
<tr>
<td>206</td>
<td>Lebanese Concession – obsolete code</td>
</tr>
<tr>
<td>207</td>
<td>Soviet Concession – obsolete code</td>
</tr>
<tr>
<td>208</td>
<td>East Timorese in Portugal, Macau or Mozambique – obsolete code</td>
</tr>
<tr>
<td>209</td>
<td>Citizens of Former Yugoslavia (Displaced Persons) – obsolete code</td>
</tr>
<tr>
<td>210</td>
<td>Minorities in Former USSR – obsolete code</td>
</tr>
<tr>
<td>211</td>
<td>Burmese in Burma – obsolete code</td>
</tr>
<tr>
<td>212</td>
<td>Sudanese – obsolete code</td>
</tr>
<tr>
<td>213</td>
<td>Burmese in Thailand – obsolete code</td>
</tr>
<tr>
<td>214</td>
<td>Cambodian – obsolete code</td>
</tr>
<tr>
<td>215</td>
<td>Sri Lankan (Special Assistance) – obsolete code</td>
</tr>
<tr>
<td>216</td>
<td>Ahmadi – obsolete code</td>
</tr>
<tr>
<td>217</td>
<td>Vietnamese – obsolete code</td>
</tr>
<tr>
<td>803</td>
<td>Refugee (After Entry) – obsolete code</td>
</tr>
<tr>
<td>807</td>
<td>Compassionate (Humanitarian Grounds) – obsolete code</td>
</tr>
<tr>
<td>809</td>
<td>PRC Citizen – obsolete code</td>
</tr>
<tr>
<td>810</td>
<td>Refugee – obsolete code</td>
</tr>
<tr>
<td>817</td>
<td>Protection (Permanent Entry After Entry) Visa – obsolete code</td>
</tr>
</tbody>
</table>

* The historical visa subclass codes are no longer issued by the Department of Immigration and are for reference only. A person who holds a permanent humanitarian visa with one of these obsolete subclass codes continues to be eligible for HELP.
I. Samples of evidence of an Application for a TFN

Sample Certification of Application for a TFN form

[Image of Certificate of application for a tax file number (TFN)]

Section A: Student details
1. Student name
2. Date of birth
   Day / Month / Year
3. Current postal address
   Suburb/town
   Date/territory
   Postcode

Section B: Higher education or VET details
4. Higher education or VET provider name
5. Student identification number
6. Student course code

Section C: Period covered by this certificate
7. In what period does the relevant census date fall?
   Between 1 January – 30 June
   Between 1 July – 31 December

Section D: Confirmation by authorised person
Name
Signature on behalf of Robert Ravanello
Deputy Commissioner of Taxation and Delegate of the Commissioner of Taxation

[Print form] [Reset form]

IN-CONFIDENCE – when completed
Sample of a TFN application summary and Australia Post receipt

Australian Government
Australian Taxation Office

Handwritten changes made to this form will not be accepted. If you need to update your details, you will need to modify your existing application using your application reference number. Alternatively, you may complete a new application form.

If you have resubmitted the online form, be sure to print and bring the latest application summary to your interview.

APPLICATION SUMMARY

Agency: ATO
Transaction: TFN Application

Details of TFN Recipient
Family name: CITIZEN
First given name: JOHN
Middle name/s: 
Date of Birth: 05/08/1985
TFN Recipient's Address: 123 SMITH STREET
SUBURBIA QLD 4001
Centrelink CRN: 
Phone number: 0712346678 Submission date: 15/10/2013

Certificate of application for a tax file number (TFN)
This application summary, together with the matching Australia Post receipt, may be accepted as a Certificate of application for a tax file number (TFN) by higher education or vocational education and training (VET) providers. Please note that this application summary is only valid as proof of TFN application if the Australia Post receipt displaying the matching barcode is attached.

Lodging Your Application
You must print a copy of this application summary and bring it with you to one of the participating Australia Post retail outlets.

If you do not attend an interview at one of the participating post offices within 30 days from the submission date shown on this application summary your application will expire and all data will be deleted.

There is no fee for lodging a TFN application.

AUSTRALIA POST

Phila DA-PO 3000

ATO TFN Application or Enquiry
Unique Reference No. 3000090000001
Reference No. 300009001602 0.00

You should receive a TFN within 21 days. It will be forwarded to the postal address on the application.

The Australia Post receipt is submitted by the Commissioner of Taxation. Please note that this receipt is only valid as proof of TFN application with the matching Application summary attached.

Privacy notice for Australian Taxation Office (ABN 16 024 753 056)
Australia Post is acting as an agent for the organisation/Government Agency stated above and collects your information to identify you in accordance with requirements under Australian law. Your details will be forwarded to the organisation/Government Agency stated above. Subject to certain exceptions you may request access to your personal information. If access is denied, the law says we must beby

TOTAL $0.00

Payment Not Required

01/01/2010 30000331 apply 398056 16/01
J. Sample wording for informed consent

I understand that:

- [NAME OF PROVIDER OR TERTIARY ADMISSION CENTRE] is collecting the information in this form for the purpose of assessing my eligibility for the Higher Education Loan Program under the Higher Education Support Act 2003 and allocation of a Commonwealth Higher Education Student Support Number to me;

- [NAME OF PROVIDER OR TERTIARY ADMISSION CENTRE] will disclose this information to the Australian Government for those purposes;

- The Australian Government will store the information securely; and

- [NAME OF PROVIDER OR TERTIARY ADMISSION CENTRE] and the Australian Government will not otherwise disclose the information without my consent unless required or authorised by law.
K. New Zealand citizens

New Zealand citizens are not eligible for HELP, unless they are also Australian citizens.

Most New Zealand citizens who arrive in Australia are the holders of temporary visas called a Special Category Visa (SCV). This is not a permanent visa. Although a SCV allows its holder to visit, live and work in Australia indefinitely, it does not give them access to HELP.

Following the 2001 changes to social security arrangements for New Zealanders, the Department of Immigration may issue a Certificate of Status of New Zealand Citizens in Australia (Form 1162) to New Zealand citizens who were:

- in Australia on 26 February 2001 as SCV holders; or
- outside Australia on 26 February 2001, but were in Australia as an SCV holder for at least one year in the two years prior to that date, and subsequently returned; or
- who have a certificate, issued under the Social Security Act 1991, stating they are residing in Australia on a particular date.

While this certificate certifies the status of its holder as a permanent resident of Australia for the purposes of accessing certain social security payments, it does not give the holder access to HELP.
L. Sample TFN notifications from the ATO

Sample notification when incorrect TFN provided

Higher Education Loan Program –
Notice of incorrectly notified tax file number
For your action
The tax file number (TFN) provided to you by the following student could not be matched with our records:
Student name:
Date of birth:
Student identification number:
Period:
In accordance with section 190-15 of the Higher Education Support Act 2003, the above-named student has been advised they have not provided you with their correct TFN.
The student has been further advised, in line with section 193-5 of HESA, they have 28 days to provide you with their correct TFN or a certificate from us they have applied for a TFN, otherwise their enrolment as a Commonwealth supported student may be cancelled and/or they will not be entitled to HECS-HELP assistance.
If you need more information, phone 1300 650 225 between 8.00 am and 6.00 pm Australian Eastern Standard Time, Monday to Friday.

Sample notification when correct TFN provided

Higher Education Loan Program –
Withdrawal of section 190-15 notice
For your action
We refer to our notice sent to you on [date] for the following student in accordance with section 190-15 of the Higher Education Support Act 2003.
Student name:
Date of birth:
Student identification number:
This notice advised that we were unable to match the TFN provided to you by the above-named student with our records.
This student has now provided further details enabling us to identify their correct TFN as [Correct TFN]. Accordingly, we wish to withdraw the section 190-15 notice.
If you need more information, phone 1300 650 225 between 8.00 am and 6.00 pm Australian Eastern Standard Time, Monday to Friday.
M. To the ATO – proforma for variation of debt due to administrative error

This form is only for variations of debts due to administrative error that were incurred before 1 January 2005 for HECS, PELS, BOTPLS and OLDPS.

<table>
<thead>
<tr>
<th>Advice Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Student ID</td>
</tr>
<tr>
<td>Tax File Number</td>
</tr>
<tr>
<td>Postal Address</td>
</tr>
<tr>
<td>Semester/Year</td>
</tr>
<tr>
<td>Date Of Birth</td>
</tr>
<tr>
<td>Debt (circle)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Course Code</td>
</tr>
<tr>
<td>Reason For Variation</td>
</tr>
</tbody>
</table>

The above named student has completed and signed a HECS Payment Options Declaration form or PELS Loan Request Form or BOTPLS Loan Request Form prior to the semester census date, and provided their tax file number or an ATO Certificate of Application.

Higher education provider:

Signature of authorised person:

Date:
N. To the department – proforma for variation of debt due to administrative error

TO THE DEPARTMENT OF EDUCATION AND TRAINING - VARIATION OF DEBT – PELS AND BOTPLS (incurred before 1 January 2005)

Name of higher education provider: ________________________________

Year: _______________ Payment Period: Jan-June or Jul-Dec (circle one)

<table>
<thead>
<tr>
<th>Case number</th>
<th>Semester/year (e.g. 1 / 2002)</th>
<th>Original PELS and BOTPLS debt reported $</th>
<th>Revised PELS and BOTPLS debts $</th>
<th>Reason for variation</th>
<th>Scheme (PELS or BOTPLS)</th>
<th>Date variation sent to ATO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Totals</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Difference</td>
<td></td>
<td>$0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DECLARATION (to be signed by the Senior Finance Officer or delegate)

I declare the information provided in this report is an accurate record of the variations to PELS and BOTPLS debts that have been referred to the Australian Taxation Office (ATO) for the indicated period.

Name (print): ________________________________ Phone: __________________

Signature: ________________________________ Date: __________________

The information on this form is collected for the purpose of advising DIISRTE of the institutions expected claim under PELS and BOTPLS for the specified period. The information collected will be used only for the purpose for which you provided it, and we will not disclose it without your consent except where authorised or required by law.
O. Student cohorts

A student cohort includes all students who commenced a course of study in a particular year. Under arrangements applying under HESA until November 2006, providers could establish student cohorts and specify different student contribution amounts and/or tuition fees to apply to the students in the cohort. Providers were required to set contributions or fees for all years the cohort would operate in the year prior to the cohort beginning. The provider must have published this information on or before the earliest enrolment date in the cohort’s course of study.

The amendments to HESA in the Higher Education Legislation Amendment (2006 Budget and Other Measures) Act 2006 increased flexibility for providers in the setting of student contributions and tuition fees and repealed the provisions relating to student cohorts, effective on 4 November 2006. Savings provisions were included in the amendments to preserve conditions relating to existing student cohorts. This means that where a provider has a student cohort, it continues to operate under the previous provisions unless it is revoked.

If a provider wishes to utilise the current fee flexibility measures for determining different prices, the saved determination in relation to the student cohort must be revoked.

Preserving student cohorts

If a student cohort was established prior to 4 November 2006, and the provider determined a different student contribution amount or tuition fee for the student cohort, referred to as the saved determination, the student contribution amount or tuition fee for the unit will continue to be as specified in the saved determination. The student cohort's student contribution amount or tuition fee will continue to apply where:

- the person is in the student cohort to which the saved determination relates; and
- the saved determination has not been revoked; and
- the unit forms part of a course of study with the provider who made the saved determination; and
- the person is undertaking the unit with the provider; and
- the person satisfies any conditions that apply to the cohort under the saved determination

[HESA note 2 Table A sub-items 13 and 14].

Conditions applying to student cohorts

Student cohorts are subject to the student contribution amounts, tuition fees and conditions determined and published on or before the earliest enrolment date in the cohort’s course of study.

The student contribution amount or tuition fee that continues to apply to the student cohort is the amount determined and published on or before the earliest enrolment date in the cohort’s course of study. This amount must be the same for all students in that student cohort.

The saved determination applies for the duration of the cohort’s course of study, subject to any limit on the time for which the cohort amount applies and subject to revocation of the student cohort.

The same unit offered over different time periods may have a different student contribution amount or tuition fee, but only if this was specified and published on or before the earliest enrolment date in the cohort’s course of study.
Example

- If a provider specified the tuition fee (or student contribution amount) for Maths 101 was $5,000, this would apply for the duration of the course, subject to any time limit.
- However, the provider could have specified the tuition fee (or student contribution amount) for Maths 101 (2006) was $5,000 and for Maths 101 (2007) was $5,100.

The student contribution amounts or tuition fees specified for the student cohort continue to apply for the period of time which was determined and published by the provider on or before the earliest enrolment date in the cohort’s course of study.

A provider could only have determined conditions related to the period of time for which the cohort amount is to apply, and cannot have set other conditions, such as conditions relating to campus location or equity groups, to further limit access to a cohort amount [HEP Guidelines – chapter 7 before repeal See Version 3, registered 27/11/06].

Publishing student cohort information

Providers that established different student contribution amounts or tuition fees for cohorts of students prior to the repeal of the cohorts sections in HESA must have published and made publicly available:

- sufficient information to enable a student to work out their student contribution and/or tuition fee for a unit of study that is part of their cohort’s course of study; and
- any conditions that are to apply in relation to that cohort.

This information must have been published and made available on or before the earliest enrolment date in the cohort’s course of study.

A provider cannot vary its published student cohort information.
P. Guide to special circumstances decision-making

Introduction

This guide is intended to assist providers assess an application for a re-credit of FEE-HELP balance, remission of a person’s HECS-HELP debt and/or repayment of any amounts the person paid in relation to their student contribution amount for a unit.

With the abolition of SLE from 1 January 2012, providers will no longer re-credit a person’s SLE balance when a person withdraws from a unit of study after the census date, or otherwise does not complete a unit of study, and when the person has satisfied the threshold criteria and special circumstances test. This applies to enrolment in units of study with census dates on or after 1 January 2012.

Under HESA a person can make an application to:

- have their FEE-HELP balance re-credited in relation to a unit, resulting in remission of the person’s FEE-HELP debt; or
- have either or both their HECS-HELP debt remitted in relation to a unit or the amount the person paid in relation to their student contribution amount for a unit repaid.

When deciding whether a person is eligible to have their debt remitted and/or an amount repaid, the decision can only be made where a specific provision of HESA permits or requires the decision-maker to make that decision.

Which provision of HESA permits or requires the decision?

Before making a decision, it is important for the decision-maker to identify which provision of HESA permits or requires him/her to make that decision.

Below sets out the provision of HESA that apply in making a decision about whether a person’s FEE-HELP balance should be re-credited, their HECS-HELP debt should be remitted and/or or their student contribution amount should be repaid:

<table>
<thead>
<tr>
<th>Re-credit/ remission/repayment</th>
<th>Relevant section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student contribution amount or HECS-HELP debt</td>
<td>Section 36-20</td>
</tr>
<tr>
<td>FEE HELP – higher education providers</td>
<td>Subsection 104-25(1)</td>
</tr>
<tr>
<td>FEE HELP – Open Universities Australia</td>
<td>Subsection 104-25(2)</td>
</tr>
</tbody>
</table>

Regardless of which provision of HESA applies, when deciding whether a person is eligible to have their FEE-HELP balance re-credited, HECS-HELP debt remitted and/or their student contribution amount repaid, a decision-maker must consider the following:

A. Have the threshold criteria been met? (see Step 1); and

B. Do special circumstances apply? (see Step 2)

In the illustrative examples provided below, the sections of HESA that apply to re-crediting a person’s FEE-HELP balance have been used. When writing the reasons for a decision, providers
must refer to the section/s of HESA that specifically apply to a person’s circumstances. For further guidance, refer to the information above.

Step 1 - Have the threshold criteria been met?

For a person to have their FEE-HELP balance re-credited they must satisfy all of the criteria in the relevant section of HESA.

The term ‘threshold criteria’ is used to describe all those criteria listed in a particular section except special circumstances. Example 1 below illustrates the threshold criteria for re-crediting a person’s FEE-HELP balance are those in paragraphs 104-25 (1)(a), (aa) (b), (d) and (e) and 104-25(2)(a), (b), (d) and (e).

Before determining whether special circumstances apply to the person, the decision-maker needs to be satisfied that all of the threshold criteria have been met. Depending on the type of application being considered, the relevant threshold criteria appear in the sections of HESA as listed above.

Example 1 – Section 104-25 of HESA – Re-crediting a person’s FEE-HELP balance

The threshold criteria are highlighted in bold:

(1) A higher education provider must, on the *Secretary’s behalf, re-credit a person’s *FEE-HELP balance with an amount equal to the amounts of *FEE-HELP assistance the person received for a unit of study if:

(a) the person has been enrolled in the unit with the provider; and

(aa) access to the unit was not provided by *Open Universities Australia; and

(b) the person has not completed the requirements for the unit during the period during which the person undertook, or was to undertake the unit; and

(c) the provider is satisfied that special circumstances apply to the person (see section 104-30); and

(d) the person applies in writing to the provider for re-crediting of the FEE-HELP balance; and

(e) either:

(i) the application is made before the end of the application period under section 104-35; or

(ii) the provider waives the requirement the application be made before the end of that period, on the ground that it would not be, or was not, possible for the application to be made before the end of that period.

(2) *Open Universities Australia must, on the *Secretary’s behalf, re-credit a person’s *FEE-HELP balance with an amount equal to the amounts of *FEE-HELP assistance the person has received for a unit of study if:

(a) access to the unit was provided by Open Universities Australia; and
(b) **the person has not completed the requirements for the unit** during the period during which the person undertook, or was to undertake, the unit; and

(c) Open Universities Australia is satisfied that special circumstances apply to the person (see section 104-30); and

(d) the person applies in writing to Open Universities Australia for re-crediting of the FEE-HELP balance; and

(e) either:

(i) the application is made before the end of the application period under section 104-35; or

(ii) **Open Universities Australia waives the requirement the application be made before the end of that period**, on the ground that it would not be, or was not, possible for the application to be made before the end of that period.

Note: A FEE-HELP debt relating to a unit of study will be remitted if the FEE-HELP balance in relation to the unit is re-credited: see section 137-10.

(3) If the provider is unable to act for one or more of the purposes of subsection (1) or (2), or section 104-30, 104-35 or 104-40, the Secretary may act as if one or more of the references in those provisions to the provider were a reference to the Secretary.

Determining whether the person satisfies the threshold criteria is a relatively simple factual analysis of the person’s application and records, (with the exception, in part, of paragraph (e) of the relevant subsections, which refers to the 12-month application period) (see part 43.2).

If a person does not satisfy any elements of the threshold criteria, the decision-maker needs to write a statement of reasons and refuse the person’s application. The threshold criteria can be assessed in any order. Once it has been determined that a person does not meet one of these criteria, the analysis can stop as the failure to satisfy all criteria is fatal to the application.

If a person meets the threshold criteria, then the decision-maker needs to turn their mind to whether they are satisfied that special circumstances applies to the person.

**Step 2 - Do special circumstances apply?**

The special circumstances test is defined in the following sections of HESA for each type of Commonwealth assistance. The specific provisions/sections to which a provider should refer will depend on whether the person seeks re-credit, remittance and/or repayment.

**Re-credit/ remission/repayment**  
Student contribution amount or HECS-HELP debt

- subsections 36-21(1) and (2)
- paragraph 36-20(1)(d)

FEE HELP – higher education providers

- subsection 104-30(1) and (2)
- paragraph 104-285(1)(c)

FEE HELP – Open Universities Australia

- subsection 104-30(3)
- paragraph 104-25(2)(c)
The special circumstances test under each of the above sections is substantively the same but a provider must refer to the correct section in its decision.

The test has three requirements, and all of those requirements must be satisfied, and supported with evidence, for special circumstances to be established.

**Example 2 – Section 104-30 of HESA – Special circumstances**

Test for special circumstances is highlighted in bold

(1) For the purposes of paragraph 104-25(1)(c), special circumstances apply to the person if and only if the higher education provider receiving the application is satisfied that circumstances apply to the person that:

   (a) are beyond the person's control; and
   
   (b) do not make their full impact on the person until on or after the *census date for the unit of study in question; and
   
   (c) make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit.

(2) If the Administration Guidelines specify circumstances in which a provider will be satisfied of a matter referred to in paragraph 36-21(1)(a), (b) or (c), any decision of a provider under this section must be in accordance with any such guidelines.

(3) For the purposes of paragraph 104-25(2)(c), special circumstances apply to the person if and only if Open Universities Australia is satisfied that circumstances apply to the person that:

   (a) are beyond the person's control; and
   
   (b) do not make their full impact on the person until on or after the * census date for the unit of study in question; and
   
   (c) 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 provider must refer to the appropriate section(s) of HESA that specifically apply to a person's circumstances. In determining whether there are special circumstances, the provider must apply the Administration Guidelines [HESA subsections 36-21(2) or 104-30(2), as applicable]. HESA subsection 104-30(2) does not apply to OUA.

**Step 2.1 - What are the relevant circumstances?**

The decision-maker needs to identify the relevant circumstances based on the information and evidence the person has provided in their application and any further information available from the student's records.
Step 2.2 - Are the circumstances beyond the person's control?

The decision-maker must then decide whether the circumstances identified in Step 2.1 were beyond the person's control.

The Administration Guidelines provide the higher education provider will be satisfied that a person’s circumstances are beyond that persons control if a situation occurs which a reasonable person would consider is not due to the person’s action or inaction, either direct or indirect, and for which the person is not responsible. This situation must be unusual, uncommon or abnormal.

Step 2.3 - Did the circumstances make their full impact on the person on or after the census date for the unit in question?

The decision maker needs to:

- identify the relevant census date for the unit; then
- determine when the circumstances identified in step 2.1 made their full impact on the applicant.

The Administration Guidelines provide the higher education provider will be satisfied that a person’s circumstances did not make their full impact on the person until after the census date for a unit of study if the person’s circumstances occur:

- before the census date, but worsen after that day; or
- before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
- on or after the census date.

Step 2.4 - Did the circumstances make it impracticable for the person to complete the requirements of the unit?

After deciding that steps 2.1 to 2.3 have been satisfied, the decision maker must be satisfied the circumstances identified in step 2.1 made it impracticable for the person to complete the unit.

The Macquarie Dictionary defines ‘impracticable’ as not practicable; that cannot be put into practice with the available means. A decision maker should keep this definition in mind when deciding if a person’s circumstances made it impracticable for the person to complete the unit of study.

Consideration should also be given to whether at the time the person’s special circumstances emerged it was already not practicable for the person to meet the requirements of the unit. This situation may arise where a person has not met progressive requirements relating to compulsory assessment and/or attendance at classes for the unit of study.

Example

- A person may have failed to sit the final examination and/or a special/supplementary examination on the basis of a special circumstance that applied at the time of the examination.
- However, prior to the special circumstances occurring, the person had not met the ongoing compulsory requirements of the unit, their failure to sit the final examination, and/or the
special examination, may not of itself make it impracticable for them to complete the unit of study.

- The relevant circumstance that made it impracticable for them to complete the unit of study would then be the person did not meet the ongoing compulsory requirements of the unit.
- In the above example the provider may have made a decision not to re-credit the person’s FEE-HELP balance.

After receiving an application, and prior to making a decision, the decision maker may request further evidence from the applicant. This is useful if a person has not provided all evidence and the decision maker believes that it may assist their application.

The provider’s decision to refuse to re-credit some or all of a student’s FEE-HELP balance is a reviewable decision under section 206-1 of HESA. The provider MUST give an applicant a notice of review rights if they make a reviewable decision. For the Code of Practice for Notification of Reviewable Decisions and Rights of Review, see Appendix Q.
Q. Code of Practice for Notification of Reviewable Decisions and Rights of Review by the Administrative Appeals Tribunal

The Code of Practice for Notification of Reviewable Decisions and Rights of Review (Code of Practice), published by the Administrative Appeals Tribunal, sets out the requirements of notices of review of rights.


**Reviewable Decisions**

The following decisions are subject to review [HESA Division 206]:

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
<th>Provision under which decision is made</th>
<th>Decision-maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>1AA</td>
<td>A decision to impose a condition on the approval of a provider</td>
<td>subsection 16-60(1)</td>
<td>The Minister</td>
</tr>
<tr>
<td>1AB</td>
<td>A decision to vary a condition imposed on the approval of a provider</td>
<td>subsection 16-60(2)</td>
<td>The Minister</td>
</tr>
<tr>
<td>1A</td>
<td>A decision that section 36-20 does not apply to a person</td>
<td>section 36-20</td>
<td>(a) the provider with whom the student was enrolled in the unit; or (b) if the *Secretary made the decision the section does not apply—the Secretary</td>
</tr>
<tr>
<td>2</td>
<td>Refusal to re-credit a person’s *FEE-HELP balance</td>
<td>subsection 104-25(1)</td>
<td>(a) the provider with whom the student was enrolled in the unit; or (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary</td>
</tr>
<tr>
<td>2A</td>
<td>Refusal to re-credit a person’s *FEE-HELP balance</td>
<td>subsection 104-25(2)</td>
<td>(a) or (b) *Open Universities Australia; or if the *Secretary made the decision to refuse the re-crediting—the Secretary</td>
</tr>
<tr>
<td>3</td>
<td>Deferral of making an assessment or refusal to defer the making of an assessment</td>
<td>section 154-45</td>
<td>the *Commissioner</td>
</tr>
<tr>
<td>4</td>
<td>Amending the assessment or refusal to amend an assessment</td>
<td>section 154-50</td>
<td>the *Commissioner</td>
</tr>
<tr>
<td>4A</td>
<td>A determination</td>
<td>section 157-20</td>
<td>the *Commissioner</td>
</tr>
</tbody>
</table>

The decisions referred to in items 1A and 2 of the table are made by the provider on the Secretary’s behalf. The decisions referred to in item 2A of the table are made OUA on the Secretary’s behalf.
The provider must provide a person with a Notice of Review Rights if they make a reviewable decision. An example of a notice is as follows:

**THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN A REVIEWABLE DECISION HAS BEEN MADE**

If you think this decision is wrong, you may request reconsideration by someone who was not involved in making this decision. You will need to make your request in writing and must include the following information:

- the date of this decision; and
- the reasons why you are requesting reconsideration.

You should also include any additional evidence that you think is relevant.

Send or deliver the reconsideration request to: [INSERT POSTAL ADDRESS]

Time limits apply. Your application must be made within 28 days [or insert greater time period – but no less than 28 days: *Higher Education Support Act 2003* section 209-10 and subsection 209-10(2)]

[INSERT NAME, POSITION] will:

- review the original decision;
- assess any new evidence provided by you;
- provide you with a written notice of the decision.

If, after [INSERT NAME, POSITION] has reconsidered the decision, you are dissatisfied with the outcome, you may apply to the Administrative Appeals Tribunal (AAT) for a Review of Decision. The application must be lodged at the AAT within 28 days of receiving notice of [INSERT NAME, POSITION]'s decision. You will be provided with further information about this process at the time you are notified of that decision.


A provider’s decision not to re-credit a person’s FEE-HELP balance under section 104-25 of HESA, is an example of a ‘reviewable decision’. The person has a right to a reconsideration of this decision.

**Reconsideration of a Reviewable Decision**

The Secretary has delegated power to reconsider these decisions to review officers of providers. Accordingly, upon receipt of a request for reconsideration, the provider should arrange for a review officer of the provider (other than the first decision-maker), to reconsider the matter and make a decision (under section 209-10 of HESA) either confirming, varying or setting aside the reviewable decision. A 28 day time limit applies to a request for reconsideration of a decision but the person reconsidering the matter can grant an extension of time.
A reconsideration of a reviewable decision occurs when:

- after the reviewable decision is made, the person seeks to have that decision reconsidered internally and have that decision confirmed, varied or set-aside under section 209-10 of HESA. This is done by another officer of the provider than the first decision-maker; or
- a reviewer* decides to reconsider the reviewable decision internally on their own motion and have that decision confirmed, varied or set-aside under section 209-5 of HESA.

Where a reviewable decision has been reconsidered, the person is able to apply to the AAT for a further reconsideration of the reviewable decision. These cases are managed by the department. See section 209-1 of HESA.

The provider must provide a person with a Notice of Review Rights if a decision is made under the following sections of HESA:

- 209-5 Reviewer may reconsider reviewable decisions; and
- 209-10 Reconsideration of reviewable decisions on request.

An example of a notice of review rights where a reviewable decision has been reconsidered is as follows:

**THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN A REVIEWABLE DECISION HAS BEEN RECONSIDERED**

If you disagree with this decision, you may apply to the Administrative Appeals Tribunal for review. The application must be lodged at the Administrative Appeals Tribunal within 28 days of receiving this notice.

This time limit may be extended in limited circumstances by order of the Administrative Appeals Tribunal. The AAT’s address is: [INSERT POSTAL ADDRESS OF NEAREST AAT LOCATION]

If you apply to the Administrative Appeals Tribunal for review of a decision, you may have to pay an application fee of $816 (as at 12 November 2013). This fee is subject to change and you should confirm the fee before you lodge an application. Your application cannot proceed until you pay the application fee or the fee has been waived. If you want to apply to have the fee waived, you will need to make an application for fee waiver to the Administrative Appeals Tribunal.


**Review by the AAT**

Where a reviewable decision has been reconsidered, the person is able to apply to the AAT for review of the reviewable decision.

The AAT send the department a notice of application for review of decision. The department is required to lodge with the AAT:

- a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and citing the reasons for the decision; and
- every other document or part of a document that is in its possession or under its control and is relevant to the review of the decision by the AAT.
The department is required to lodge the documents within 28 days of receiving the notice. The department will request the provider to provide copies of all documents relevant to the matter. These should be sent to the department within five business days from the date of receipt of the department’s email requesting information.

These documents should be sent to the department electronically as attachments to an email as directed by the department in the request. Providers should keep any originals and copies of the documents in accordance with their normal record keeping practices.
R. Pre-2005 and Pre-2008 students

Pre-2005 students

The transitional provisions that were in place for students who began their course of study before 1 January 2005 and were covered by HECS and PELS [Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003 Parts 1 and 2 of Schedule 1] ended on 31 December 2008 regardless of whether a student had completed their course [Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003 Schedule 1 subsection 1(1)(b) and subsection 6.1(b)].

From 1 January 2009 onwards:

- only Australian citizens and permanent humanitarian visa holders are eligible for HELP loans [HESA section 90.5];
- the maximum student contribution amounts in HESA will apply to all Commonwealth supported students unless they are subject to other transitional arrangements; and
- New Zealand citizens and holders of a permanent visa, other than a permanent humanitarian visa, are not eligible for HELP, except for students undertaking a bridging course for overseas-trained professionals.

Students who were covered under the pre-2005 transitional arrangements in 2008, who had not completed their course when the pre-2005 transitional arrangements finished at the end of 2008 may be covered by pre-2008 provisions.

Pre-2008 students

The transitional arrangements relating to pre-2008 students ended on 31 December 2012. This means that all students in these disciplines will be covered by the same Band 3 maximum student contribution amounts in HESA from 1 January 2013.

Providers have been able to set student contribution amounts for units of study in accounting, administration, economics and commerce up to the same maximum as applies under HESA for law, medicine, dentistry and veterinary science for students who commenced their course on or after 1 January 2008.

Under transitional arrangements, the increased maximum student contribution amount affected only Commonwealth supported students who commenced their course of study at a provider on or after 1 January 2008. The previous Band 2 maximum student contribution amount, $8,050 in 2012 indexed, continued to apply to Commonwealth supported students who commenced their studies before this date, in relation to units that end on or before 31 December 2012. These transitional arrangements have now ended.

When is a person a pre-2008 student?

A person is a pre-2008 student for a unit of study if:

- the person commenced a course of study with a provider before 1 January 2008 and was a Commonwealth supported student in relation to a unit of study in that course; and
- the person did not complete the course by 31 December 2007, or if they completed the course, it was:
  - an enabling course undertaken in 2007; or
  - the related course for an honours course of study and they are undertaking the honours course of study; and
• the period over which the person is undertaking the unit of study ends on or before 31 December 2012; and
• the unit of study would have been in the accounting, administration, economics or commerce funding cluster repealed by Schedule 2 of the \textit{Higher Education Legislation Amendment (2007 Budget Measures) Act 2007}. Note that this cluster also included food and hospitality (FOE 1101), personal services (FOE 1103), general education programs (FOE 1201) and other mixed field programs (FOE 1299) [\textit{Higher Education Legislation Amendment (2007 Budget Measures) Act 2007 Item 7 of Schedule 7}].

To be a pre-2008 student there is no requirement the course a student was undertaking as a Commonwealth supported student prior to 2008 was a course in accounting or related disciplines or the student has undertaken units of study in accounting or related disciplines prior to 2008.

The pre-2008 arrangements apply to students who transfer from one course of study to another, including where one course of study is postgraduate and the other undergraduate, or who transfer between providers, as long as they meet the above requirements.

\textbf{When is a person not a pre-2008 student?}

A student can be a pre-2008 student only if they were a Commonwealth supported student for a unit of study undertaken as part of a course of study before 1 January 2008. A person is a Commonwealth supported student in a unit only if they remain enrolled at the end of the census date for the unit. Therefore a person is not a pre-2008 student if they deferred their enrolment or withdrew following enrolment from all units before the end of the first census date for a unit in their course of study.

A person who studied as a HECS student prior to 1 January 2005 but who has not undertaken any study between 1 January 2005 and 31 December 2007 that would make them a Commonwealth supported student will not be a pre-2008 student.

Students are generally subject to the same provisions as existed when they commenced their Commonwealth supported course.

A student who is enrolled in a double or combined degree program is a pre-2008 student if they completed the requirements of only one of the awards on or before 31 December 2007.

A pre-2008 student enrolled in a single degree program and who transfers subsequently to a combined or double degree program remains a pre-2008 student even if they complete the requirements of one of the awards.
S. Incidental fees

The table below lists examples of fees that can be set as incidental fees and an explanation as to why they cannot be included in tuition fees.

<table>
<thead>
<tr>
<th>Examples</th>
<th>Why it can be charged as an incidental fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ A set of tools for that occupation used during the course of study by the student.</td>
<td>The items become the property of the student. The item is essential, but the item can be purchased by the student second hand, or from other supplier, and the item becomes the property of the student.</td>
</tr>
<tr>
<td>▪ Protective clothing determined as essential to the unit of study by the provider.</td>
<td></td>
</tr>
<tr>
<td>▪ Text books</td>
<td></td>
</tr>
<tr>
<td>▪ The accommodation and food component of a residential unit of study.</td>
<td>There are no barriers in HESA to a provider delivering units of study in the manner they determine. Costs that meet the definition of an incidental fee cannot be included in tuition fees for that unit.</td>
</tr>
<tr>
<td>▪ Flights for a unit of study available undertaken as part of a study tour.</td>
<td></td>
</tr>
<tr>
<td>▪ A uniform for a work experience program to obtain licensing - that is not listed as part of the requirements for that qualification in the training package.</td>
<td>As the work experience program is not part of the qualification as defined in the training package then the uniform is not essential to the course of study.</td>
</tr>
<tr>
<td>▪ A fee for a review of grade if a student has already been deemed competent in competencies contained in the VET unit of study, but is seeking to improve their grade.</td>
<td>These are fines or penalties set as a disincentive and not to raise revenue or cover administrative costs.</td>
</tr>
<tr>
<td>▪ Fines or penalties for late enrolments, late variations to enrolments, late withdrawals from a course</td>
<td></td>
</tr>
<tr>
<td>▪ A fee set as a disincentive for students that repeatedly request administrative actions the provider provides for free. For example; a request for credit that has been already been assessed and rejected.</td>
<td></td>
</tr>
<tr>
<td>▪ Charge for damages or non-return of equipment</td>
<td></td>
</tr>
</tbody>
</table>
The table below provides some examples of goods or services that are able to be incorporated into tuition fees set for units of study and an explanation as to why they can be.

<table>
<thead>
<tr>
<th>Examples</th>
<th>Why they can be included in tuition fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Textbooks or materials that are populated by the student with information as part of assessment or that contain a unique single use set of information for assessment, for example, a one-use code required for a one-off compulsory assessment essential to completing a unit of study.</td>
<td>▪ These goods are consumed during course and do not meet the definition of an incidental fee, therefore can be included in the tuition fee.</td>
</tr>
<tr>
<td>▪ Access to provider computer rooms to use particular software only loaded onto computers in that room, that is only available for use through the provider.</td>
<td>▪ Access is essential to the course of study therefore it can be included in the tuition fee.</td>
</tr>
<tr>
<td>▪ A uniform for a placement that is part of the course of study, embroidered with the VET provider’s emblem and student’s name and status as student. The uniform is only available to students of that provider and is determined as essential to the unit of study.</td>
<td>▪ Wearing a uniform is compulsory to undertake placement, therefore is essential to the course of study. The uniform is also not available through any other avenue than through the provider, and so can be included in the tuition fee.</td>
</tr>
<tr>
<td>▪ A set of products used in the occupation that is consumed during the course of study by the student.</td>
<td>▪ These goods are consumed during course and do not meet the definition of an incidental fee, therefore can be included in the tuition fee.</td>
</tr>
</tbody>
</table>
## T. Changes in October 2014 edition

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Updates to information regarding</th>
</tr>
</thead>
<tbody>
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<td>33.19</td>
<td>Certificate of Application for a TFN and eCAFs.</td>
</tr>
<tr>
<td>10. Re-crediting and remission</td>
<td>35.4</td>
<td>Re-crediting and deferral note.</td>
</tr>
<tr>
<td>12. Data reporting</td>
<td>42.3</td>
<td>Update to Re-crediting, remission and/or repayment process</td>
</tr>
</tbody>
</table>