



**Australian Government**

**Department of Education, Skills and Employment**

# **FEE-HELP Provider Application Guide**

Document publishing date (November 2021)

## Version control

Version	Date	Summary of changes
1.0	22/05/2013	Initial document
1.1	27/11/2013	Change of department name and links
1.2	19/05/2014	Update to links and departmental references
1.3	05/11/2014	Updated contact number
1.4	07/05/2015	Change of department name and links
1.5	18/01/2018	Document update
1.6	28/3/2019	Updated for Integrity measures and removal of VFH
1.7	23/3/2020	Document update including department name and links
1.8	30/07/2021	Document update
1.9	1/11/2021	Updated TPS contact details

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# 1. Overview and guide to the application process

FEE-HELP is a loan scheme that can assist eligible students to pay their tuition fees. The loans are provided to students by an approved education provider and funded by the Australian Government. The higher education provider (HEP) must be approved as a FEE-HELP provider before its students can receive assistance.

This application guide covers the requirements that HEP applicants must address to become approved FEE-HELP providers. For each requirement the guide provides a checklist of information that must be given to the Department of Education, Skills and Employment (the department), reference to the legislative requirements, and a detailed discussion of the requirements.

Please note that giving false or misleading information is a serious offence under the *Criminal Code Act 1995*.

Once approved, FEE-HELP providers should refer to the [Administrative information for higher education providers](#) document (see Appendix 3, section A3.4).

## 1.1 What this guide does not cover

This guide does not cover the HECS-HELP, OS-HELP or VET Student Loan (VSL) schemes.

Students looking for assistance should refer to the [Study Assist website](#).

## 1.2 How the loan scheme works

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

The combined HELP loan limit is a cap on what a student can borrow from the Australian Government to cover the costs of his/her tuition fees. The HELP loan limit replaced the FEE-HELP limit on 1 January 2020.

For 2021, the HELP loan limit is \$108,232 for most students. The limit for students studying medicine, dentistry and veterinary science courses leading to initial registration, or eligible aviation courses is \$155,448.

## 1.3 Legislative environment

The FEE-HELP loan scheme was established under the *Higher Education Support Act 2003* (the [Act](#) see Appendix 3, section A3.3) and associated legislative guidelines. The Act and guidelines should be read together to fully understand the legislative context. All applicants are responsible for ensuring they are familiar with the legislative requirements.

## 1.4 Higher Education Loan Program (HELP) Charging Measures

The Australian Government introduced two Higher Education Loan Program (HELP) charges for HEPs in the 2019-20 Federal Budget: an application fee and an annual charge. The charges commence

from 1 January 2020, and will help cover the Commonwealth Government's cost of administering the HECS HELP and FEE HELP programs. Legislation for these two charges received passage in Parliament on 15 October 2019.

The charges include:

- an application fee for HEPs seeking approval to offer FEE-HELP under the *Higher Education Support Act 2003*. This will recover the Commonwealth's full costs of administering and assessing applications
- an annual charge for all HEPs whose students are entitled to HECS-HELP and/or FEE-HELP assistance. This will partially recover the costs incurred by the Commonwealth in administering these programs.

The [Cost Recovery Implementation Statement \(CRIS\)](#) outlines the costs for each regulatory activity, and how the application fee and annual charge rates have been determined. Financial and non-financial performance information for these cost recovery activities was also included.

Once an application is lodged, the Applicant is required to pay the application fee to the department. Applications will be assessed within 90 days of receipt of the application fee. If further information is required this will extend the assessment period by a further 60 days after the deadline given for the provision of the additional information.

Please email the FEE-HELP team at [FEE-HELP@dese.gov.au](mailto:FEE-HELP@dese.gov.au) to initiate payment of your application fee.

## 1.5 Helpful checklist for completing your FEE-HELP application

To ensure applicants submit an application to a suitable standard, please consider the following points:

- Ensure documents have been double checked for spelling and grammatical mistakes.
- Submit documents with clear and easy-to-follow naming conventions.
- Submit financial projections in excel, not PDF.
- Double check that your financial projections total correctly.

## 1.6 Making an application

To apply to become a FEE-HELP provider, your organisation has to meet a set of requirements. To submit the application you will need to use the HELP Information Technology System ([HITS](#)).

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

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

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

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

You should regularly check the progress of your organisation's application by logging onto [HITS](#). You may also receive notifications through the system.

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

- This document, the [FEE-HELP Provider Application Guide](#) (the application guide), which covers how to apply.
- The [Financial Viability Instructions \(FVI\)](#), which covers the financial information required, and how financial viability will be assessed.
- The [HITS user guide](#) which cover how to use HITS.

## 1.7 Getting access to HITS

To apply to become a FEE-HELP provider, go to the link on the [Department of Education, Skills and Employment website](#) and complete the registration process. You will need to know the [Tertiary Education Quality and Standards Agency](#) (TEQSA) code for your organisation to do this. This will create one registered logon for your organisation. The registered user will then be notified on how to create additional users.

## 1.8 Information required from applicants

Organisations must provide full documentation about all requirements to the department using HITS.

If your organisation is already a provider in one sector, either higher education or vocational education and training, and wishes to apply to become a provider in the other sector, the department may already have some of the required information. In that case, your organisation does not have to provide that information again if it is still current. For example, this could be previously submitted audited financial statements.

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

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

In the case where your organisation is VSL-approved provider, you will be referred to as a 'dual applicant' in HITS.

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

Please note that giving false or misleading information is a serious offence under the *Criminal Code Act 1995*.

## 1.9 Approval timeline

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

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

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

The Minister must present the decision to Parliament. The Parliament has 15 sitting days (when both Houses of the Parliament are in session) to disallow the Minister's decision. For the dates when Parliament is sitting, see the [Parliamentary Sitting Calendar](#) (see Appendix 3, Section A3.4).

## 1.10 Enquiries

Enquiries about the application process or a specific application can be sent to the FEE-HELP Enquiries inbox at [FEE-HELP@dese.gov.au](mailto:FEE-HELP@dese.gov.au).



## 2. Applicant eligibility and requirements

### Legislative references

Sector	Section
HEP	sections 16-25 and 16-40 of the Act

In order to be eligible to offer FEE-HELP, your organisation must meet requirements in the [Act](#) and related legislation such as guidelines and ministerial notices.

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

### 2.1 Listed higher education providers

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

### 2.2 Organisation

Your organisation must:

- be a [body corporate](#)
- pass the ['fit and proper person' test](#)
- have its [business, management and control in Australia](#)
- have, or be taken to have, education as its [principal purpose](#)
- be a [registered educational organisation](#).

### 2.3 Courses

Your organisation must:

- offer at least one [eligible course](#),
- be party to the [Tuition Protection Service](#) (TPS) for all eligible courses, or be exempted by the department from the requirement, subject to conditions.

More information about TPS is available at the following link: <https://tps.gov.au/Home>.

If you have any questions relating to TPS or your obligations as a provider, please email your enquiry to [administrator@tps.gov.au](mailto:administrator@tps.gov.au).

### 2.4 Financial viability

Your organisation must:

- be, and likely to remain, [financially viable](#).

### 2.5 Fairness and privacy

Your organisation must:

- meet the requirements to ensure it treats its students [fairly and meets the privacy requirements](#).

## 2.6 Fees

Your organisation must:

- administer its [fees](#) correctly.

## 2.7 Compliance with ongoing requirements

Once approved as a FEE-HELP provider, your organisation needs to be able to:

- [administer the FEE-HELP loan scheme](#)
- provide [data](#) to the department.

## 3. Organisation

### 3.1 Checklist for organisational requirements

All applicants, except [‘listed higher education providers’](#), must provide this information.

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

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

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

- [Senior Authorised Officers’ Statutory Declaration](#)

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

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

Organisations that are a specified body and are applying to be a VSL provider must also upload these documents to HITS in the ‘Organisation information; establishing document’ category.

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

## 3.2 Body corporate requirement

### Legislative references

Sector	Section or Chapter
HEP	section 16-1, section 16-40(1), section 16-40(1A) of the Act

All applying organisations, except those who are a [specified](#) body, must be body corporate legal entities recognised under Australian law. However, a body other than a body corporate may be approved under this Division as a *higher education provider* if the Minister approves in writing an exemption of a body for the purposes of this section of the Act, if the body is established by or under a law of the Commonwealth, a State or a Territory. The legal entity or specified body seeking approval must be the legal entity recorded on the relevant national register, which is the National Register of higher education providers ([TEQSA](#) see Appendix 3, Section A3.4) for HEP applicants.

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

A body corporate that is a registered HEP may apply, in writing, to the Minister for approval as a higher education provider under this Act. However, if the body corporate made an earlier application and the Minister decided not to approve the earlier application, the body corporate cannot make another application, within 6 months after the day on which notice of the decision on the earlier application was given to the body corporate.

### 3.2.1 Organisations that are a specified body

Organisations that are established under state vocational education and training legislation are known as 'specified bodies'. The legislation is:

- Australian Capital Territory: *Canberra Institute of Technology Act 1987*;
- New South Wales: *Technical and Further Education Commission Act 1990 No 118*;
- Queensland: *Vocational Education and Training (Commonwealth Powers) Act 2012*;
- South Australia: *TAFE SA Act 2012*;
- Victoria: *Education and Training Reform Act 2006*;
- Western Australia: *Vocational Education and Training Act 1996*; or
- Tasmania: *Training and Workforce Development Act 2013*.

## 3.3 Contact people

Your organisation must provide details of at least one primary contact person, plus four additional contact persons (to make a minimum of five contact people). These persons must include the:

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

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

Contact details for all five people must be lodged or updated in the [HITS](#) system.

## 3.4 'Fit and Proper Person' requirement

### Legislative references

Sector	Section
HEP	Paragraph 16-25(1)(g) of the Act

### Specified bodies

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

### Organisations that are not a specified body

The 'fit and proper person' requirements mean that the Minister must be satisfied that your organisation and each person who makes, or participates in making, decisions that affect the whole or a substantial part of the body corporate's affairs is a fit and proper person. In making the decision, the Minister must consider the issues in the [Higher Education Support \(Fit and Proper Person\) Instrument](#) (see Appendix 3, Section A3.3).

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

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

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

1. (Note that some of the below statements relate specifically to the *VET Student loans Act 2016* and may or may not be applicable. Has the provider or any Key Personnel been convicted of an offence against, or ordered to pay a pecuniary penalty under, a law of the Commonwealth or a State or Territory?
2. Is the provider or any Key Personnel currently involved in proceedings before a court or tribunal?
3. Has the provider or any Key Personnel:
  - a. been insolvent or bankrupt; or
  - b. taken steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
  - c. compounded with one or more creditors; or
  - d. assigned remuneration for the benefit of one or more creditors; or
  - e. been under external administration (within the meaning of subsection 600H(2) of the *Corporations Act 2001*); or
  - f. have outstanding debts to the Commonwealth.

4. Has the provider or any Key Personnel been involved in or with an entity that has had a registration, approval or arrangement cancelled, revoked or suspended as
  - a registered training organisation (RTO) within the meaning of the *National Vocational Education and Training Regulator Act 2011*;
  - a registered higher education provider under the *Tertiary Education Quality and Standards Agency Act 2011*;
  - an approved course provider under the VSL Act; or
  - an approved higher education provider under the *Higher Education Support Act 2003* (HESA);
  - an approved VET provider under Schedule 1A to the HESA;
  - a subsidy funding arrangement with a State or Territory for the provision of education by the provider or person.
  
5. Has the provider or any Key Personnel been involved in or with an entity that has had any conditions imposed on a registration, approval or arrangement mentioned in Question 4, or breached such a condition?
  
6. Has the provider or any Key Personnel been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*?
  
7. Has the provider or any Key Personnel supplied false or misleading information to a regulatory body or authority where it is reasonable to assume the provider/Key Personnel knew the information was false or misleading to the relevant regulatory bodies or authorities being:
  - a body of a State or Territory that registers educational providers;
  - the National VET Regulator;
  - the Tertiary Education Quality and Standards Agency;
  - the Minister, the Department or the Secretary;
  - an authority of a State or Territory that deals with subsidy funding arrangements for education.
  
8. Has the provider or any Key Personnel been found to not be a fit and proper person under one or more of the following:
  - a. the VSL Act;
  - b. the *Australian Education Act 2013*;
  - c. the *Education Services for Overseas Students Act 2000*;
  - d. the HESA;
  - e. the *National Vocational Education and Training Regulator Act 2011*;
  - f. the *Tertiary Education Quality Standards Agency Act 2011*;
  - g. the *Higher Education Standards Framework (Threshold Standards) 2015*;
  - h. subsidy funding arrangements with a State or Territory for the provision of education.
  
9. Has the provider, its agents, or any Key Personnel, engaged in conduct that reasonably suggests a deliberate pattern of unethical behaviour or of acting inconsistently with Commonwealth, State or Territory laws in relation to the provision of education or training?

10. Is there any information relevant to the provider’s business dealings that demonstrate a lack of honesty, knowledge and ability of any Key Personnel?

If your organisation answers ‘Yes’ to any of these questions, you must provide an explanation. You may need to upload supporting documents to HITS.

### 3.5 Business, management and control in Australia requirement

#### Legislative references

Sector	Section
HEP	Paragraph 16-25(1)(a) of the Act

All applying organisations must carry on their business in Australia. The business must be managed and controlled in Australia.

### 3.6 Principal purpose requirement

#### Legislative references

Sector	Section
HEP	Paragraph 16-25(1)(aa) and 16-25 (2) of the Act

All applying organisations, except those in the higher education sector, should have the provision of education as their principal purpose. Higher education providers can have either or both research or education as the principle purpose.

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

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

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

## 3.7 Registered educational organisation requirement

### Legislative references

Sector	Section
HEP	Paragraph 16-25(1)(b) of the Act

#### 3.7.1 HEP applicants

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

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

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



## 4. Courses

### 4.1 Checklist for the course requirement

All applicants, except listed higher education providers (as stated above), must provide this information.

#### Enter in HITS—Course details

Tuition assurance scheme (Tuition Protection Service), 'Other approved Scheme' for all applicable courses. Ensure all course listing has a status of 'active'.

For further information refer to Paragraph 4.3 below - Tuition assurance requirements.

### 4.2 Course requirement

#### Legislative references

Sector	Section
HEP	Paragraphs 16-25(1)(da) and 16-25(1)(db) of the Act

Higher education providers must offer at least one eligible course of study that leads to a higher education award. This course of study must be an accredited course provided by your organisation.

HITS will show a list of all your organisation's eligible courses, if the courses are on [TEQSA](#) (see Appendix 3, Section A3.4).

### 4.3 Tuition assurance requirement

#### Legislative references

Sector	Section
HEP	section 16-30, and paragraph 16-25(1)(c) of the Act and chapters 2 and 3 of the <i>Higher Education Provider Guidelines 2012 (HEP Guidelines)</i>

From 1 January 2020, the Australian Government has expanded the successful Tuition Protection Service (TPS) for international students to include similar protections for domestic students accessing HECS-HELP or FEE-HELP loan at a private HEP.

All non-exempt HEPs are required to participate in the Tuition Protection arrangements. The Tuition Protection arrangements impose obligations and requirements on providers; and provide support and protections for FEE-HELP students in the event their private HEP defaults.

The new tuition protection arrangements are sector-funded and underpinned by a sustainable provider levy framework. The levy framework - developed by the Australian Government Actuary - will cover the long-term costs of tuition protection by requiring all non-exempt HEPs to contribute annual levies commensurate with their size and risk.

In the event of a provider default, FEE-HELP students will be supported to continue their studies in an equivalent or similar course. In some circumstances, students may be entitled to receive a loan re-credit for parts of the course commenced but not completed.

A body corporate seeking to be approved by the Minister as a FEE-HELP provider or any higher education provider other than a Table A provider which considers that adequate grounds exist for it to be exempted from complying with the *tuition assurance requirements* under section 19-40 of the *Act*, should apply to the Minister in writing setting out those grounds. Written exemptions will need to be uploaded in HITS.

## 5. Financial

### 5.1 Checklist for the financial viability requirement

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

Upload the following documents to HITS in the 'Financial Requirements' category.

- All documents specified in Appendix 4, Section A4.2. This list is also available as the Financial viability checklist for applicants, in the *Financial Viability Instructions* document.

### 5.2 Financial viability requirement

#### Legislative references

Sector	Section
HEP	section 19-5 of the Act

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

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

## 6. Fairness

### 6.1 Checklist for the fairness and privacy requirement

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

#### Fairness

Upload the following documents to HITS in the 'Procedural requirements; fair treatment and equal opportunity requirement' category.

- Policy or procedures showing fair treatment and equal opportunities for students and prospective students. This document must include details of how your organisation selects students for admission. This must include:
  - Details of how selection procedures are published
  - Entry criteria (educational and other)
  - Selection methodology
  - A copy of the student application for admission, or similar forms used for student selection

#### Grievances

Upload this document to HITS in the 'Procedural requirements; grievance requirement' category.

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

#### Privacy

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

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

### 6.2 Fairness requirements

#### Legislative references

Sector	Section
HEP	Subdivision 19-D of the Act

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

Your organisation must have open, fair and transparent procedures that are based on merit for making decisions among persons who seek to enrol and the treatment of students who are to

benefit from Australian Government assistance. When making such decisions, your organisation may take into account any educational disadvantage that a student may have experienced.

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

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

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

## 6.3 Grievances

### Legislative references

Sector	Section
HEP	section 19-45 of the Act and chapter 4 of the HEP Guidelines

Your organisation must have a grievance procedure for complaints about:

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

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

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

Your organisation must have a mechanism in place to implement the grievance procedures, including implementation of recommendations arising from any external review of decisions.

The procedure for handling grievances and complaints must:

- show clearly that it applies regardless of the campus at which the grievance has arisen, the person's place of residence or mode of study (if applicable)
- be published on your website for public access
- encourage timely resolution of matters

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

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

#### **Stage one—Formal complaint**

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

#### **Stage two—Internal review**

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

#### **Stage three—External review**

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

Your organisation is also required to provide information of any other complaint mechanisms available to students, or persons, to complain about your decisions.

## 6.4 Privacy

### Legislative references

Sector	Section
HEP	section 19-60 of the Act

Once approved as a FEE-HELP higher education provider, your organisation must comply with the information privacy principles (Schedule 1 of the [Privacy Act 1988](#), see attached Appendix 3, Section A3.3). Your organisation's procedures must contain a statement that your organisation complies with the *Privacy Act 1988* and that a student may apply for and receive a copy of the personal information held by the applicant that relates to that student.

## 7. Fees

### 7.1 Checklist for fees

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

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

- The completed [Fees requirement form](#)
- A copy of your organisation's refund policy and student review procedure for re-credit of their FEE-HELP balance and remission of their FEE-HELP debt

### 7.2 Fees requirements

#### Legislative references

Sector	Section
HEP	Subdivision 19-F of the Act and chapters 5, 6 and 7 of the <i>HEP Guidelines</i>

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

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

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

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

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

### 7.3 Tuition fees

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

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



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

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

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

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

More information about charging fees is available for HEP applicants in the [HEP administration information for Providers](#) document (see Section 25).

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

### **7.3.1 Equivalent full-time student load**

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

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

## Determining EFTSL for units of study

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

This can be done using:

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

### Example 1: Diploma of Hairdressing course

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

Unit	Hours	Calculation	EFTSL
Unit A	240	240/720	0.3333
Unit B	120	120/720	0.1667
Unit C	120	120/720	0.1667
Unit D	120	120/720	0.1667
Unit E	120	120/720	0.1667
Total	720		1.0000

### Example 2: Bachelor of Business course

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

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

Unit	Credit points	Calculation	EFTSL
Unit A	2	2/16	0.125
Unit B	2	2/16	0.125
Unit C	4	4/16	0.250
Unit D	4	4/16	0.250
Unit E	4	4/16	0.250
Total	16		1.000

### Example 3: Graduate Certificate in Digital Education course

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

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

Unit	credit points	Calculation	EFTSL
Unit 1	1	$(1/8)/2$	0.0625
Unit 2	1	$(1/8)/2$	0.0625
Unit 3	1	$(1/8)/2$	0.0625
Unit 4	1	$(1/8)/2$	0.0625
Unit 5	1	$(1/8)/2$	0.0625
Unit 6	1	$(1/8)/2$	0.0625
Unit 7	1	$(1/8)/2$	0.0625
Unit 8	1	$(1/8)/2$	0.0625
<b>Total</b>	8		0.5

## 7.4 Incidental fees

### Legislative references

Sector	Section
HEP	section 19-102 of the Act and chapter 7 of the HEP Guidelines

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

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

- a) Goods or services not essential to the course, e.g. access to internet and computer facilities, if they are not essential; printing notes from the internet or disc; or graduation ceremonies, if students are not required to attend the ceremony to obtain their award.
- b) Essential goods and services that students can get in another way for no cost from the applicant, e.g. lecture notes or tapes, if lectures are made readily available to students free of charge; or reading material, such as anthologies of required readings, provided that these texts are also made readily available free of charge.
- c) Essential goods or services that students can get from other suppliers as well as the applicant, as long as they are:
  - i) equipment or items that become the student's physical property and are not consumed in the course, e.g.:
    - artwork supplies
    - fabric for sewing class
    - protective clothing or footwear
    - tool kits

- stethoscopes
  - dance shoes
  - reference texts.
- ii) food, transport and accommodation costs for field/interstate/overseas trips that are part of the course, e.g.:
- meals, snacks, beverages
  - bus tickets or airfares
  - hotels or camping fees.
- d) Fines or penalties that are not to raise revenue or cover administrative costs, e.g. fines or penalties for late enrolments, late variations to enrolments, late withdrawals from a course; or a review of grade, if a student has already passed the subject, but wants to improve their grade.

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

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

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

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

## 7.5 Refunds

### Legislative references

Sector	Section
HEP	section 169-15(3) of the Act

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

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

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

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

### 7.5.1 Census date

#### Legislative references

Sector	Section
HEP	subsection 169-25 of the Act and Chapter 6.30.1 of the Administration Guidelines 2012

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

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

Your organisation must publish the census date for each unit on or before the earliest enrolment date as determined by your organisation.

### 7.5.2 Review of loan scheme decisions

#### Legislative references

Sector	Section
HEP	section 104-25 of the Act

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

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

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

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

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

Student review documents must contain at least the following:

- advice that a student may apply, in writing, to have their FEE-HELP balance re-credited and HELP debt remitted under special circumstances that:
  - are beyond the person's control, and
  - do not make their full impact on the person until on or after the census date for the unit of study in question, and
  - make it impracticable for the person to complete the requirements for the unit in the period during which the person undertook, or was to undertake, the unit
- the process for re-crediting a person's FEE-HELP balance which must be in accordance with the guidelines and provide reasonable timelines for each stage of the process.
- advice that a student may make an application to have his or her FEE-HELP balance re-credited within 12 months of the withdrawal date for a unit or, if the student has not withdrawn, within 12 months of the end of the period in which the unit was to be undertaken.
- advice that the 12-month period may be extended on the grounds that it was not possible to apply within the 12 months period.
- details of the person/position making the initial decision on a student's request for a re-credit of his or her FEE-HELP balance.
- if the student wishes to request a review of the decision, this must be made within 28 days of receipt of the original decision. The request must include:
  - the date of the original decision
  - fully state the reasons for applying for the review
  - any additional relevant evidence.
- details of the review officer who would review the decision should a student's request be declined—this person must not have been involved in making the original decision and must occupy a position that is senior to the original decision maker (this should be clear in the document).
- advice that receipt of a request for review of a decision not to re-credit a student's FEE-HELP balance will be acknowledged in writing. This will inform the student that, if the reviewer has not advised the student of a decision within 45 days of receiving the request for review, the reviewer is taken to have confirmed the original decision
- the review officer will provide a written decision to the student, including reasons for the decision and advice that a student has the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the original decision or a decision that has been reviewed.
- contact details of the nearest registry of the AAT and the approximate cost of lodging an appeal with the AAT and that this cost can change. Students should be aware that the department will be the other party in any case in the AAT. All relevant documents will be forwarded to the department.

## **Review officers**

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

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

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

## 7.6 HEP-only fees

### Legislative references

Sector	Section
HEP	section 19-67 of the Act

### 7.6.1 Student services and amenities fee

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

If your organisation is a HEP, it cannot require a student to join an organisation of students and pay a fee to cover the cost of student services and amenities. After the approval, a HEP must confirm its readiness to comply with these provisions.

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

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

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

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

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

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

## 7.6.2 Fees for overseas students

### Legislative references

Sector	Section
HEP	paragraph 19-102(3)(d) of the Act and chapter 6 of the <i>HEP Guidelines</i>

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

Chapter 6 of the *Higher Education Provider Guidelines 2012* requires a HEP to charge all overseas students a fee for their course that is sufficient to recover the full average cost of providing the course to those students. The fee must be no less than the relevant minimum indicative course fee specified in the *HEP Guidelines*, except where a course is provided wholly offshore and students will not, at any stage, enter Australia; or the department has granted approval to charge less than the minimum indicative fee.



## 8. Administering the loan scheme and ongoing compliance

### 8.1 Checklist for ongoing compliance requirements

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

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

- [Declaration of Compliance Reporting Requirements](#) (see Appendix 1, Section A1.1.3)

### 8.2 Initial operation

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

- Reporting of statistical information
- Access to Department Systems Form and Terms and Conditions
- Information for the Study Assist website
- Completed Vendor Information Request
- Recipient Created Tax Invoice (RCTI) Agreement
- Estimate of FEE-HELP Advance Payments

#### 8.2.1 Information to be published

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

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

### 8.3 Ongoing compliance

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

Ongoing compliance includes a commitment to [reporting data](#) to the department.

## 8.4 Data reporting requirements

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

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

The department maintains an interface for providers to validate and submit data. Information about the current software (HEPCAT) and the upcoming TCSI solution is available at the [HEIMSHHELP website](#) and Transforming the Collection of Student Information (TCSI) Resources page (see Appendix 3, Section A3.4).

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

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

### 8.4.1 Data reporting specifications

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

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

These specifications are listed on the Tertiary Collection of Student Information (TCSI) website.

# Appendix 1 Application forms

All forms are on the Applying to become a HELP provider webpage:

<https://www.dese.gov.au/help-and-other-information/applying-become-help-provider/applying-become-feehelp-provider>

## A1.1 Mandatory forms

### A1.1.1 Senior Authorised Officers' Statutory Declaration

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

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

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

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

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

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

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

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

### **A1.1.2** [Fees Requirements Form](#)

This form has four tables:

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

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

[Declaration of Compliance Reporting Requirements](#). With this form your organisation signs that it will comply with the ongoing data reporting statistical information requirements.

## Appendix 2 Terms used in this document

Some commonly used terms in this application guide are:

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

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

**Course** is a course of study that leads to a higher education award (for higher education providers).

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

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

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

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

**Loan scheme** refers to the FEE-HELP scheme.

**Provider** means higher education provider.

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

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

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

**VET** means vocational education and training.

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

## Appendix 3 Useful references

### A3.1 Contacts

Department of Education, Skills and Employment

#### Email enquiries

Enquiries about the loan schemes, student support policies and HITS:

[FEE-HELP@dese.gov.au](mailto:FEE-HELP@dese.gov.au)

HELP and Provider Integrity Branch  
Higher Education Division  
Department of Education, Skills and Employment

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

#### TCSI Support

#### Email enquiries

### A3.2 [TCSIsupport@dese.gov.au](mailto:TCSIsupport@dese.gov.au) Links to apply to be a HELP provider

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

<https://www.dese.gov.au/help-and-other-information/applying-become-help-provider/applying-become-feehelp-provider>

Register to use HITS

<https://extranet.education.gov.au/HESystemHits/Registration/Eligibility>

Use HITS

<https://extranet.education.gov.au/FrontDoor/>

Legislation

<https://www.dese.gov.au/higher-education-loan-program/help-resources-providers>

### A3.3 Legislation and guidelines

#### HEP

*Higher Education Support Act 2003*

<https://www.legislation.gov.au/Series/C2004A01234>

*Higher Education Support (Fit and Proper Person) Instrument 2019*

<https://www.legislation.gov.au/Details/F2019L01682>

#### Higher education

*Higher Education Provider Guidelines 2012*

<https://www.legislation.gov.au/Series/F2012L02136>

*Administration Guidelines 2012*

<https://www.legislation.gov.au/Series/F2011L02604>

*The Tertiary Education Quality and Standards Agency Act 2011*

<https://www.legislation.gov.au/Series/C2011A00073>

*Education Services for Overseas Students Act 2000*

<https://www.legislation.gov.au/Series/C2004A00757>

### **Other relevant legislation**

*Privacy (Tax File Number) Rule 2015*

<https://www.legislation.gov.au/Details/F2015L00249>

*Privacy Act 1988*

<https://www.legislation.gov.au/Series/C2004A03712>

*Corporations Act 2001*

<https://www.legislation.gov.au/Series/C2004A00818>

## **A3.4 Links for other information for providers**

### **Administrative information**

Administrative information for providers

<https://www.dese.gov.au/higher-education-loan-program/help-resources-providers>

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

<https://www.dese.gov.au/help-and-other-information/approved-hep-information/funding-clusters-and-indexed-rates>

### **Data reporting**

TCSI - website provides advice about the collection of statistical information, reporting requirements.

<https://www.tcsisupport.gov.au/>

### **National educational registers**

National Register of higher education providers

<http://www.teqsa.gov.au/national-register>

### **Other relevant links**

Information for students

<http://studyassist.gov.au>

Guidelines for the certification of documents

<https://www.dese.gov.au/help-and-other-information/applying-become-help-provider/guidelines-certification-documents>

Parliamentary Sitting Calendar

[http://www.aph.gov.au/About Parliament/Sitting Calendar](http://www.aph.gov.au/About_Parliament/Sitting_Calendar)

The Australian Qualifications Framework (AQF)

<http://aqf.edu.au>



## Appendix 4 Summary checklist for application

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

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

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

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

### A4.1 Summary checklist for organisational requirements

**All organisations must enter into HITS:**

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

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

- [Senior Authorised Officers' Statutory Declaration](#)

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

- Certificate of incorporation (incorporated associations) or certificate of registration (registered/incorporated companies)
- If applicable, registration of change of name certificates
- For incorporated associations, a [certified copy](#) of the latest annual meeting minutes
- If applicable, current certificate/s of registration of business (trading) name, with the applicant as proprietor

- If applicable, copy of the relevant trust deed
- A [certified copy](#) of the constitution or memorandum and articles of association

## A4.2 Summary checklist for financial viability

**From all applicants (excluding specified kinds of bodies or organisations established to provide higher education under the legislation specified at paragraphs 2.1.1 to 2.1.7) in accordance with paragraph 2.5 of the FVI:**

- Current audited annual financial statements prepared in accordance with Appendix 2 of the FVI
- Auditor's independence declaration
- Independent auditor's report
- Certificate of the auditor
- Previous three annual financial statements prepared in accordance with Appendix 2 of the FVI
- Completed Financial Performance in HITS
- Declaration of statutory obligations
- Business/strategic plan
- Student enrolments
- Budget forecasts
- Staff employees

**From all other applicants, in accordance with paragraph 2.6 of the FVI:**

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

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

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

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

- A written statement from the applicant's legal advisor
- A certified copy of the trustee deed
- A written statement from the applicant's public accountant

### **A4.3 Summary checklist for fairness and privacy**

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

#### **Fairness**

- Policy or procedures showing fair treatment and equal opportunities for students and prospective students. This document must include details of how your organisation selects students for admission. This must include:
  - Details of how selection procedures are published
  - Entry criteria (educational and other)
  - Selection methodology
  - A copy of the student application for admission, or similar forms used for student selection

#### **Grievances**

**Upload this document to HITS in the 'Procedural information; grievance requirement' category.**

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

#### **Privacy**

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

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

## A4.4 Summary checklist for fees

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

- The completed [Fees requirement form](#)
- Your organisation's refund policy and the student review procedure for re-credit of their FEE-HELP balance and remission of their FEE-HELP debt

## A4.5 Summary checklist for compliance with ongoing requirements

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

- [Declaration of Compliance Reporting Requirements](#)