



Australian Government  
Department of Education

# Higher Education Administrative Information for Providers (AIP)

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## ISBN



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The resource must be attributed as the 'Higher Education Administrative Information for Providers'. This resource is intended to provide general guidance only and is not intended as, and should not be relied on as, legal advice.

The Department of Education has endeavoured to ensure that the information in this resource is consistent with the *Higher Education Support Act 2003* (the Act) and guidelines made under the Act, available at [www.legislation.gov.au](http://www.legislation.gov.au). However, should there be inconsistency between this resource and the Act or guidelines, the Act will take precedence.

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# 1. General information

The Higher Education Administrative Information for Providers (AIP) is designed to help higher education providers (providers) understand their obligations under the *Higher Education Support Act 2003* (HESA), legislative instruments made under HESA, and other Australian Government legislation. It explains the rules and procedures associated with administering:

- places for Commonwealth supported students
- tuition fees for domestic and overseas fee-paying students
- the student services and amenities fee
- the Higher Education Loan Program (HELP)
- other Australian Government higher education support arrangements

Where the term 'unit of study' is mentioned in the AIP, it may also refer to an 'accelerator program course', as is relevant to STARTUP-HELP.

The form a student must complete to access Commonwealth assistance may be referred to as: a Commonwealth Assistance Form (CAF); an electronic Commonwealth Assistance Form (eCAF), or the name of the form relevant to the loan type, for example: *Request for a Commonwealth supported place and HECS-HELP loan form* or *Request for a FEE-HELP loan form*.

## 1.1 - Legislation, guidelines and determinations

The AIP should be read in conjunction with HESA, including its notes, which provides information on application, saving and transitional provisions. The AIP should also be read in conjunction with other associated legislation and guidelines, which are the primary sources of requirements with which providers must comply. The AIP is intended to provide general guidance only and is not intended as, and should not be relied on as, legal advice. Providers should seek their own legal advice to understand their obligations under HESA and other Commonwealth legislation. Relevant sections of legislation and guidelines are referenced throughout the AIP.

### Examples

References in the AIP will appear as follows:

- Legislation: [HESA section 19-30]
- HESA guidelines: [FEE-HELP Guidelines chapter 3]
- Other parts within the AIP: [part 26.3]
- Appendices within the AIP: [Appendix A]

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 that providers consult the Federal Register of Legislation

([www.legislation.gov.au](http://www.legislation.gov.au)) for the latest updates. The provisions of legislation, guidelines or Ministerial determinations will prevail where there is inconsistency between these and the content of the AIP. For a full list of the terminology used in the AIP, see [\[Appendix B\]](#).

Words included from HESA that contain an asterisk\* indicate that the term is defined in HESA.

## 1.2 - Open Universities Australia

While Open Universities Australia (OUA) is not defined as a provider under HESA, it is subject to specific provisions of HESA. Where the AIP refers to providers and to students undertaking studies with a provider, that information also applies to OUA and OUA students where relevant, unless indicated otherwise. Where there is a specific requirement for OUA, this is set out in the AIP.

## 1.3 - Fairness requirements

HESA details the fairness requirements for the treatment of students who 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]. The fairness requirements are a part of the Quality and Accountability requirements set out in Division 19 and operate as criteria that the Minister (or delegate) is to apply when considering approval of a higher education provider under HESA, and continues to apply to providers after they have been approved. Failure to comply with the fairness requirements may also lead to the Minister (or delegate) taking further compliance action under HESA [HESA section 19-82] and could lead to revocation of approval (for cause) [HESA subdivision 22B, section 22-15].

A provider must treat all its 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 the relevant circumstances. There are situations in which the fair treatment of students may result in students being treated differently if they are in different circumstances.

## 1.4 - Equal access to Commonwealth benefits

Where a provider receives a grant or access to assistance under Chapters 2 and 3 of HESA in respect of students or 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 students and all of the students in that class [HESA subsection 19-35(1)].

The Australian Government, through arrangements with the providers, provides grants and assistance under Chapters 2 and 3 of HESA to benefit students through:

- Commonwealth supported places (CSPs) made available under the Commonwealth Grant Scheme (CGS)
- student loans offered through HELP

- various scholarships for disadvantaged students and research students, including through the Research Training Program (RTP)
- various equity programs providing additional support for designated equity groups.

## 1.5 - Application of merit in selection of students

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

### **Application of merit**

The application of merit in decision-making would generally involve a provider considering each application on a case-by-case basis and not applying inflexible policies that may preclude students benefitting from a grant, allocation, or payment.

### **No income test**

A provider may not apply an income test when making decisions about which of their students are to receive a CSP. A provider may not exclude high-income students, or students whose parents have a high income, from having their application for a CSP considered.

### **Membership of a particular group**

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

### **Educational disadvantage**

When selecting students, a provider can take educational disadvantages that a particular student has experienced into account [HESA subsections 19-35(3) and 19-35(6)]. This should involve considering the actual disadvantages that a particular student has experienced.

Where there is no clear evidence that a student has suffered educational disadvantage, a provider should not use proxy indicators – for example, the student being from a low socio-economic group or a rural area – to decide whether the student has suffered disadvantage. Not all students who satisfy a proxy indicator will have experienced educational disadvantage. Instead, a provider must consider a particular student's specific circumstances.

## 1.6 - Marketing Requirements

All providers must comply with requirements relating to the marketing of courses. Civil penalties apply if these requirements are breached.

When marketing a course, providers are prohibited from:

- representing that a HELP loan is not a loan, or that a HELP loan does not need to be repaid [HESA section 19-36]
- offering benefits to students to induce them to make a request for Commonwealth assistance (excepting benefits specified in the *Higher Education Provider Guidelines 2023* (HEP Guidelines) [HESA section 19-36A])
- mentioning the availability of HELP loans when engaging in cold-calling (whether in person, by phone, email, other electronic communication, or any method defined as cold-calling in the HEP Guidelines) to market courses [HESA section 19-36B]
- mentioning the availability of HELP loans if using third party contact lists to market courses [HESA section 19-36C]; or
- breaching any other marketing requirements set out in the HEP Guidelines [HESA section 19-36D].

## 2. Newly approved providers – the next steps

### 2.1 - Requirements Pack

Higher education providers that are newly approved under HESA are sent a Requirements Pack, which contains important information regarding the administrative processes for implementation of the FEE-HELP loan scheme. This pack also contains a number of forms and templates that must be completed and returned to the department as soon as possible.

While higher education providers may have specific conditions imposed on them [HESA section 16-60], there are also standard conditions that all providers must comply with for the period of their approval. This includes, but is not limited to, submitting annual financial information to the department within six months of the end of their financial reporting period and notifying the department of any changes to directors, company structure and/or its constitution. Newly approved providers are notified of these standard conditions prior to approval.

As per section 37 of the HEP Guidelines, higher education providers must publish on their websites whether FEE-HELP or HECS-HELP assistance is available for a unit of study before the earliest day for enrolment in the unit of study and this must remain published at least until the end of the period in which the unit can be undertaken. The FEE-HELP publishing requirements must be met before enrolments open, if the higher education provider wishes to allow eligible students to access FEE-HELP for the relevant unit of study.

FEE-HELP must be made available to eligible students in all higher education courses that approved higher education providers deliver or intend to deliver unless availability has been specifically restricted under approval conditions. Newly approved providers are reminded that, post approval, they must give any students who meet the FEE-HELP eligibility requirements the option to access a FEE-HELP loan to assist them to pay for all or part of their tuition fees for any eligible units of study. This also applies to existing students who may have commenced their course prior to approval as a FEE-HELP provider, for subsequent units contributing to their course.

Newly approved higher education providers are encouraged to contact [FEE-HELP@education.gov.au](mailto:FEE-HELP@education.gov.au) if they have any questions about administering the FEE-HELP loan scheme.

## 2.2 - Transitioning continuing students to FEE-HELP

FEE-HELP must be made available to all continuing students who meet the eligibility requirements to access a FEE-HELP loan [part 31.4] for units they are yet to undertake, provided the provider is approved to deliver FEE-HELP courses.

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

Any units of study already delivered prior to the provider's approval cannot be deferred to a FEE-HELP loan and students must pay their tuition fees upfront for these units.

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 and in advance through deposits, or via periodic payment plans.

Where the continuing student previously made up-front payments for their units of study that:

- covered all of the tuition fees that were required prior to approval – no action is required by the provider
- did not fully cover all of the tuition fees that were required prior to approval – HESA does not provide for this fee to be recovered by the student. FEE-HELP approval cannot be backdated to allow students to defer the remaining tuition fee for those units of study with a start date before approval; and
- exceeded the tuition fees that were required prior to approval – the provider may either refund the student for any excess payments or may apply the excess payments to cover all or part of the remaining units of study. Providers must discuss this action with students and obtain their agreement before applying the excess payments in this way.

A student may defer the entire tuition fee for a unit of study to a FEE-HELP loan if the start date of the unit of study is after the provider's approval date, at which point, a provider should consider returning that upfront payment if requested by the student. This decision will be based on arrangements the provider has in place for refunding payments.

If a student withdraws from a unit of study on or before the census date and is therefore no longer enrolled in the unit of study at the end of the census date, the provider must repay to a person any payment of the student's student contribution amount or tuition fee for a unit of study that the person made on or before the census date for the unit [HESA subsection 169-15(3)]. 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, and not present financial, administrative or other barriers to students wanting to withdraw from a unit of study or a course of study on or before the census date.

## 2.3 - Number of units comprising a course

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

## 2.4 - Contact for FEE-HELP assistance

Non-Table A or B providers should direct their FEE-HELP enquiries to [FEE-HELP@education.gov.au](mailto:FEE-HELP@education.gov.au).

Table A and B providers should direct their FEE-HELP enquiries to [HELP.Policy@education.gov.au](mailto:HELP.Policy@education.gov.au).

# 3. Grievance and review procedures

## 3.1 – Grievance procedures

Providers must have a grievance procedure for dealing with complaints about non-academic matters from both students and persons who seek to enrol with the provider.

Providers must also have a grievance procedure for dealing with complaints about academic matters from students [HESA paragraphs 19-45(1)(a) and (b)].

Non-Table A providers grievance procedures must comply with the requirements of the HEP Guidelines [HESA subsection 19-45(2)].

This includes, but is not limited to, having at least three stages in the grievance process (i.e. formal complaint, internal review of complaints, external review of decisions made following the internal review process), allowing complainants to be accompanied and assisted by a third party if desired and keeping records of all grievances for at least five years. Grievance procedures must be published and made publicly available [HESA subsection 19-45(6)].

## 3.2 – Review procedures

Providers must have review procedures for dealing with review of decisions made by the provider [HESA paragraph 19-45(1)(c)], for example:

- decisions about re-crediting a person's HELP balance [part [43](#)]
- decisions that undertaking a unit of study will impose an unreasonable study load on a student [HESA section 36-12] [part [20.3](#) and [43](#)]; and
- decisions that special circumstances apply to a person [HESA section 36-20] [part [43](#)]

A full list of decisions which can be subject to review is available at HESA section 206-1. The review procedures must comply with the requirements of the HEP Guidelines [HESA subsection 19-45(3)] and be published and made publicly available [HESA paragraph 19-45(6)]. A provider must also publish information about all other complaint mechanisms students may use to complain about the provider's decisions [part [43.1](#)] [HESA subsection 19-45(7)].

## 4. Grandfathered students

The definition of “grandfathered student” is set out in subclauses 1(1), (1C), (1CA) and (1D) of Schedule 1 to HESA.

### 4.1 - When is a student grandfathered?

A person is a grandfathered student if:

1. any of the following apply in relation to the person:
  1. the person commenced a course of study (the ongoing course) with a higher education provider before 1 January 2021 but has not completed the ongoing course immediately before that day
  2. the person commenced a course of study (the ongoing course) with a higher education provider before 1 January 2021 and, on or after that day, the person completes the ongoing course and commences another course of study (the honours course) that relates to the ongoing course and that is leading to a higher education award that is an honours degree
  3. the person completed a course of study (the earlier course) with a higher education provider before 1 January 2021 and, on or after that day, the person commences another course of study (the honours course) that relates to the earlier course and that is leading to a higher education award that is an honours degree
  4. the person was undertaking, in 2020, an enabling course and, on or after 1 January 2021, the person commences another course of study (the later course) that is leading to a higher education award, or
  5. the person was undertaking, in 2020, a course of study (the UC course) leading to a higher education award that is an undergraduate certificate and, on or after 1 January 2021, the person commences another course of study (the higher qualification course) that relates to the UC course and that is leading to a higher education award that is a bachelor degree; and
2. the person was, at any time before 1 January 2021, a Commonwealth supported student in relation to a unit of study in the ongoing course, the earlier course, enabling course or UC course (as the case may be); and

3. the person undertakes a unit of study as part of the ongoing course, honours course, later course or higher qualification course (as the case may be) that has a census date that is on or after 1 January 2021
4. the person commenced an undergraduate course of study prior to 1 January 2021 and did not complete it before 1 January 2021. They then completed their studies after 1 January 2021 and subsequently enrolled in a course of study leading to an Honours degree."

The definition of a "course of study" is provided in [part 6].

### Examples

*If a student enrolled in a Commonwealth supported place in 2010 and then wishes to return to the same course of study in 2021, is the student grandfathered?*

If a student commenced a course of study prior to 2021 and was Commonwealth supported in relation to that course of study (i.e. the student completed at least one unit in which they were Commonwealth supported), then, if the student reapplies to study at the university in the same course of study after a period of non-study (on approved leave), they will likely be grandfathered.

*Can a student complete their earlier course at one provider before 1 January 2021 and then enrol in a related honours course after this date, at another provider, and still be considered grandfathered?*

Grandfathering applies if the student completed the earlier course with a higher education provider before 1 January 2021, was Commonwealth supported in relation to the earlier course, and commences an honours course that relates to the earlier course of study (i.e. enrolls in a unit of study in the related honours course on or after 1 January 2021). As long as the new provider recognises the earlier course for the purposes of enrolment in the honours course, it is likely to be a related course.

*How is "related course" defined?*

The term "related course" is used in relation to both honours degrees and undergraduate certificates for the purposes of the definition of 'grandfathered student'; however, this term is not defined in HESA.

For a course to be a "related course", there needs to be some connection/pathway in terms of subject matter between the former and latter qualifications. For instance:

- generally, a student is eligible to do honours in a particular discipline following successful completion of a bachelor degree in that discipline (the related discipline)
- for an undergraduate certificate qualification to count towards their bachelor, the former should count towards the latter

*If a student was enrolled in a course of study pre-2021 but had not completed any subjects before 2021 as they are on an approved leave of study, are they eligible for grandfathering rates?*

For grandfathering to apply to students who have been enrolled in a course of study prior to 2021 and have been on approved leave, they must have been Commonwealth supported in relation to that course of study i.e. the student must have been enrolled in a unit as part of that course as a Commonwealth supported student and passed a census date for that unit before 1 January 2021.

## 4.2 - When is a student not grandfathered?

Grandfathering does not apply if students are transferring to a different course of study that does not satisfy any of the limbs of the definition related to ongoing courses, honours courses, enabling courses or UC courses as set out in the definition of “grandfathered student” in subclause 1(1) of Schedule 1 to HESA. Therefore, a student is not grandfathered if the student transfers to a different course of study that is a graduate certificate, masters degree, advanced studies course or diploma.

### Examples

*If a student is transferring in 2021 from a double degree (e.g. Bachelor of Business/ Bachelor of Arts) to another double degree (e.g. Bachelor of Business/Bachelor of Communication) that has one similar course of study component, is this student grandfathered?*

The student will not be grandfathered because the student would be considered to have changed courses, as they are not remaining in the “ongoing course”. The double degrees with a similar course component are considered different courses of study.

*If a student transfers from a double degree (e.g. Bachelor of Business/Bachelor of Arts) to a single degree (e.g. Bachelor of Business) in 2021, is this student grandfathered?*

The student will not be grandfathered as it appears that this student would be changing courses of study [part 6].

*If a student transfers in 2021 from a single degree (e.g. Bachelor of Business) to a double degree (e.g. Bachelor of Business/Bachelor of Arts) in 2021, is this student grandfathered?*

The student will not be grandfathered as it appears that this student would be changing courses of study [part 6].

*If a student transfers from a provider to another provider into the same course (e.g. Bachelor of Business) in 2021, is this student grandfathered?*

The student will not be grandfathered as courses offered by different providers are considered to be different courses of study [part 6].

## 5. Domestic and overseas students

### 5.1 - Domestic students

For the purposes of HESA, a domestic student is defined as a student who is not an overseas student.

An overseas student under HESA is a person who:

- is not an Australian citizen; and
- is enrolled, or proposes to become enrolled in:
  - a course of study with a higher education provider; or
  - a unit of study access to which was provided by OUA

But an overseas student does not include:

- a person entitled to stay in Australia, or enter and stay in Australia, without any limitation as to time (including holders of an Australian permanent visa)
- a New Zealand citizen; or
- a diplomatic or consular representative of New Zealand, a member of the staff of such a representative, or a spouse, de facto partner (within the meaning of the Acts Interpretation Act 1901) or dependent relative of such a representative [HESA subclause 1(1) to Schedule 1]

When considering this last dot point, providers must also consider subclause 1(2) of Schedule 1 to HESA for further clarification.

There are two types of places for domestic students: CSPs [part [20.1](#)] and fee-paying places [part [25.1](#)].

### 5.2 - Overseas students

An overseas student (within the definition set by HESA) must pay overseas student fees. Students who are in Australia on a temporary visa, including a temporary protection visa, are overseas students.

## 6. Courses of study

### 6.1 - Courses of study

A course of study is:

- a single course leading to a higher education award

- a course recognised by the provider as a combined or double degree leading to one or more higher education awards; or
- A FEE-FREE Uni Ready or enabling course [part [6.7](#)] [HESA Schedule 1]
- for the purposes of Part 3-3 and other provisions of HESA that relate to FEE-HELP assistance, a microcredential course.

## 6.2 - Higher education awards

A higher education award is:

- a degree, status, title or description of bachelor, master, or doctor;
- an award of graduate diploma or graduate certificate; or
- any other award offered or conferred by a higher education provider under the Australian Qualifications Framework (AQF), except awards offered or conferred for completing a vocational education training (VET) course of study [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.

## 6.3 - 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.

## 6.4 - 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 one course of study.

## 6.5 - Undergraduate courses of study

An undergraduate course of study is:

- an undergraduate certificate
- a diploma that is not accredited as a 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 completing 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.

Higher education providers are able to issue undergraduate certificate (UC) qualifications until the end of 2025.

## 6.6 - Postgraduate courses of study

A postgraduate course of study leads to one or more of the following higher education awards:

- graduate certificate that is not accredited as a VET award
- graduate diploma that is not accredited as a VET award
- masters degree; or
- doctoral degree; and
- does not lead to any other higher education award

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

## 6.7 – FEE-FREE Uni Ready courses and enabling courses

FEE-FREE Uni Ready and enabling courses are courses of instruction provided to enable or prepare a person to be able to undertake a course leading to a higher education award, but does not include a course that:

- leads to a higher education award in and of itself;
- is accredited as leading to a VET award; or
- the Minister determines it is not an enabling course [HESA Schedule 1]

A student can only be considered to be enrolled in a FEE-FREE Uni Ready course if the student is a Commonwealth supported student. Full fee paying students in these courses are considered to be enrolled in an enabling course.

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

Commonwealth supported students undertaking a FEE-FREE Uni Ready course do not pay a student contribution. To assist providers with the cost of providing places in FEE-FREE Uni Ready courses these courses receive a higher Commonwealth contribution amount of \$18,278 in 2025.

For further information, please email [fee-freeuniready@education.gov.au](mailto:fee-freeuniready@education.gov.au)

## 6.8 - 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. 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)] in accordance with the *Higher Education Support (Administration) Guidelines 2022* (Administration Guidelines). A provider must also set a census date for accelerator program courses it provides, or proposes to provide, during a year [HESA subsection 169-25(1A)] in accordance with the Administration Guidelines. The census date is important for a number of reasons, including:

- it is the last date on which a person can withdraw from a unit of study and not be liable to pay tuition fees, accelerator program course fees or incur a HELP debt in respect of that unit of study;
- it is the last date on which a person must submit an eCAF to access a CSP or HELP loan (i.e. FEE-HELP, HECS-HELP or STARTUP-HELP);
- a person's enrolment in a unit of study may be cancelled by their provider if that person fails to pay their student contribution amount, accelerator program course fees or tuition fees upfront or fails to successfully submit an eCAF on or before 'the census date; and
- it is the date on or after which the full impact of any special circumstances on a student need to occur in order for their HELP balance to be re-credited under HESA.



## 7.1 - Unit duration and census dates

A census date must not be a date that falls less than 20 per cent of the way through the period during which the unit of study or accelerator program course is undertaken [Administration Guidelines section 25], which is the time between the unit or course commencement and completion dates.

The Census Date Calculator will assist providers to set appropriate census dates.

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 of study or accelerator program course. If a unit or course does not include a final exam, exam periods should not be included.

## 7.2 - 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.

## 7.3 - Setting common census dates

Providers may set a common census date for multiple units, providing they apply the minimum 20 per cent requirement across all units.

## 7.4 - Census dates for postgraduate research units

Providers 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.

Providers must comply with the standard census date provisions for postgraduate coursework units of study [HESA subsection 169-25(1)].

## 7.5 - Publishing census dates

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 [HESA subsection 169-25(3) and section 22 of the Administration Guidelines] [part [37.3](#)].

## 7.6 – Withdrawing before the census date

Providers must have processes and procedures in place allowing a student to withdraw from a unit of study. The procedures for a student to withdraw from a unit of study on or before the census date must not involve financial, administrative or other barriers to withdrawing (e.g. requiring a student pay withdrawal fee).

Providers must also have processes in place to allow a student to re-enrol in a unit of study if the student had previously withdrawn from that unit or course. However, providers must not, after a student withdraws from a unit or course of study, enrol a student in a unit or course without the written permission of the student (which must be given after the withdrawal) [HESA sections 169-17 and 169-18; HEP Guidelines section 38].

## 8. Equivalent Full-Time Student Load

Equivalent Full-Time Student Load (EFTSL) is a measure of a full-time student's annual study load [HESA section 169-27].

### Example

At University X, an annual full-time student load is equivalent to 8 x 6 unit courses, or in other words, one EFTSL is equal to 48 units of study.

#### 8.1 - 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), 169-25(1A), 169-28(1) and 169-28(3A)].

If the unit can form part of multiple courses of study, the provider may 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, it is taken to be a different unit of study in respect of each period [HESA subsection 169-25(1)] and may, therefore, have different EFTSL values. When reporting EFTSL to the department, providers must give such units different unit of study codes.

For further information on requirements a provider must meet when determining EFTSL values for units of study, see Parts 7 and 7A of the 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 in HESA for postgraduate coursework units of study.

#### 8.2 - Publishing EFTSL values for units

A provider must publish on its website 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 [HESA subsection 169-25(3); Administration Guidelines section 22].

## 9. Request for Commonwealth Assistance Forms

### 9.1 - Types of forms and who must complete them

Students who wish to be enrolled in CSPs, or who are seeking a HELP loan, must complete the relevant *Request for Commonwealth Assistance Form* (CAF) [HESA subsections 36-40(1) and (3), paragraph 90-1(g), subparagraphs 104-1(1)(i)(i) and 118-1(1)(g), paragraphs 126-1(1)(d) and 128B-1(1)(g)].

The department has implemented a strong digital-first approach. An electronic CAF (the Government eCAF) is provided for each of the four HELP schemes, and for the VET Student Loans scheme. Providers may either use the Government eCAF, or their own eCAF. If providers use their own eCAF, it must replicate the information on the Government eCAF. Please see [part [41.6](#)] for further information on requirements for a provider eCAF.

Students must submit the relevant, completed eCAF on or before the census date for the unit of study.

#### **Determining student eligibility**

The provider determines student eligibility for CSPs and HELP. It is the provider's responsibility to collect information from students to assess student eligibility prior to the census date. The provider must comply with privacy requirements when handling personal information.

Where a student has been incorrectly assessed as eligible for HELP, the provider will be required to repay the Commonwealth any CGS funding paid in relation to the student and/or HELP amount provided on the student's behalf.

#### **Unique Student Identifier (USI)**

From 1 January 2023, all higher education students, including those who commenced prior to 2021, must have a USI to be eligible for a CSP and Commonwealth financial assistance (HECS-HELP, FEE-HELP, STARTUP HELP, OS-HELP or SA-HELP).

Students must locate or create their USI at [www.usi.gov.au](http://www.usi.gov.au) and provide it to their education provider before the first census date, or on their eCAF.

From 1 January 2023, all higher education students, including those who commenced prior to 2021 or those not requesting Commonwealth assistance, must have a USI in order to graduate and receive their award.

#### **Request for a Commonwealth supported place and a HECS-HELP loan form**

Students in CSPs who commence a course of study must submit a completed *Request for a Commonwealth supported place and HECS HELP loan form* [HESA subsection 36-40(1)]. Students requesting HECS HELP must complete the HECS HELP section of the form and provide their TFN or Certificate of Application for a TFN [HESA subsection 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

and/or request a HECS-HELP loan. If their citizenship changes, students will be required to complete a new form.

A student must submit a new form if they change the course of study in which they are enrolled. A continuing student, who has previously paid upfront, must submit a new form should they want to request HECS-HELP. 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 a Commonwealth supported place and HECS HELP loan form* and a *Request for a FEE HELP loan form* for the relevant units within their course of study.

### **FEE-FREE Uni Ready courses and exempt students**

Students who are in a CSP in a FEE-FREE Uni Ready course [part 6.7] must submit a *Request for a Commonwealth supported place in a FEE-FREE Uni Ready course form* for that course.

Students who are in a CSP who have been awarded an exemption scholarship [part 12.1], must submit a *Request for a Commonwealth supported place and/or HECS-HELP loan form*, even if they have done so for a concurrent course of study.

### **Request for a FEE-HELP loan form**

Students requesting FEE HELP [part 31] must submit a *completed Request for a FEE-HELP loan form* and provide their TFN or Certificate of Application for a TFN, except those studying at a non-university higher education provider, or 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 one form for each course of study for which they are seeking FEE HELP.

### **Request for a FEE-HELP loan Open Universities Australia form**

OUA students requesting FEE-HELP must submit a *completed Request for a FEE-HELP loan Open Universities Australia (OUA) form* and provide their TFN or Certificate of Application for a TFN. Students are required to list the units they will be undertaking in the study period.

### **Request for a FEE-HELP loan non-university higher education providers**

Students enrolled at a non-university higher education provider must *complete a Request for a FEE HELP loan non-university higher education providers form* and provide their TFN or Certificate of Application for a TFN. Students are required to submit one form for each course of study for which they are seeking FEE-HELP.

### **OS-HELP debt confirmation form**

Students requesting an OS-HELP loan for their overseas study expenses, or a supplementary Asian language component for study in Asia, [part 32.10] must submit a *completed OS-HELP debt confirmation form* and provide their TFN or Certificate of Application for a TFN [HESA paragraph 118 1(1)(h)]. Students are required to submit one form for each request for an OS HELP loan (there is a maximum of two OS HELP loans over a person's lifetime).

### **Request for a SA-HELP loan form**

Students requesting SA-HELP [part [33.1](#)] must submit a *completed Request for a SA HELP loan form* and provide their TFN or Certificate of Application for a TFN [HESA paragraph 126-1(1)(d)]. Students are required to submit only one Request for a SA HELP loan 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.

### **Request for a STARTUP-HELP loan form**

Students requesting a STARTUP-HELP loan for their Startup Year course (otherwise known as 'accelerator program course') must submit a completed *Request for a STARTUP-HELP loan form* and provide their TFN or Certificate of Application for a TFN [HESA paragraph 128B-1(1)(g)]. Students are required to submit one form for each request for a STARTUP HELP loan (there is a maximum of two STARTUP-HELP loans over a person's lifetime).

## **9.2 - Issuing the forms to students**

### **When should the forms be issued?**

All students enrolling for the first time in a CSP, or a course of study or unit of study that is eligible for HECS-HELP or FEE HELP, or wanting to access a SA-HELP loan to pay for their student services and amenities fee, should have access to the relevant eCAF at the same time or as soon as practicable as other enrolment documents. Students must complete a new eCAF when they change their course or provider, or their citizenship changes. The OS-HELP debt confirmation form and STARTUP-HELP loan form should be issued to eligible students after they have received a preliminary assessment by their provider and are assessed as eligible to receive OS-HELP or STARTUP-HELP, respectively.

### **Provision of student HELP information booklets**

Eligible HELP students must be given access to the student HELP information electronic booklet (information booklet) for the relevant year, prior to completing and submitting any eCAF. Students must declare they have read the information booklet on their eCAF.

All HELP information booklets are available for providers and students to download and read on the Study Assist website at: [www.studyassist.gov.au/help-publications](http://www.studyassist.gov.au/help-publications).

## **9.3 - Student submission of forms**

Students must understand they are required to complete and submit their respective CSP/HELP eCAF by the census date (or other relevant date).

When submitting a Government eCAF, the 'submission transaction' serves as the student's electronic signature, and the student receives a PDF copy of their submitted eCAF via email for their records.

### **Students enrolled in a Commonwealth supported place or seeking HECS HELP**

Students enrolling in CSPs are required to submit the *completed Request for a Commonwealth support place and a HECS-HELP loan form* on or before the census date for the first unit of study for the course of study [HESA subsection 36-40(1)]. Students who are eligible for a CSP, but not HECS HELP, only need to complete the CSP part of the form. 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. In this case, a provider would still need to give students until the census date to submit their eCAF.

#### **Students seeking FEE HELP**

Students seeking FEE HELP are required to submit the *completed Request for a FEE-HELP loan form*, relevant to the type of provider they are enrolled with [part 9.1]. This must be done 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. In this case, a provider would still need to give students until the census date to submit their eCAF.

#### **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 a SA HELP loan 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. In this case, a provider would still need to give students until the census date to submit their eCAF.

#### **Students seeking STARTUP-HELP**

Students seeking STARTUP HELP must submit the *completed Request for a STARTUP-HELP loan form* on or before the census date for their accelerator program course [HESA paragraph 128B-1(1)(e)].

### **9.4 - Signing forms**

Generally, only the student receiving Commonwealth assistance is permitted to lodge the form. At times, a provider may accept a form signed by a person who is exercising a legal power of attorney on behalf of the student.

### **9.5 - Checking forms and correcting errors**

A provider should ensure students have completed the form correctly, including that they have selected all relevant boxes.

A provider must be satisfied that 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 eCAF must be updated accordingly. eCAFs cannot be annotated [part 41.6] but providers can contact the department for advice if this situation arises. For providers using the Government eCAF, corrections needed after the census date must be managed offline, and providers can contact the department if this situation arises. Corrections to a student eCAF, to correct information incorrectly given, must be done within six weeks of the census date. See below section for more details.

If a provider is not satisfied that the details on the form are correct, it should attempt to resolve the differences.

There may be rare cases where it is acceptable to alter a form on the student's behalf or ask the student to complete another form after the census date. This situation will be due to an administrative error on the provider's behalf, where the student is not at fault and has met all their obligations by 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 the information is incorrect, there is insufficient time on or before the census date to correct the form. In these situations, the provider must contact the department at [HEenquiries@education.gov.au](mailto:HEenquiries@education.gov.au) to provide information and request the change.

If a change is made to a student's form, the student must be advised of the change as soon as practicable after the change is made.

### **Time limit for correcting forms**

Students have six weeks from the census date for a unit of study in which they are enrolled to correct information on their eCAF. A student must still have lodged an eCAF on or before the census date, in order to subsequently be able to correct the information that was provided on that form.

The six-week time limit only applies to correcting existing information; it does not allow for a student to submit new information, such as supporting evidence of eligibility. A provider must have received all such documentation before the census date and make a decision of eligibility based on what was submitted by this time. The six-week time limit does not grant additional time after the census date for a student to become eligible, nor to prove their citizenship.

If the corrected information is provided more than six weeks after the census date for a unit of study, and the corrected information establishes the person was not entitled to the Commonwealth assistance, the person will be taken to not be eligible for HELP for the relevant units or courses [HESA section 169-35].

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

If a provider is aware, or has reason to believe, that a student in receipt of HELP has deliberately provided false or misleading information in their application in an attempt to gain access to a HELP loan, the provider should 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.



## 9.6 - Retention of eCAF records

eCAFs are Commonwealth records and are subject to the *Archives Act 1983* (The Archives Act). The provider must comply with The Archives Act and any disposal authorities issued by the National Archives of Australia to the department.

A provider must retain the eCAF for a minimum period of seven years after a student has completed a 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 eCAF is retained for at least seven years following completion of the course. A provider must also be able to supply a copy of a student's eCAF if requested.

If a student cancels their request for Commonwealth assistance, the provider must retain a copy of the eCAF, as it is a Commonwealth record.

### Storing paper CAFs electronically

The General Records Authority (GRA), issued by the National Archives of Australia, has been updated. GRA31 permits providers to destroy paper records (including original ones) after they have been copied, digitised or migrated from one system to another. This applies to any forms submitted by students on or after 1 January 1995.

In line with the *Electronic Transactions Act 1999* (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 seven years, as required by the GRA, or longer if this is mandatory according to other state or territory requirements.

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

Information on GRA31, and additional guidance about the disposal and digitisation of physical records, can be accessed at the [National Archives of Australia](#).

## 9.7 - 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 or unit 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.

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

Students may choose to cancel their eCAF at any time in writing, on or before the census date for the unit of study, or the payment date for the student services and amenities fee. Students may



choose to cancel their eCAF for any reason including, for example, the arrangement of alternative payment methods.

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

## 9.8 - Completing new forms or multiple forms

Students are required to complete a new form if they become newly eligible for a HELP loan (i.e. if their citizenship or residency details change), or if they:

- are enrolling in a new course of study or accelerator program course
- are enrolling in multiple courses of study (including any accelerator program courses) – students must complete a form for each course
- are enrolling with multiple providers – students must complete a form at each provider
- are enrolling in cross-institutional study – students must complete a form at the home provider and the host provider [part [14.3](#)]; or
- change their citizenship or residency

# 10. Commonwealth Assistance Notice

All students who are Commonwealth supported, and/or who request a HELP loan, must receive a Commonwealth Assistance Notice (CAN) [HESA subsection 169-5(1) and (1A) and Administration Guidelines Part 4]. OUA must provide a CAN to students seeking FEE HELP for units of study offered through OUA.

## 10.1 - What information must the CAN contain?

A CAN must contain the information set out in section 17 of the Administration Guidelines for each higher education unit of study. The Administration Guidelines only require information to be provided in a CAN as applicable to a student's enrolment. A provider may include other information in a CAN as necessary.

## 10.2 - When must the CAN be given?

A provider must give students a 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 that 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 the student's 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 [part [32.23](#)].

## 10.3 - Electronic issue of the CAN

A provider may issue a CAN electronically, in line with *Electronic Transactions Act 1999* (ETA), HESA and Part 8 of the Administration Guidelines [part [41.1](#)].

## 10.4 - Incorrect CANs

### Amending incorrect CANs

There are times when a student's circumstances will change after their CAN has been issued, for example, if they have a debt remitted. A provider is responsible for ensuring that the information provided in 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 the 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 issued, or longer if the provider allows, ask in writing for the CAN to be corrected [HESA subsections 169-10(2) and (3)]. This request may be made electronically, in line with Part 8 of the Administration Guidelines.

The student's request should specify which information the student considers is incorrect and the reasons why they consider it to be incorrect. Making the request does not affect the student's liability to pay the tuition fee, accelerator program course 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 revise data in the Tertiary Collection of Student Information (TCSI) system as soon as possible [part [36.1](#)].

# 11. Exempt students

## 11.1 - What is an exempt student?

Exempt students are not required to pay student contribution amounts or tuition fees for units of study undertaken as part of a specified course of study [HESA section 169-20; Administration Guidelines section 20].

## 11.2 - Which students are considered exempt?

Students are considered exempt for a unit 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 [part [13.1](#)] [HESA subsection 169-20(2); Administration Guidelines section 19];
- undertaken with a higher education provider as part of a course of study with that provider, for which the provider has awarded an exemption scholarship [part [12.1](#)] [HESA subsection 169-20(3)];
- undertaken with one higher education provider as part of a course of study with another higher education provider, for which the student has been awarded an exemption scholarship [HESA subsections 169-20(3A) & (3B)]; and

there is no student contribution amount payable for FEE-FREE Uni Ready courses, as HESA does not consider that students enrolled in FEE-FREE Uni Ready courses are exempt students [HESA subsection 93-5(3)].

## 11.3 - Notifying students

A provider must notify a student they are an exempt student in a CAN [part [10.1](#)], as required by Part 4 of the Administration Guidelines.

# 12. Exemption scholarships

## 12.1 - 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 do not have to pay any of their student contribution amounts and tuition fees for any 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)].

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 an exemption scholarship must complete a *Request for a Commonwealth supported place and a HECS-HELP loan form*. Exemption scholarships cannot be awarded for units of study only; they can only be awarded in respect of a courses of study.

## 12.2 - 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.

A provider will receive the Commonwealth contribution for students who are Commonwealth supported for the units of study they undertake under an exemption scholarship.

### Overseas students

A provider may award scholarships to overseas students [part [28.1](#)], but these are not exemption scholarships as defined in HESA. HESA does not provide for exemption scholarships to be awarded to overseas students.

## 12.3 - 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 that this is the case, and that the exemption scholarship is accepted subject to those terms.

## 12.4 - Notifying the student

A provider must notify the student in the CAN [part [10.1](#)] they are an exempt student because they have been awarded an exemption scholarship.

## 12.5 - Social security treatment of exemption scholarships

Exemption scholarships are not considered income for social security purposes under paragraph 8(8) of the *Social Security Act 1991* or ABSTUDY policy.

# 13. Work Experience in Industry units

## 13.1 - What is a Work Experience in Industry unit?

HESA requires that Work Experience in Industry (WEI) units be treated differently to other units of study [see HESA Schedule 1 for the definition of 'work experience in industry']. Figure 1 below provides a summary of this part.

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

A unit is not a WEI unit if all of the following are performed by the 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 section 19]

WEI units are reported on element 337 of the TCSI system.

## 13.2 - Do WEI units attract CGS funding?

Eligible WEI units attract CGS funding. Ineligible WEI units are not counted as student load for funding under the CGS [HESA subsections 33-30(1) and 33-30(1A)].

## 13.3 - 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 and corresponds to eligibility for CGS funding.

### **Eligible WEI units**

A provider may charge a student contribution amount or tuition fee for WEI units, and the unit will attract CGS funding (where relevant), if the student is not exempt from paying a student contribution in relation to the unit, and 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 section 20]

In this case, the WEI unit is coded as '1' on element 337 of the TCSI system.

### **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, and the unit is an ineligible WEI unit that will not attract

CGS funding. The student is an exempt student [HESA subsection 169-20(2); Administration Guidelines section 20].

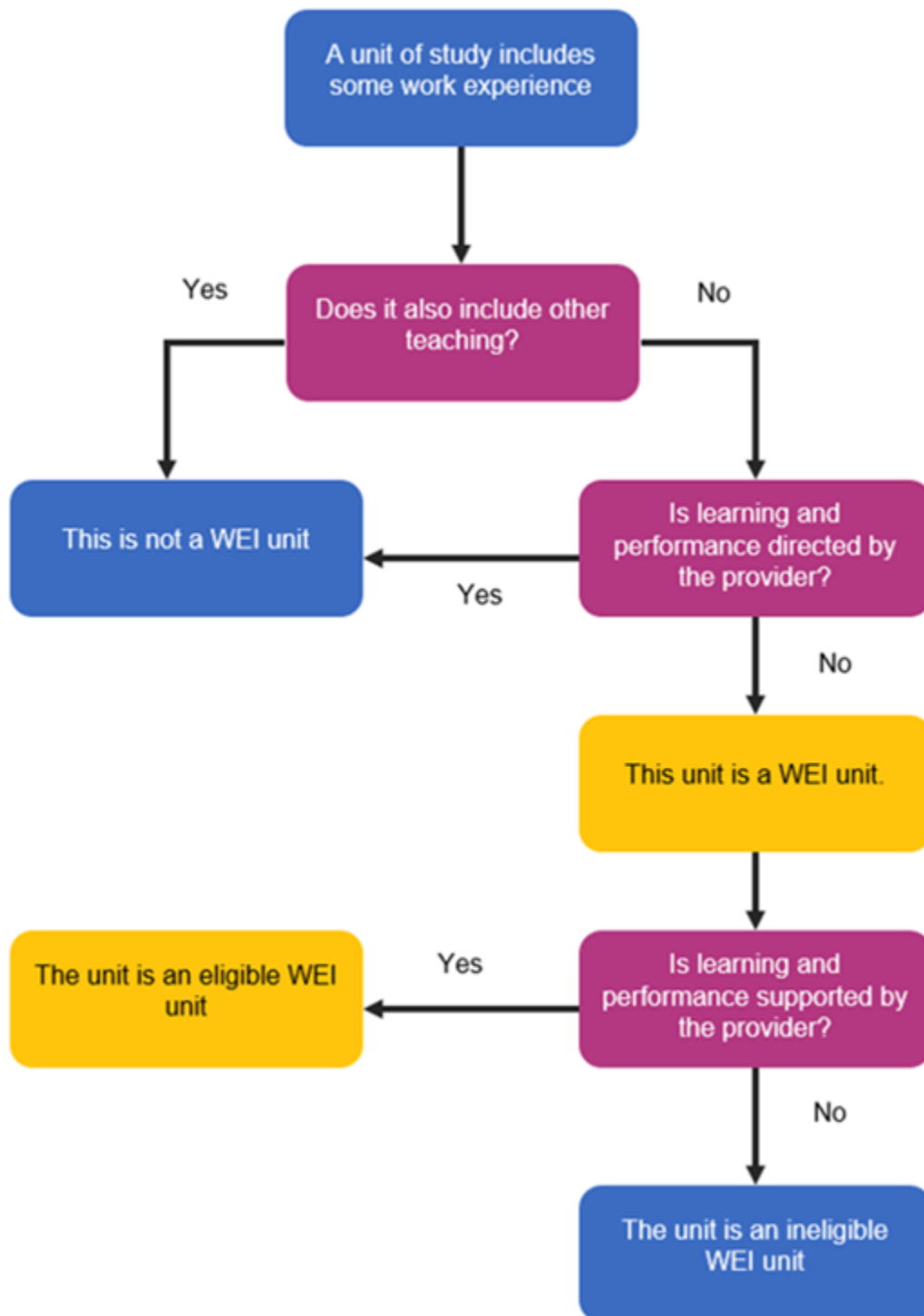
In this case, the WEI unit is coded as '2' on element 337 of the TCSI and as an exempt student on element 490.

### 13.4 - 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

Image



## 14. Cross institutional programs

### 14.1 - What is a cross institutional program?

A student is enrolled in a cross institutional program if 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
- there is an arrangement for recognition between the two providers
- the cost of providing the program of study at the host provider is met by the host provider; and
- the home provider does not receive any funding for the program of study, including, through student contributions or tuition fees paid by the student, the CGS, or through funding provided by an employer, a state, territory or Commonwealth department or agency, or any other individual or body

## 14.2 - 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. It does not need to 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 another Table A host provider.

Although a student services and amenities fee may be charged by both the home and host provider for a cross-institutional student, the student may only access SA-HELP at their home provider, as that is where they are enrolled in a course of study.

Under the cross-institution arrangements where a student is enrolled in a course of study at one institution and undertakes a unit or two at another institution, if the student has not changed their course of study, they are a grandfathered student.

## 14.3 - 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 fee-paying, or may be Commonwealth supported, if the



host provider has CSPs. Students must complete the relevant electronic Commonwealth Assistance Form (eCAF) at both the home and host provider [part [9.1](#)].

## 14.4 - Eligibility for FEE HELP

FEE HELP [part [31](#)] 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 FEE-HELP eCAF, otherwise known as a *Request for a FEE-HELP loan form* at the provider(s) at which they want to access a FEE HELP loan to assist them to pay their tuition fees [part [9.1](#)]. For example, a student needs to submit a *Request for FEE-HELP Form* at both the home provider for the main course's units, and another *Request for FEE-HELP Form* at the host provider for the units to be completed through the host provider.

## 14.5 - Can SSAF be charged by both providers?

If a student is enrolled in more than one course of study at the same time with the same provider, they can only be charged a SSAF up to the maximum amount in that calendar year.

However, if a student is enrolled in units of study with more than one provider in the same calendar year, they may be charged a SSAF by each provider. For example, a student who is enrolled in a course of study with one provider (the home provider) but undertaking a unit of study with another provider (the host provider) as part of that course may be charged a SSAF by each provider.

To be eligible for SA-HELP a student must be enrolled in a course of study with the provider who is charging the SSAF. If a student is enrolled in two courses of study with two providers, then they are eligible to receive SA-HELP for each fee. However, if the student is enrolled in a course of study with one provider but undertaking units of study with another provider on a cross-institutional or non-award basis, they are only eligible to receive SA-HELP assistance for the provider with which they are enrolled in a course of study.

Providers are responsible for developing their own policies in relation to charging a SSAF to students undertaking cross-institutional studies.

## 14.6 - How are cross institutional programs reported?

All student loads for units of study that students are undertaking cross institutionally must be reported to the department 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 [part [36](#)].

## 15. Exchange and study abroad students

### 15.1 - 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 reciprocal exchange students over time [HEP Guidelines paragraph 28(2)(c)]. These arrangements allow domestic students to fund 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 to have access to HECS HELP or FEE HELP for the exchange units of study (provided they are otherwise eligible for the loan).

#### **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 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 students are 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 [part [20.9](#)]. Eligible exchange students may also access OS HELP [part [32.7](#)].

A formal exchange does not apply where a provider's student is enrolled at an overseas campus of the provider. A student studying at an overseas campus will not be eligible for a CSP and have access to HECS HELP or FEE-HELP if their course of study is primarily undertaken by the person at an overseas campus [part [30.2](#) and [31.4](#)]. To be eligible to be Commonwealth supported or to access HECS-HELP/FEE-HELP students must satisfy the citizenship and residency requirements [part [20](#), [30](#) and [31](#)].

The HECS-HELP, FEE-HELP and SA-HELP CAFs include a question asking the student whether they will undertake any units of study in Australia that contribute to their course of study. If the student declares they will, then a provider can consider that the legislative requirements have been met.

#### **Examples**

Adele is enrolled in a Bachelor of Science at the Tahiti campus of an Australian provider. She is not eligible for a CSP or able to access HELP for that course of study as all units of study are undertaken in Tahiti.

Stella is enrolled in a Bachelor of Commerce at the Sydney campus of an Australian provider. She is Commonwealth supported and currently receiving HECS-HELP. She is going on an exchange program in Shanghai for six months. She 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. She would continue to be a Commonwealth supported student receiving HECS-HELP and may also be eligible for OS HELP.

Ari is enrolled in a Bachelor of Optometry at the Adelaide campus of an Australian provider. He 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 he is enrolled in with the Australian provider. As Ari is not undertaking a formal exchange program, he is not eligible for a CSP or able to access HECS-HELP or FEE-HELP for these units. However, he 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 of the TCSI system. Student load is calculated based on how much EFTSL of the work undertaken overseas contributes towards the Australian qualification.

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, assess the subject matter of each unit and allocate the units according to the funding clusters in Chapter 5 of the Commonwealth Grant Scheme Guidelines 2020 (CGS Guidelines).

## **15.2 - 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 fee regime of their host country. Student load for study abroad students is not reported.

### **What is an 'enrolled study abroad program'?**

An enrolled study abroad program involves a formal agreement between an Australian university, or consortium of Australian universities, and an overseas higher education institution, or consortium of overseas institutions, to send students overseas for the purpose of study towards their degree. The student can continue to be Commonwealth supported and access HECS-HELP for this study if they remain enrolled with their Australian university for the duration of the study, and the study undertaken overseas counts towards the course of study in which the student is enrolled with the Australian university. The Australian university is fully responsible for all compliance and quality arrangements for the study undertaken abroad. All other requirements under Divisions 36 and 90 of HESA must be met.

A domestic student must be enrolled in the units of study for their overseas study with their Australian university to be Commonwealth supported and have access to HECS-HELP or to have access to FEE-HELP (i.e. there is a formal agreement in place).

In this situation, the domestic student can only be charged once for their overseas study, whether it is by their Australian university, or their overseas provider. If the student is going to be charged as a Commonwealth supported student by their Australian provider and wants to use HECS HELP to pay these fees, or use FEE-HELP as a fee paying student, the student must be enrolled in the unit with their Australian provider (even though they will be studying overseas for that unit).

Domestic students who engage in enrolled study programs must not be charged a tuition fee for their overseas study by their overseas provider, in addition to the student contribution/tuition fee charged by their Australian university for that study. The payment arrangements between the Australian university and the overseas provider are a matter for the providers to decide.

### 15.3 - Overseas students on a formal exchange program

Formal exchange programs involve a formal agreement between a provider and an overseas higher education institution to exchange 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 who are undertaking a formal exchange overseas from their Australian provider, to a third country, are not eligible.

A provider is not required to meet the fee requirements for overseas students [part [28.1](#)] if the overseas student is participating in a formal exchange program [HEP Guidelines paragraph 28(1)(a)].

A provider must give confirmation of enrolment to all overseas students in the format required by the Department of Home Affairs.

### 15.4 - 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 Home Affairs.

## 16. Employer reserved places

### 16.1 - What is an employer reserved place?

An 'employer reserved place' is a place, in a course of study, 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 about the limitation or restriction on enrolment.

#### **Example of a program utilising employer reserved places**

The [Women in STEM Cadetships and Advanced Apprenticeships Program](#) promotes equality of opportunity in higher education by providing grants to higher education providers and their participating partner employers, to improve the participation of women in STEM Fields of Education. The program has the potential to support nearly 600 women working in paid employment to undertake higher education study in a STEM field at either the Diploma, Associate Degree or Advanced Diploma qualification level.

Established under the *Higher Education Support (Other Grants) Guidelines 2022*, the program allocates employer reserved places to approved providers to deliver approved courses over the 2021 to 2024 calendar years, working in collaboration with industry partners.

## **16.2 - 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)].

## **16.3 - 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 that 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 a FEE-HELP loan to assist them to pay for all or part of their tuition fees [part [31.4](#)].

# **17. Incidental fees**

## **17.1 - 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 having to pay fees that are additional to student contribution amounts [part [22.1](#)] or tuition fees [part [24.1](#)].

However, certain incidental fees are allowed to be charged. The criteria for deciding whether a fee is incidental are set out in Chapter 7 of the HEP Guidelines and in 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.

## 17.2 - 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:

Incidental fees and charges	Examples
Goods or services not essential to the course.	<p>These can include:</p> <ul style="list-style-type: none"> <li>• access to internet and computer facilities, except where these are required as part of a course</li> <li>• printing of notes from the internet or disc</li> <li>• graduation ceremonies where students are not required to attend the ceremony to obtain their award.</li> </ul>
Alternative forms of access to goods or services essential to the course, but are otherwise readily available at no additional cost by the provider.	<p>These can include:</p> <ul style="list-style-type: none"> <li>• lecture notes or recordings, provided that lectures are made readily available to students free of charge</li> <li>• electronic provision of essential information if the information is also made readily available free of charge in another form</li> <li>• reading material, such as anthologies of required readings, provided that these texts are also made readily available free of charge.</li> </ul>
Essential goods or services where students have the choice of acquiring from a supplier other than the provider. The equipment or items then become the students physical property and not consumed by the course.	<p>These can include:</p> <ul style="list-style-type: none"> <li>• artwork supplies</li> <li>• fabric for sewing class</li> <li>• musical instruments</li> <li>• protective clothing or footwear</li> <li>• tool kits</li> <li>• stethoscopes</li> <li>• dance shoes</li> <li>• reference texts</li> <li>• badged clothing required for placements.</li> </ul>

Incidental fees and charges	Examples
Food, transport and accommodation costs associated with the provision of field trips that form part of the course.	<p>These can include:</p> <ul style="list-style-type: none"> <li>• meals, snacks, beverages</li> <li>• bus tickets, airfares</li> <li>• hotels, camping.</li> </ul>
Fines or penalties imposed principally as a disincentive and not to raise revenue or cover administrative costs.	<p>These can include:</p> <ul style="list-style-type: none"> <li>• fines or penalties for late enrolments, late variations to enrolments, and late payments of charges, student contribution amounts and tuition fees</li> <li>• review of grade if a student has already passed the subject, but is seeking to improve their grade</li> <li>• a bond for equipment that may be forfeited if the equipment is not returned or damaged</li> <li>• a charge for an assessment of prior learning in circumstances where a person has not applied for entry to the provider.</li> </ul>

Examples provided above are for guidance only and are not intended to be exhaustive. For more examples and explanations, see [\[Appendix I\]](#).

### Incentives to enrol

A provider must not offer or provide a benefit that would likely induce a person to make a request for Commonwealth assistance in relation to enrolling in a unit of study with the provider. There is a list of benefits that are allowed to be offered by a provider, set out in section 34 of the HEP Guidelines

The inducements that a provider may offer include: the availability of FEE-HELP assistance or HECS-HELP assistance, marketing merchandise up to the value of \$30, and offering money in the form of scholarships or bursaries (the list of allowable benefits and inducements are found in section 34 of the HEP Guidelines).

A provider's basis for the offer of a place in a unit study must meet the fairness provisions under HESA, and the provider must ensure 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, a tablet PC offered to enrolling students would generally not be considered essential to a student's course. Any charge for the tablet PC would be incidental to studies and could not be included in costs deferred into a FEE-HELP loan. A tablet PC would also be



considered a benefit that may induce a person to request Commonwealth assistance when enrolling with the provider and is, therefore, not allowed.

## 17.3 - Circumstances in which a provider must not levy fees

### Examples

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

- 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 fees or enrolment fees, except for special admissions tests
- course notes provided as part of distance education
- equipment and manuals that a professional in the field would not be required to own, such as:
  - fixtures in a clinic, laboratory or workshop; and
  - 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; and
- mailing charges associated with distance education

Providers can choose to deliver units of study as part of a field trip or study tour. While students can pay the provider directly for the associated food, transport and accommodation 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, therefore, cannot be included in tuition fees. Examples provided above are for guidance only and are not exhaustive. For more examples and explanations see [\[Appendix I\]](#).

## 17.4 - 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, for which a provider must not charge a fee.



## Examples

Specialist auditions and interviews such as those conducted by performing arts institutions/faculties.

Tests where special expertise is required to conduct interviews and make recommendations on the suitability of applicants for admission.

# 18. Student services and amenities fee

## 18.1 - What is the student services and amenities fee?

The student services and amenities fee or SSAF 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, childcare, financial advice and food services. Providers may charge full-time students a fee of up to \$365 in 2025 [HESA subsection 19-37(5)(e)]. This amount will be indexed annually and published on the department's [Funding Clusters and Indexed Rates](#) webpage.

## 18.2 - 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 SSAF, regardless of whether the student chooses to use any of the services and amenities funded by the fee [HESA subsection 19-37(5)]. However, only those students who meet the eligibility criteria can access a SA-HELP loan to assist them to pay for all or part of the fee.

## 18.3 - 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 may not attend classes at a campus and may not access any of the services or amenities on offer. If a provider charges the fee to external/online students, the provider must have services available for those students (i.e. online services).

## 18.4 - Arrangements for part-time students

The SSAF amount for students enrolled with a provider on a part-time basis must not be more than 75 per cent of the maximum amount charged to students enrolled with that provider on a full-time basis [Administration Guidelines section 7]. For the purposes of section 7 of the Administration Guidelines, the term 'part-time basis' means a study load of less than 75 per cent of the normal full-time student load for the period to which the fee relates. For example, if a full-time student is charged a maximum SSAF of \$365 in 2025, part-time students can only be charged up to a maximum of \$273.75 in 2025. Providers cannot round this amount up as this would exceed the 75 per cent rule.

## 18.5 - Charging international students a student services and amenities fee

The *Education Services for Overseas Students Act 2000* (ESOS Act) does not prohibit providers from charging international students enrolled, or seeking to enrol with the provider, a SSAF under HESA [HESA subsection 19-37(5)].

Under the ESOS legislative framework, providers may charge international students enrolling with them a SSAF, as long as the written agreement between the provider and the student contains a clause specifying the fee and/or allowing the provider to vary the student's fee during their enrolment.

If the written agreement between the provider and the international student does not include this clause, the provider may not charge a SSAF for the duration of the agreement [ESOS Act section 47B; *National Code of Practice for Providers of Education and Training to Overseas Students 2018* Standard 3].

Providers must ensure compliance with any other applicable aspects of the ESOS legislative framework, including the ESOS Act and the National Code, when advising students in their written agreement about tuition fees and any other fees the provider charges.

## 18.6 - Determining the date that the fee is payable

Providers must determine a date payable for the SSAF. 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 who wish to access SA-HELP assistance must submit a SA-HELP electronic Commonwealth Assistance Form (eCAF), otherwise known as the *Request for SA-HELP assistance form*, on or before the date payable.

## 18.7 - Payment of the student services and amenities fee

Students may pay their SSAF upfront. Eligible students who are unable to pay upfront may request a SA-HELP loan [part 33.1]. These students may choose to pay some of the fee upfront and access a SA-HELP loan for the remainder or may access a SA-HELP loan 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.

## 18.8 - Refund of the fee

Providers are expected to develop their own policies in relation to the refund of any SSAF paid upfront.

A SA-HELP debt can only be remitted in limited circumstances [part 33.8]. Providers are expected to advise students who have incurred a SA-HELP debt that even if they receive a refund of their student contribution amount or tuition fee due to special circumstances, the student will still have a SA-HELP debt recorded with the ATO.

## 18.9 - Variations to the fee or the day on which the fee is payable

Once a provider has published its SSAF information for the period, it can vary the information only in accordance with the requirements in Part 2 of the Administration Guidelines. The amount of the fee and/or the date on which the fee is payable may be varied if:

- new circumstances arise that did not apply when the fee, or the day the fee was payable, was determined; or
- to correct an administrative error.

A provider must notify the department of its intention to vary its published SSAF information in writing to [SSAF@education.gov.au](mailto:SSAF@education.gov.au) at least five working days before making the variation.

If the variation will disadvantage a student seeking to enrol or enrolled with the provider, then the variation can only be made up to two months before the commencement of the course [Administration Guidelines section 9]. Variations that disadvantage students include, but are not limited to, increasing the SSAF or changing the date to which the fee is payable to an earlier date.

The provider must publish the varied fee or date payable no later than two weeks after making the variation [Administration Guidelines section 11].

## 18.10 - Goods and services tax requirements

The ATO provides advice on whether GST is payable on a SSAF. If a provider is unsure whether the fee attracts a GST liability, the provider should obtain advice directly from the ATO. For further information on how to apply for a private ruling, see the [ATO](https://www.ato.gov.au) website.

Where the GST is payable, the fee must be GST-inclusive [Administration Guidelines section 6].

## 18.11 - Publishing requirements

If a provider charges a SSAF, the provider must publish:

- the amount of the fee;
- the date that the fee is payable;
- 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 a SSAF that is payable between 1 July and 31 December of the same year
- 1 October for a SSAF that is payable between 1 January and 30 June of the subsequent year

A provider must also publish their completed SSAF Allocation Report within six months of their annual reporting period (either by 30 June or 31 December, whichever is applicable).

## 18.12 – Minimum allocation requirements

From 1 January 2025, a provider who charges a SSAF must allocate a minimum of 40 per cent of their SSAF revenue for the calendar year to one or more student-led organisation. SSAF revenue must be allocated to one or more student-led organisation before the end of the calendar year in which the SSAF revenue was collected by the provider.

An organisation is a student-led organisation if:

- the majority of the persons constituting the governing body are either or both:
  - students enrolled in a course of study with the provider during the calendar year;
  - students who have been enrolled in a course of study with the provider during any of the three (3) immediately preceding calendar years;
- the majority of the persons constituting the governing body have been democratically elected by students enrolled in a course of study with the provider when the student votes in the election; and
- the organisation satisfies the requirements specified in the Student Services, Amenities, Representation and Advocacy Guidelines (SSARA Guidelines).

Part 3, section 20 of the SSARA Guidelines requires that providers be satisfied that:

- a student-led organisation has appropriate governance arrangements, including that:
  - the governing body of the organisation makes decisions independently from the provider;
  - the organisation keeps and publishes annual audited accounts that record the organisation's income and expenditure, including in relation to transactions between the provider and the organisation;
  - the organisation has and complies with policies and procedures that relate to corporate governance standards (record keeping, risk management, fraud prevention and financial controls); and
- the organisation provides the services set out in subsection 19-38(4) of HESA to students using the SSAF revenue allocated to them.

### Transition arrangements

If a provider is not able to allocate a minimum of 40 per cent of SSAF revenue to one or more student-led organisation and maintain key services to an appropriate level for the calendar year, it will be required to seek approval from the Secretary of the Department of Education for an agreed transition arrangement in the form approved by the Secretary.

Agreed transition arrangements are available for up to three (3) years for Table A providers (listed under subsection 16-15(1) of the *Higher Education Support Act 2003*) and up to five (5) years for non-Table A providers. Following the agreed transition period, a provider must comply with the minimum allocation legislative requirements.

Further information about transition arrangements, including the form in which they must be requested and the timeframe for submission, will be available in early 2025.

### 18.13 - Allowable expenditure of revenue from the fee

A provider who charges a SSAF may only use that revenue to provide or subsidise the following services [HESA section 19-38]:

- providing food or drink to students on a campus of the provider
- supporting students' sporting or other recreational activities
- supporting the administration of a club most of whose members are students
- caring for students' children
- providing legal services to students
- promoting students' health or welfare
- helping students to secure accommodation
- helping students to obtain employment or advice on careers
- helping students with their financial affairs
- helping students to 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.

Providers may spend SSAF revenue to directly provide a service, to get someone else to provide a service or subsidise a service provided by someone else, or on infrastructure for the provision of a service.

Providers are responsible for ensuring that health, welfare, advocacy or career services provided to enrolled students, are delivered by trained and qualified staff [Higher Education Support (Student Services, Amenities, Representation and Advocacy) Guidelines 2022) section 9].

#### 18.14 - Requirements for providing students with information about, and access to, services

Providers that receive funding through the Commonwealth Grant Scheme (CGS) must comply with the SSARA Guidelines, including the requirements relating to providing students with information about, and access to, services.

##### **Access to orientation and information**

Under the SSARA Guidelines, an orientation program and information must be provided to all enrolled students, including those enrolling at different entry points, to provide them with information that is not of an academic nature and that supports them. 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.

Orientation programs must be designed to assist student with transition to study by familiarising them with the provider, the provider's campuses, the available support services (including in relation to safety) and providing information about the student services and amenities fee, the services it enables, and how students can access those services.

Students must be provided with information on how to access health, welfare, advocacy and career services.

##### **Access to advocacy officers**

Students must be given access to advocacy officers who can provide services in relation to matters arising under the provider's academic and procedural rules. 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.

##### **Access to trained and qualified staff**

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

These requirements are imposed regardless of whether a provider chooses to charge a SSAF.

## **18.15 – Requirements for representation and advocacy of student interests**

The *Higher Education Support (Student Services, Amenities, Representation and Advocacy) Guidelines 2022* [Part 3] outline the requirements relating to the representation and advocacy of student

interests. They require that 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 them to carry out their functions.

Providers must consult formally with democratically elected student representatives and representatives from major student organisations at the provider about how, specifically, the proceeds from any compulsory student services and amenities fee are used. Consultation should include:

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

The requirement for representation and advocacy of student interests are imposed regardless of whether a provider chooses to charge a SSAF.

#### 18.16 - SSAF reporting requirements

Providers who charge a SSAF must provide a publicly available, report on both their SSAF allocations report and actual expenditure for the year as part of their annual reporting and in the form approved by the Minister [SSARA Guidelines section 19(5)].

##### **SSAF allocation reporting**

The [SSAF Allocation Report](#) is the form approved by the Minister.

Providers must upload their completed SSAF Allocation Report to their website within six months of the end of their annual reporting period (either by 30 June or 31 December, whichever is applicable). This report must be publicly available and not require a login to view.

##### **SSAF expenditure reporting**

The SSAF expenditure reporting requirements are specified in the Financial Statement Guidelines for Table A and B providers, and in the [Financial Viability Instructions: Applicants and Providers of FEE-HELP](#) (FVI) for all other approved providers. They are separate to the SSAF Allocation Report.

To meet the SSAF expenditure reporting requirements, all providers are required to provide to the Department:

- a SSAF acquittal to demonstrate how much SSAF revenue was earned and spent in the reported year; and



- a SSAF certification to confirm that SSAF was charged in accordance with the *Higher Education Support Act 2003* (the Act) and the Higher Education Support (Administration) Guidelines 2022, and that SSAF was spent in accordance with subsection 19-38(4) of the Act.

If you are a Table A or B provider and would like a copy of the current Financial Statement Guidelines, please contact [ppfinance@education.gov.au](mailto:ppfinance@education.gov.au). For all other approved providers, a copy of the SSAF expenditure reporting template is included in the FVI.

Questions about the SSAF reporting requirements should be directed to [SSAF@education.gov.au](mailto:SSAF@education.gov.au).

## 19. 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 (the agent), including a wholly owned subsidiary of the provider, to deliver some or all of a course where the provider is to grant the academic award. Students undertaking these courses must be enrolled with the provider.

The relationship between the provider and the partner organisation is likely to be a principal/agent and if so, the provider as 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 must comply with all the requirements of HESA including:

- determining student eligibility for Commonwealth assistance
- knowing the circumstances in which a student must and must not be advised that they are Commonwealth supported and acting accordingly [part [20.4](#)]
- complying with any conditions that apply to the provision of courses to domestic undergraduate fee-paying students [part [25.1](#)]
- determining and charging student contribution amounts and tuition fees, and determining EFTSL values and census dates for units of study [part [7.1](#), [8.1](#), [22.1](#) and [24.1](#)]
- publishing and reporting requirements [part [36](#) and [37](#)]; and
- considering applications for remitting a student's HELP debt or re-crediting their HELP balance in respect of the units that form part of the course [part [42](#)]

### Regional University Study Hubs

Regional University Study Hubs have a range of partnerships, including with universities, vocational education and training providers, community groups and industry. Regional University Study Hubs support delivery of courses in regional and remote locations, typically in partnership with universities, by providing support for external students. They assist students in regional and remote areas to access higher education without having to leave their community. They provide student support and campus-like study facilities for students who study online, including study spaces, video



conferencing, computer facilities, high-speed internet access, administrative and general academic support services, and student support services. More information can be found on the [Regional University Study Hubs](#) page.

## 20. Commonwealth supported places (CSPs)

### 20.1 - What is a Commonwealth supported place?

A CSP is a place subsidised by the Commonwealth. Most domestic students undertaking a bachelor degree course at a Table A provider are enrolled in a CSP. Students are generally also required to pay a student contribution and may be eligible to defer the payment of their student contributions. This takes place through a HECS-HELP loan from the Commonwealth, who will pay the provider those fees on behalf of the student [part [30](#) - for further information on HECS-HELP].

In addition to CSPs, there are also full fee-paying places which are not subsidised by the Australian Government.

The amount of subsidy the Commonwealth contributes for each student is based on the units of study the student chooses for their program. Different units of study attract different rates of funding.

The Commonwealth contribution is paid to providers through the Commonwealth Grant Scheme (CGS) and providers must have a funding agreement with the Commonwealth in place, and meet other relevant requirements, to receive funding. For further information on the CGS, contact the department at [CGS@education.gov.au](mailto:CGS@education.gov.au).

### 20.2 - Responsibility for enrolling students in CSPs

In enrolling persons as Commonwealth supported students, a 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 enrolling students based on merit, the provider may take into account educational disadvantages that a particular student has experienced [part [1.5](#)] [HESA subsection 19-35(3)].

### 20.3 - When does a student become a Commonwealth supported student?

A person is a Commonwealth supported student in relation to a unit of study if the provider with which the student is enrolled has advised the person in writing that they are a Commonwealth supported student in relation to the unit, or the course of which the unit forms part of, and, at the

end of the census date for the unit, the provider is not prohibited from advising the person of this [HESA subdivision 36-B].

**When should a provider advise a student they are a Commonwealth supported student?**

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

- the provider has entered into a funding agreement with the Commonwealth for the year in which the person is undertaking the unit [HESA paragraph 36-10(1)(a)]; and
- 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 [HESA paragraph 36-10(1)(b)]; and
- the person has been assessed by the higher education provider, in accordance with section 19-42, as academically suited to undertake the unit [HESA paragraph 36-10(1)(ba)]; and
- the person meets the citizenship or residency requirements [HESA paragraph 36--10(1)(c)]; and
- if the course of study is a course of study other than a FEE-FREE Uni Ready course – the unit is covered by the person’s Student Learning Entitlement [HESA paragraph 36-10(1)(d)]; and
- the person enrolled in the unit on or before the census date, and remained enrolled at the end of the census date [HESA paragraph 36-10(1)(e)]; and
- the person has a student identifier immediately before the census date [HESA paragraph 36-10(1)(f)]

Additionally, the provider must cancel a person’s enrolment in a unit of study with the provider if the person is enrolled as a Commonwealth supported student in relation to the unit and the person has not successfully submitted a *Request for a Commonwealth supported place and HECS-HELP loan form* [part [9.1](#)].

There are also other circumstances where a provider must not inform the student that they are Commonwealth supported, where:

- that person notifies an \*appropriate officer of the provider that he or she does not wish to be a Commonwealth supported student in relation to the unit, with such notification to be provided in writing on or before the census date for the unit [HESA subsection 36-10(3)-(4)]
  - The term ‘appropriate officer’ under HESA Schedule 1 has the meaning given by section 187-2, which is ‘a person, or a person included in a class of persons, whom the chief executive officer or a delegate of the chief executive officer of the provider, has appointed to be an appropriate officer for the purposes of this Act’
- the unit of study wholly consists of WEI, unless the requirements in HESA paragraphs 36-10(6)(a)-(b) have been met [HESA subsection 36-10(6)]
- the unit is a full fee summer or winter school unit of study for which the provider has determined that Commonwealth support does not apply [part [23.1](#)] [HESA subsection 36-10(7)]

- In addition, a person is not a Commonwealth supported student in relation to a unit of study if the Secretary of the department (Secretary) determines that the student is not a genuine student in relation to the unit [HESA subsection 36-5(5)-(6), HEP guidelines chapter 9]
- the total EFTSL value of all the units the student has studied at any provider during the preceding 12-month period (for which the person was entitled to HECS-HELP assistance or FEE-HELP assistance) plus the new unit is more than two, and the provider has not determined that undertaking the new unit will not impose an unreasonable study load on the person [HESA section 36-12]
- the provider has completed any part of the person's request for Commonwealth assistance for the unit (or the course for which the unit forms a part) that the person themselves is required to complete [HESA subsection 36-15(5)]
- the unit contributes to a course of study that the person is undertaking primarily at an overseas campus [HESA subsection 36-15(1A)]
- the enrolment is in an employer-reserved place [part [16.1](#)] [HESA paragraph 36-15(1)(a)]
- the unit forms part of a bridging course for overseas-trained professionals [HESA paragraph 36-15(1)(b)]; or
- 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 [HESA paragraph 36-15(1)(c)]

Students undertaking a Bachelor of Circus Arts at Swinburne University of Technology and students undertaking a masters or doctoral degree by research must not be advised that 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)].

A student may undertake units on a non-award basis and make other arrangements for paying tuition fees.

### **Example 1**

Question: Can a higher education provider advise a person that they are a Commonwealth supported student if they undertake units that are additional to the award course requirements?

Answer: No. A higher education provider must not advise a person that they are a Commonwealth supported student in relation to a unit of study unless the unit contributes to the requirements of the course in which the person is enrolled. 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.

Students may undertake additional units on a non-award basis, but they would need to make other arrangements to pay tuition costs absent Commonwealth support [HESA paragraph 36-10(1)(b))].

### **Students choosing not to be a Commonwealth supported student**

A student may choose not to be Commonwealth supported in a unit of study. A person is not a Commonwealth supported student if they give a written notice to an appropriate officer of the provider that they do not wish to be a Commonwealth supported student in relation to the unit on or before the census date [HESA subsection 36-5(3)]. Students may notify their provider electronically in accordance with requirements for electronic communications [part 41.1]. If a person applies for a fee-paying place, this does not mean they are advising the provider that they do not wish to be a Commonwealth supported student. A person who wishes not to be a Commonwealth supported student for a unit of study must express this explicitly in writing.

A student who chooses not to be Commonwealth supported is required to pay tuition fees [part 24.1] and may be eligible for FEE-HELP [part 31.4] [HESA subsection 169-15(2) and section 104-1]. Student load in fee-paying units does not receive a Commonwealth contribution through the CGS [part 22.1].

## 20.4 - Notifying students of their CSP

After the census date, a provider must notify persons, in writing, that they are Commonwealth supported in relation to a unit of study, or a course of study of which the unit forms a part [HESA subsection 36-5(1)].

## 20.5 - Continued support in a CSP

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

The only exception to this is where the provider is prohibited from advising the person that they are a Commonwealth supported student [part 20.4].

## 20.6 - CSP eligibility

### Citizenship and residency requirements

A person is only eligible for a CSP if they meet the citizenship or residency requirements set out in HESA.

As per HESA subsection 36-10(2), to meet the citizenship or residency requirements the person must be:

- an \*Australian citizen [HESA section 36-10(2)(a)]
- a New Zealand citizen who will be resident in Australia for the duration of their unit of study [HESA section 36-10(2)(b)]; or
- the holder of a permanent visa who is resident in Australia for the duration of their unit of study [HESA section 36-10(2)(c)]

\*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 the Department of Home Affairs has issued them with evidence of Australian citizenship. 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*].

### **Requirement to undertake units of study in Australia**

Despite HESA subsections 36-10(2) and (2A), a person does not meet the citizenship or residency requirements under subsection 36-10(2) if the provider reasonably expects that the person 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)].

### **Residency requirements for New Zealand citizens and permanent visa holders**

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 those periods:

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

### **Temporary or provisional residents**

Students who are temporary or provisional residents (other than New Zealand SCV holders) 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 [part [28.1](#)].

## **20.7 - Non-table A providers**

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 (Chapter 3), for which the Commonwealth has allocated CSPs to the provider [HESA subsection 36-10(5)].

Current national priorities include:

- increasing the number of persons undertaking Education and Nursing courses of study
- In 2021 and 2022 only, providing retraining and upskilling opportunities in the following areas of study: Education, Nursing, Visual and Performing Arts, Society and Culture, Professional Pathway Psychology, Professional Pathway Social Work, English, Mathematics, Accounting, Administration, Commerce, Communications, Indigenous and Foreign Languages, Agriculture, Allied Health, Other Health, Computing, Built Environment, Science, Engineering and Environmental Studies; and

- for courses commencing in 2023 and 2024 only, increasing the number of persons from under-represented backgrounds undertaking courses of study in the following areas of study: Education, Nursing, Engineering, Computing, Commerce, and Society and Culture.

## 20.8 - Enrolment requirements

A provider must not advise a person that they are a Commonwealth supported student in relation to a unit of study unless, among other things, the person enrolled in a unit of study on or before the census date and remained so enrolled at the end of the census date [HESA paragraph 36-10(1)(e)].

Where a Commonwealth supported student does not successfully submit the relevant eCAF [HESA subsections 36-40(1) and (3)] on or by the census date, the provider must cancel their enrolment [part 9.1]. A Commonwealth supported student must complete this form even if they are not requesting HECS-HELP (for example, if they are paying their fees up front).

Where a provider cancels a student's enrolment in accordance with this requirement, the student will also not be eligible for FEE-HELP because the census date for the unit of study will have passed [part 31.4].

## 20.9 - Requirements for the payment of student contribution amounts

A provider is required to cancel a student's enrolment where a student does not meet the requirements for paying their student contribution amount by the census date (HESA subsection 36-40(2)). The requirements depend on the student's HECS HELP eligibility. Students undertaking a FEE-FREE Uni Ready course [part 6.7] must not be charged a student contribution amount and are not subject to these requirements [HESA subsection 93-5(3)].

### Commonwealth supported students and HECS-HELP

If a Commonwealth supported student is entitled to and seeking HECS-HELP for a unit, they must, on or before the census date for that unit, meet the TFN requirements [part 34].

## 20.10 - Student Learning Entitlement

### What is the SLE?

Requirements relating to the Student Learning Entitlement (SLE) took effect on 1 January 2022 and they apply to units of study with census dates on or after 1 January 2022.

At a minimum, the SLE provides students with seven years of full-time study (EFTSL) in a CSP (Ordinary SLE) [HESA paragraphs 73-1(1)(a), 73-1(2)(a), 73-5]. If a person is an eligible person on 1 January 2022, the person has, on that day Ordinary SLE.

In addition to Ordinary SLE, a person can also receive 'Additional SLE' when undertaking certain courses and 'Lifelong SLE' in certain circumstances [HESA sections 73-10, 73-15].

A person will receive Additional SLE when [HESA subsection 73-10(1); *Higher Education Support (Student Learning Entitlement) Guidelines 2021* (SLE Guidelines) Part 2 section 6]:

- they are enrolled in an undergraduate course of study with a course load that is greater than six EFTSL
- they are enrolled in an honours course of study and the course load of that course is less than or equal to one EFTSL
- they are enrolled in a postgraduate course of study or a graduate entry bachelor degree course of study as a Commonwealth supported student [SLE Guidelines section 6].

The formula for determining the amount of Additional SLE a person has for an undergraduate course of study that exceeds 6 EFTSL in course load is as follows [HESA subsection 73-10(3); SLE Guidelines section 7]:

*Course Load + 1 EFTSL – 7 EFTSL (Ordinary SLE) – Additional SLE previously used for any other course of study = Additional SLE*

The formula for determining the amount of Additional SLE a person has for an honours course of study, postgraduate course of study or graduate entry bachelor degree course of study is as follows [HESA subsection 73-10(3); SLE Guidelines section 7]:

*Course Load – Additional SLE previously used for any other course of study = Additional SLE*

A person will receive Lifelong SLE under the following circumstances [HESA section 73-15; SLE Guidelines section 9, 10 and 11]:

- where a person is or was enrolled in a unit of study as part of a course of study with a higher education provider [SLE Guidelines subsection 9(1)]. The person will receive three EFTSL of Lifelong SLE on the later of
  - 1 January 2032
  - 1 January immediately after the period of 10 years from when they first commenced in a unit of study as part of a course of study with a higher education provider [SLE Guidelines subsections 10(1) and 11(1)];
- when a person is enrolled in a course of study as a Commonwealth supported student and the course is restructured requiring the person to undertake additional units of study to complete the course [SLE Guidelines subsection 9(2)]. On the day the provider restructures the course, the person will receive an amount of Lifelong SLE equal to the total EFTSL value of the additional units of study the person must undertake as a result of the course being restructured [SLE Guidelines subsections 10(2) and 11(2)].

### **What is a person's SLE amount?**

A person's SLE amount is an entitlement that consists of the sum of Ordinary SLE that the person has, any Additional SLE that the person has, and any Lifelong SLE that the person has [HESA subsection 73-1(1)-(2)].



When will the person's SLE amount be reduced and how much will it be reduced by?

A provider must, on the Secretary's behalf, reduce a person's SLE amount at a particular time if [HESA subsection 76-1(1)]:

1. the person enrolled in a unit of study as part of a course of study with the provider; and
2. at the end of the census date for the unit, the person remained so enrolled; and
3. the person is a Commonwealth supported student in relation to the unit and
4. the unit is not:
  1. an ineligible work experience unit for the person; or
  2. a replacement unit; and
5. the person has, on or before the census date for the unit, completed, signed, and given to an appropriate officer of the provider a request for Commonwealth assistance in relation to:
  1. the unit; or
  2. where the course of study of which the unit forms a part is undertaken with the provider – the course of study.

The amount of the reduction is an amount equal to the EFTSL value of the unit of study [HESA subsection 76-1(2)]. The reduction takes effect immediately after the census date for the unit of study [HESA subsection 76-1(3)].

If a provider reduces a person's SLE amount at a particular time under HESA subsection 76-1(1), the provider must, in accordance with the SLE Guidelines and on the Secretary's behalf, reduce any one or more of the following amounts to take account of the reduction of that subsection [HESA subsection 76-1(4)]:

1. an amount of Ordinary SLE (if any) that the person has at that time;
2. an amount of Additional SLE (if any) that the person has at that time;
3. an amount of Lifelong SLE (if any) that the person has at that time.

*Example – SLE is not applied retrospectively*

Person A commences a three-year bachelor degree on a full time basis in January 2021. Upon completing their course in 2023, assuming that no units were failed, they will finish their course with a remaining SLE amount of five EFTSL to undertake further study. This is because any study undertaken in a CSP prior to 1 January 2022 will not reduce the person's SLE amount.

*Example – how Additional SLE is accrued*

Person B commences a seven-year bachelor course of study on a full-time basis in January 2022. Given that the course load of this course is greater than 6 EFTSL, they will accrue Additional SLE. Using the calculation above (7 EFTSL + 1 EFTSL – 7 EFTSL) it can be determined that they will accrue 1 EFTSL of Additional SLE.



### **Can a person's SLE amount be re-credited?**

A person's SLE amount can be re-credited if they meet the requirements in HESA subsection 79-1(1), including that the provider is satisfied that special circumstances apply to the person [HESA paragraph 79-1(1)(f)]. Ineligible work experience units or replacement units are not eligible for re-crediting under HESA section 79-1 [HESA paragraph 79-1(1)(c)]

For the purposes of HESA paragraph 79-1(1)(f), special circumstances apply to a person who made an application under paragraph 79-1(1)(g) for the re-crediting of the person's SLE amount if, and only if, the provider receiving the application is satisfied that circumstances apply to the person that [HESA subsection 79-5(1)]:

1. are beyond the person's control; and
2. do not make their full impact on the person until on or after the census date for the unit of study in question; and
3. 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 SLE Guidelines may specify circumstances in which a provider will be satisfied of a matter referred to in HESA paragraphs 79-5(1)(a), 79-5(1)(b), or 79-5(1)(c). A decision of a provider under HESA subsection 79-5(1) must be in accordance with any such guidelines [HESA subsection 79-5(2)].

### **Recrediting a person's SLE amount where their HELP Balance is re-credited**

A provider must, on the Secretary's behalf, re-credit a person's SLE amount at a particular time with an amount equal to the EFTSL value of a unit of study if the person's HELP balance is recredited under any of the following HESA provisions with an amount equal to the amount of HECS-HELP assistance that the person received for the unit of study [HESA subsection 79-20(1)]:

1. subsection 97-25(2) (which deals with the main case of re-crediting a person's HELP balance [HESA paragraph 79-20(1)(a)] [part [42](#)];
2. subsection 97-27(1) (which deals with the re-crediting of a person's HELP balance if the person does not have a tax file number) [HESA paragraph 79-20(b)] [part [34](#)];
3. subsection 97-42(1) (which deals with the re-crediting of a person's HELP balance if a higher education provider defaults) [HESA paragraph 79-20(1)(c)] [part [46](#)];
4. subsection 97-45(1) (which deals with the re-crediting of a person's HELP balance if a higher education provider completes a request for Commonwealth assistance) [HESA paragraph 79-20(1)(d)] [part [10](#)];
5. subsection 97-50(1) (which deals with the re-crediting of a person's HELP balance if the person was not entitled to assistance) [HESA paragraph 79-20(1)(e)] [part [10.1](#)].

### **When is a unit of study covered by a person's SLE?**

A unit of study will be covered by a person's SLE amount if the EFTSL value of the unit does not exceed the person's SLE amount at the time [HESA Section 82-1].

If a person's SLE amount is exceeded at enrolment, a relevant unit will be covered by their SLE amount:

1. If they enrol in a unit of study (the relevant unit), and
2. at the time of enrolment, the person is also enrolled in one or more other units of study as a Commonwealth supported student, and
3. the total EFTSL value of all those units exceeds the person's SLE amount at the time of enrolment, the relevant unit is covered by the person's SLE amount if the person notifies the provider they do not wish to be a Commonwealth supported student in relation to one or more of their units and the total EFTSL value of the remaining units does not exceed the person's SLE amount [HESA Division 82-5].

\*Any unit of study undertaken as part of a FEE-FREE Uni Ready or enabling course will not reduce a person's SLE amount [HESA Section 36-10(1)(d)]

## 21. Commonwealth contribution amounts

### 21.1 - 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.

### 21.2 - 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 5 of the CGS Guidelines.

The definition of professional pathway courses for Psychology and Social Work (including youth work, counselling and community work), and the corresponding funding clusters, is in the CGS Guidelines.

Professional Pathway Psychology units of study are Behavioural Science units (with Field of Education (FOE) codes starting with 0907) that contribute to a course of study that leads to a bachelor degree or honours degree in psychology with a course structure that makes it compulsory to study units relevant to professional registration as a psychologist by the Psychology Board of Australia, and the course of study represents a pathway to professional registration as a psychologist. Units of study that contribute to courses of study that lead to an Undergraduate Certificate or Graduate Certificate award do not meet the definition of a professional pathway course.

Professional Pathway Social Work units of study are Human Welfare Studies and Services units (with FOE codes starting with 0905) that contribute to courses of study that lead to a bachelor degree, honours degree or masters degree in:

- social work accredited by the Australian Association of Social Workers
- youth work accredited by Youth Work Australia
- counselling accredited by the Australian Counsellors Association and/or the Psychotherapy and Counselling Federation of Australia; and
- community work accredited by the Australian Community Workers Association

Professional Pathway Psychology and Professional Pathway Social Work units are part of CGS funding cluster 2 and student contribution band 2.

If students enrolled in a Professional Pathway course use their electives to enrol in subjects in FOE 0907 (for Psychology Professional Pathways) or 0905 (for Social Work Professional Pathways), these students will be charged the Professional Pathway student contribution rate (Band 2).

The Department of Education must approve courses as a professional pathway. The department accepts applications from providers to have their courses approved as professional pathways anytime during the year and assesses them twice a year prior to the commencement of each semester. In line with Chapter 5 of the Commonwealth Grant Scheme Guidelines, it considers the professional accreditation status of the course and its course structure, whether it contains core (mandatory) units in Behavioural Science or Human Welfare Studies and Services. The process for requesting approval, along with current professional pathway courses, is listed on the department's website.

For further information, please email the department at [CGS@education.gov.au](mailto:CGS@education.gov.au).

## 22. Student contribution amounts

### 22.1 - Student contribution requirements

A provider must require every student in a Commonwealth supported unit of study, who is not an exempt student [part [11.1](#)], to pay the student contribution amount for the unit. If a student is exempt, the provider cannot charge these students tuition fees for the unit, but may levy charges that are not considered to be tuition fees [HESA subsections 169-15(1), 169-20 and 93-5(1)] or are not otherwise prohibited by HESA [part [24.1](#)]. The provider may determine a student contribution amount to be 'nil', as HESA does not restrict the minimum charge to students. A provider must not charge a student contribution amount to students at all if they are studying a FEE-FREE Uni Ready course [HESA subsection 93-5(3)].

A provider may award students a scholarship to pay all or part of their student contribution. The value of approved 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 subsections 8(1), 8(8) and section 24A] or ABSTUDY [ABSTUDY Policy Manual section 59.5.3].

## 22.2 - Determining student contribution amounts

A provider must 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 a FEE-FREE Uni Ready course [part 6.7] [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 consider any matters they deem appropriate, other than matters specified in the HEP Guidelines. The matters specified in the Guidelines include the manner or timing of payment of the student contribution amount, whether the payment is made by the student or the Commonwealth. That is, they must not take into account whether the payment is made:

- upfront by the student
- through HECS-HELP
- with a scholarship; or
- by partial payments [HESA subsection 19-87(2A); HEP Guidelines section 24]

#### Example

The following are examples of how a provider may determine multiple student contribution amounts:

- A provider determines the student contribution amount for a place in Maths 010 generally to be \$4,445 for one EFTSL in 2024
- The provider determines that for students undertaking Maths 010 by distance education the student contribution amount will be \$4,000
- The provider determines that for students with an educational disadvantage undertaking Maths 010 the student contribution is \$2,000

In determining multiple student contribution amounts, a provider 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 that is applicable to them, as determined by their provider.

The student contribution amounts determined by the provider must be published [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

Providers should note that 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.

Funding clusters for current and previous years are [published by the department](#).

## 22.3 - Maximum student contribution amounts

Providers must not charge student contribution amounts which exceed the maximum student contribution amount for the funding cluster, or part of a funding cluster, in which the unit is classified [HESA section 93-5(2) and section 93-10]. See chapter 5 of the CGS Guidelines for information on determining the funding cluster for units of study. The maximum may also depend on whether a student is a grandfathered student [part 4].

Maximum student contribution amounts for current and previous years are [published by the department](#).

The maximum student contribution amounts and funding clusters are also published in the annual Commonwealth supported places and HECS-HELP information booklet, available on [Study Assist](#).

## 22.4 - Calculating the student contribution amount for a unit of study

The student contribution amount for a unit of study is calculated by multiplying the student contribution amount for a place the provider has set, and the EFTSL value of the unit [part 8.1] [HESA subsection 93-5(1)].

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)].

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

### Example

Susie has enrolled in Biology A01 as part of her Bachelor of Science. Susie's provider has set the student contribution amount for a place in that unit at \$7,950. The EFTSL value for Biology A01 is 0.125. Therefore, Susie's maximum student contribution amount for Biology A01 will be  $\$7,950 \times 0.125 = \$993$ .

## 22.5 - Payment of student contribution amounts

### How do students pay their student contribution amounts?

Providers should note that the way a student pays their student contribution amount will depend on their citizenship and residency status.

Students eligible for HECS-HELP

Australian citizens, permanent humanitarian visa holders or eligible former permanent humanitarian visa holders, and certain long-term New Zealand Special Category Visa holders and certain New Zealand citizens who formerly held a Special Category Visa, and have transitioned to a permanent resident visa on the pathway to Australian citizenship may be eligible for HECS-HELP for their student contribution [part [30.2](#)] [HESA sections 901 and 90-5]. HECS-HELP provides eligible students in a Commonwealth supported place with a loan to cover their student contribution amounts.

#### **Holders of other permanent visas and all other New Zealand citizens**

If a Commonwealth supported student is the holder of a permanent visa (other than the holder of a permanent humanitarian visa) or is a New Zealand citizen who is not part of the long-term residency cohort then they are not eligible for HECS-HELP and are required to pay their student contribution upfront. If that person has not paid their student contribution upfront, and in full, on or before the census date, the provider must cancel the person's enrolment in the unit of study for which full payment has not been received [HESA subsection 36-40(2)].

#### **Students in receipt of the ABSTUDY Living Allowance under masters and doctorate awards**

Providers should be aware that masters students in receipt of the ABSTUDY Living Allowance under master 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 that precedes the census date.

## **22.6 - 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, and the provider awarded the scholarship in accordance with any applicable Administration Guidelines [part [12.1](#)] [HESA subsection 169-20(3)]; or
- the unit consists wholly of WEI, which is not directed or supported by the provider [part [13.1](#)] [HESA subsection 169-20(2); Administration Guidelines chapter 5.5]

Students enrolled in FEE-FREE Uni Ready courses are not exempt students for the purposes of HESA, but their student contribution amount is set at zero dollars [part [6.7](#)] [HESA subsections 169-20 and 93-5(3)].

## **22.7 - 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* paragraph 26-20(1)(ca)].

## 22.8 - Student withdrawal on or before the census date

A provider must require a Commonwealth supported student who enrolls in a unit of study to pay their student contribution amount for that unit. If the student has made up-front payments in relation to that unit on or before the census date, and the student withdraws from the unit on or before the census date, the provider must repay those amounts to the student [HESA subsection 169-15(3)]. A student who withdraws from a unit on or before the census date does not incur a HECS-HELP debt in relation to that unit, whether or not the Commonwealth has made a payment in respect of the student's student contribution amount for the unit [HESA subsection 137-5(3)].

## 22.9 - Student withdrawal after the census date

Students who withdraw from a unit after the census date may apply to have any up-front payments of their student contribution amount refunded in special circumstances [part 42] [HESA sections 36-20 and 36-21]. If the provider is satisfied that special circumstances apply, the provider must repay any amount already paid to it by the Commonwealth in respect of the student's contribution amount for the unit. The student's HECS-HELP debt will be taken to be remitted if this occurs [HESA subsection 137-5(4)].

## 22.10 - Unit cancellation after the census date

Where a unit ceases to be available after the census date, the provider should help 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 with which the student is satisfied, the provider should advise the student of their eligibility for recrediting and remission of their HECS-HELP debt [part 42.1] and, for students studying with non-Table A providers, their eligibility under the provider's tuition assurance arrangements.

## 22.11 - Issuing the CAN

A provider must issue each of its Commonwealth supported students with a CAN [part 10]

# 23. Domestic students who are fee-paying

A student is Commonwealth supported for a unit of study only if their provider advises the student that they are [HESA subsection 36-5(1)]. Domestic students who are not Commonwealth supported and who are not exempt students (referred to as 'fee-paying' students) must be charged tuition fees [part 24.1], but cannot be charged student contribution amounts [HESA subsection 169-15(2)]. These students may be eligible to borrow all or part of their tuition fees [HESA Division 104] from the Government through a FEE-HELP loan (but not HECS-HELP) [part 31.4]

Fee-paying students are not included in determining the basic grant amount for CGS purposes [HESA section 33-5].

### 23.1 - Fee-paying summer and winter school units



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

- the person undertakes the unit during a summer or winter school period [HESA paragraph 36-10(7)(a)]; and
- the provider has determined that subsection 36-10(7) applies to the unit [HESA paragraph 36-10(7)(b)]

Importantly, providers should note that HESA paragraph 36-10(7)(b) confers them with the discretion to decide whether a summer or winter school unit will be provided on a Commonwealth supported basis. In making a determination under HESA paragraph 36-10(7)(b), the provider must be satisfied that each person undertaking the unit must have been able to undertake, or could have undertaken, the unit outside the summer or winter school period as part of a course of study with the provider [HESA subsection 36-10(8)].

‘Summer school period’ means a period that starts on or after 1 November in a year and ends after 1 January, but before 1 March, in the following year. ‘Winter school period’ means a period that starts on or after 1 June in a year and ends on or before 31 August in that year [HESA subsection 36-10(10)]. A provider must determine whether a summer or winter school unit of study is not to be provided on a Commonwealth supported basis before the start of the applicable summer or winter school period [HESA subsection 36-10(9)].

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

### Example

On 20 October 2018, Provider X makes a determination that a summer school unit commencing on 1 November 2018, which ordinarily forms part of course of study with provider, will not be provided on a Commonwealth supported basis for persons undertaking that unit. Accordingly, all persons undertaking that unit would do so on a fee-paying basis.

## 24. Domestic student tuition fees

### 24.1 - Tuition fee requirements

A provider must require every domestic student who is enrolled in a unit of study or an accelerator program course, who is not Commonwealth supported, and who is not an exempt student [part 11.1], to pay a tuition fee for the unit or the accelerator program course [HESA subsection 169-15(2) and section 169-16]. The provider may levy other charges on these students that are not considered to be fees and that are not otherwise prohibited by HESA. However, they cannot charge these students a student contribution amount for units of study [HESA section 19-102 and 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 [part [17.1](#)].

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 is only able to source through the provider.

## 24.2 - 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(2) 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 consider any matters it deems appropriate. These matters do not include 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(3) and HEP Guidelines section 24].

### **Example**

The following is an example of how a provider may take a factor into account when determining tuition fees:

- a provider determines the tuition fee for Maths 010 to be \$4,500 in 2024
- the provider then determines that for students undertaking Maths 010 by distance education, the tuition fee will be \$3,500

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

### **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 [part [37.1](#)] with sufficient information so that students are able to determine the tuition fee that applies to them.

## 24.3 - 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 non-Commonwealth supported students are enrolled, the tuition fee the provider sets cannot be

less than the highest student contribution the provider would charge a 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 [part [16.1](#)] [HESA subsection 36-55(2)]. However, in relation to a student enrolled in an employer reserved place, the sum that the provider charges for the tuition fees and the employer contribution amount for the unit, cannot be less than the highest student contribution the provider would charge a Commonwealth supported student for that unit [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 [part [24](#)].

### 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. Therefore, there is no minimum tuition fee for DEMO5011.

#### 24.4 - 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 fees paid on or before those dates [HESA subsection 169-15(3)].

## 25. Domestic undergraduate fee-paying students

### 25.1 - 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 an undergraduate course of study prior to 1 January 2009 and with the provider's approval, the student commences the course of study after that time [HESA section 36-30 (2)(c)]
- transfers from one undergraduate course of study the student commenced prior to 1 January 2009, as a fee-paying student, to another undergraduate course of study at the same provider without completing the original undergraduate course of study [HESA section 36-30 (2)(b)]
- undertakes a unit on a cross-institutional basis and the unit is not compulsory for the student's course of study [part [14.1](#)]
- at the time commences the undergraduate course of study as an overseas student [HESA section 36-30 (2)(d)]
- has advised the appropriate officer of the provider in writing they do not wish to be Commonwealth supported in a unit of study [part [20.3](#)]; or

- is not eligible for a CSP including because they are:
  - enrolled in a fee-paying summer or winter school [part [23.1](#)]
  - enrolled in an employer-reserved place [part [16.1](#)]; or
  - enrolled in a bridging course for overseas-trained professionals [HESA section 104-45]

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.

Fee-paying undergraduate places can be offered by Table B providers, Table C providers and other approved providers. Table B and Table C providers to which National Priority places have been allocated 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 [part [6.6](#)] and enabling courses [part [6.7](#)]. Provider may not offer students a domestic full-fee paying place in its designated higher education courses in medicine, unless specified otherwise in its funding agreement.

## 26. Waiving fees

### 26.1 – Domestic students

A provider must require domestic students to pay a tuition fee or student contribution amount for units of study unless the student has withdrawn on or before the census date or the student is an exempt student [part [11](#)] [HESA section 169-15]. A provider cannot waive a unit of study's tuition fee or student contribution amount for domestic students who are not exempt students.

### 26.2 – Overseas students

Overseas students must be charged as a minimum, a fee sufficient to recover the full cost of providing a course [HEP Guidelines chapter 6]. The fee must be no less than those shown for the relevant category of courses in the schedule of minimum indicative course fees (see the published indexed rates) unless:

- the course is provided wholly offshore and students will not at any stage enter Australia for study; or
- approval has been given by the department to charge less than the minimum indicative fee for a course

In both exceptions the provider must demonstrate to the department that the fee proposed will recover at least the full cost of providing the course [HEP Guidelines chapter 6].

In addition, a provider is not required to charge fees to overseas students who are:

- overseas students undertaking study in Australia as part of a formal exchange program [part [15](#)]; or
- overseas students undertaking study in Australia towards a research master's degree or a research doctoral degree who have been awarded a scholarship for that study on the basis of merit following a competitive application process [HEP Guidelines chapter 6]

## 27. Tertiary Access Payment (TAP)

### 27.1 Application Process

Students relocating to study at a university, vocational education and training or non-university higher education provider must apply for the TAP through [Services Australia](#).

Applications are open each calendar year and students can submit a claim for the TAP between 1 January to 31 December in their first year of tertiary study.

### 27.2 Eligibility Criteria

To be eligible for the TAP a student must:

- be from an inner regional, outer regional, remote, or very remote area as defined by the Australian Statistical Geography Standard - Remoteness Area classification,
- have completed Year 12 or an equivalent level of education and commenced your first year of study in a qualifying tertiary course which is a Certificate IV or above qualification, with a minimum course duration of one academic year,
- have relocated to study at an education provider, which includes: (1) a vocational education and training (VET) provider that offer higher-level tertiary education courses (Certificate IV or above), (2) a non-university higher education provider (NUHEP), or (3) university, at least 90 minutes by public transport from their family home, OR have relocated to study at an education provider and you are registered and accessing a Regional University Study Hub or Suburban University Study Hub at least 90 minutes by public transport from their family home,
- be enrolled in at least 75 per cent of your course's normal full-time study load, or an approved concessional study load,
- be studying face to face, or in dual delivery method, for at least part of the course,
- show that parent(s) or guardian(s) have a combined income of \$250,000 or below in the relevant tax year or be exempt from providing parental income, and

- meet Australian citizenship or residency requirements.

## 27.3 Receiving the payment

The TAP is a payment made in a student's first year of eligible tertiary study. Students will only be eligible for the TAP once.

Successful applicants from outer regional and remote areas will be paid up to \$5,000 in their first year of study, with two payments, \$3,000 after confirmation of enrolment i.e. following the first census date, to assist with upfront costs, and \$2,000 after confirmation of ongoing enrolment i.e. following the second census date.

Successful applicants from inner regional areas will be paid a single payment of \$3,000 after confirmation of enrolment in your first year of study.

## 27.4 Further information

Further information on the TAP is on the [department's website](#).

The [Tertiary Access Payment Guidelines](#).

Application for the TAP is through [Services Australia](#).

# 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 are provided for the education of domestic students; they are not provided to subsidise places or services for overseas students [part 5 - for definition of 'overseas student' and 'domestic student'].

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 displace 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 their home institution.

## 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.

As set out in chapter 6 of the HEP Guidelines, a provider is not required to charge the minimum indicative fees for courses delivered wholly offshore.

## 28.3 - Reporting requirements for third-party or partnership arrangements

A provider must report to the department the data on 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 from and additional to reporting under the ESOS Act and migration legislation.

The provider reports to the department the total fee and the total EFTSL value 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 Commonwealth supported students with a loan to cover their student contribution amount up to the HELP loan limit [part [30.1](#)]
- 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 HELP loan limit [part [31.1](#)]
- OS-HELP, which provides eligible Commonwealth supported students who wish to study overseas with a cash loan to cover expenses such as accommodation and travel [part [32.1](#)]
- SA-HELP, which provides eligible students with a loan to cover any student services and amenities fee imposed by their providers [part [33.1](#)]
- STARTUP-HELP, which provides eligible students with a loan to cover the course fees for an accelerator program course (also known as a Startup Year course).

VET Student Loans is a separate scheme for VET students. [Information about VET Student Loans](#) is available from the Department of Employment and Workplace Relations.

### 29.2 - Determining HELP eligibility

There are common eligibility criteria across all loan schemes that must be met if a student is to be considered for assistance. Each loan scheme also has additional eligibility criteria which must be met.

#### Common criteria

To be eligible, a student must:

- be an Australian citizen, the holder of a permanent humanitarian visa, an eligible former permanent humanitarian visa holder, a Pacific engagement visa holder, or an eligible New Zealand special category visa (SCV) holder who fulfils certain residency requirements (from 1 January 2016) or an eligible New Zealand citizen who formerly held an SCV, and has transitioned to a permanent resident visa on the pathway to Australian citizenship (from 29 June 2023); and
- meet the tax file number requirements; and
- apply within the eligible time period.

In determining whether a student is entitled to HELP, a provider should collect sufficient information from the student to be satisfied the student meets the legislative requirements on or before the census date. In some cases, this may mean that students provide additional documentation after they have enrolled.

### Example

The following is an example of how a provider may consider common criteria when determining HELP eligibility:

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

The provider must comply with privacy and protected information requirements (including those contained within the Privacy Act and HESA) when handling students' personal information [part [40](#)].

### Regarding USIs

Amendments made in June 2020 to HESA make it compulsory for higher education students commencing courses of study after 1 January 2021 to apply for and obtain a USI prior to census date in order to be a Commonwealth supported student and to be eligible for Commonwealth assistance (HECS-HELP, FEE-HELP, SA-HELP, OS-HELP, and/or STARTUP-HELP assistance).

Students who wish to graduate and receive their award will be required to have a USI, even if they did not request Commonwealth assistance.

## 29.3 - Combined HELP loan limit and available HELP balance

There is a 'combined HELP loan limit' on how much students can borrow in government study and training loans. The HELP loan limit includes all previous FEE-HELP, VET FEE-HELP and VET Student Loans borrowings, as well as new HECS-HELP borrowing from 1 January 2020.

HELP loan limits are published on the [Study Assist website](#) and in each of the [HELP information booklets](#) published annually. HELP loan limits are indexed on 1 January each year.

If a person has reached their HELP loan limit in one year and wishes to enrol in further study the next year, they will be able to access the difference between the HELP loan limit in the year they reached their HELP loan limit and the HELP loan limit in the year they enrol. This is in addition to any repayments against their HELP debt that have been credited against their HELP balance.

Every student has a unique 'available HELP balance' (which replaces the FEE-HELP balance). A student's available HELP balance is their remaining borrowing entitlement for HECS-HELP, FEE-HELP, VET FEE-HELP and VET Student Loans. Any loan fee amounts, or indexation of outstanding debts are not included in a person's available HELP balance.

The department publishes the [HELP loan limits for each year](#) on the department's website under 'Indexed Rates'.



Students may access up to their available HELP balance for the year in which study is undertaken. Repayments from 1 July 2019 will renew a student's available HELP balance and will be able to be re-borrowed for additional study.

Providers should remind students to check their available HELP balance as any amount paid over a student's eligible limit will need to be recovered by the Provider.

### **Exceeding the HELP balance**

If a student is enrolled in a unit of study where the tuition fee exceeds the student's available HELP balance, the student will only receive HECS-HELP, FEE-HELP (or VSL) equal to their available HELP balance. Providers are responsible for collecting the remainder of the student's tuition fee for the unit.

### **Example**

David has an available HELP balance of \$3,000. David enrolls in four units with the same census date. The tuition fee for each unit is \$800. The total amount of HELP to which David is eligible for the units is \$3,000, even though the total amount of tuition fees for the units is \$3,200. David must pay the remaining \$200 upfront.

### **Students enrolled with multiple providers**

Students who are approaching their HELP loan limit, and who are enrolled with multiple providers or are enrolled in units, some of which are provided by OUA, must notify each provider and OUA of how much 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 with the same census date, does not have enough available HELP balance to cover all the units, and fails to notify their providers, the units for which they will receive HELP will be determined according to the order in which the data is reported to TCSI. Where a student does not have enough available HELP balance to cover a unit of study, the department will notify the affected provider(s) via an exception report. Providers are responsible for recovering any outstanding tuition fees from students. The Commonwealth can only pay the provider HELP up to the amount of the student's available HELP balance.

### **Viewing a student's available HELP balance**

A student can view their available HELP balance via [myHELPbalance](#) using their Commonwealth Higher Education Student Support Number (CHESSN) or their USI as well as their student ID number and other personal identifying information.

A provider can undertake an entitlement search at any time to obtain the student's available HELP balance via the [myHELPbalance](#) website. To undertake a search, providers will need to know a student's CHESSN or USI, their full name and date of birth.

## **29.4 - Calculating the amount of HELP**

A student can borrow up to the amount of the tuition fee being charged by their provider as long as they have sufficient available HELP balance. Students may pay part of their tuition fee for the unit

upfront to their provider on or before the census date and obtain HECS-HELP or FEE-HELP for the remainder.

The amount of HECS-HELP or FEE-HELP provided for a unit of study is the difference between the tuition fee for the unit and the sum of any up-front payments the student has made on or before the census date. This amount should be calculated immediately after the census date for the unit. A student's available HELP balance will be reduced by this amount.

Providers report a student's HELP debt through the Higher Education Student Data Collection [part [36.1](#)] and the Commonwealth pays the HECS-HELP or FEE-HELP amount to the provider.

## 29.5 - Issuing a CAN

Providers must issue each student who has requested Commonwealth assistance or is a Commonwealth supported student, with a CAN. The CAN must be provided within 28 days of the earliest census date indicated in the CAN for CANs relating to Commonwealth supported students, or FEE-HELP or STARTUP-HELP assistance. CANs relating to OS-HELP assistance must be provided within 28 days of the date on which the OS-HELP debt was incurred. CANs relating to SA-HELP assistance must be provided by the later of: 28 days after the date on which the SA-HELP debt was incurred; and the date on which the provider gave the person a CAN in relation to being a Commonwealth supported student or their receipt of FEE-HELP assistance. [part [10.1](#)]. Even where student has made a full up-front payment of their student contribution amount in relation to their enrolment as a Commonwealth supported student and therefore, they have not incurred a HECS-HELP debt on that census date, they must be issued with a CAN that lists the upfront payment amount and the amount deferred to the loan (zero). Multiple units may be included on the student's CAN in relation to being a Commonwealth supported student or in relation to a request for FEE-HELP assistance, provided (as noted above) the CAN is provided within 28 days of the earliest census date indicated in the CAN [Administration Guidelines subsection 18 (1)].

## 29.6 - Withdrawal on or before the census date

Students who enrol in a unit of study or accelerator program course, but withdraw before or on the census date, are not liable to pay their student contribution amount or tuition fee for that unit or accelerator program course. If the student has made up-front payments in relation to that unit or accelerator program course, the provider must repay those amounts to the student [HESA subsection 169-15(3) and section 169-16]. If the student has requested a HELP loan, the student does not incur a debt for that unit or accelerator program course. Providers must ensure the information they give to the department is timely and accurate so that students who have formally withdrawn from a unit or course on or before the census date do not incur a HELP debt for those studies. As per the HEP Guidelines, the procedures for a student to withdraw from a unit of study or accelerator program course must be published and must not involve financial, administrative or other barriers to the withdrawal.

### 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 up-front payments. However, any excess payments held by the provider at the end of the census date must be repaid to the student. Alternatively, the student may consent to the payments remaining with the provider as credit towards future liabilities the student may have with the provider.

## 29.7 - Withdrawal after the census date

The census date of a unit of study or accelerator program course is the last day an eligible student with available HELP balance to cover their student contribution amounts and/or tuition fees can withdraw without incurring a HELP debt for a unit of study or accelerator program course. Eligible students who have requested a HELP loan and who withdraw from a unit of study or accelerator program course after the census date will incur a HELP debt for any unpaid tuition fees, up to their available HELP balance. In cases where a student withdraws after a census date, such students may apply to have any up-front payments of their student contribution refunded, and/or have their HELP debt remitted [part 42.3], or from 1 January 2020, have their HELP balance re-credited [part 35.5]. To be successful, a student must demonstrate to their provider that they experienced special circumstances [part 42.1] [HESA sections 36-20 and 36-21; 97-25 and 97-30; 104-25, 104-30 and 128E-1].

## 29.8 - 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 assist 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 with which the student is satisfied, the provider should advise the student of their eligibility for re-crediting and remission [part 42.3], and, for students studying with non-Table A providers, their eligibility under the provider's tuition assurance arrangements.

### Notes

[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.

[4] A course of study in aviation means a course of study specified in the FEE-HELP Guidelines for the purposes of HESA subsection 128-20(2).

## 30. HECS HELP

### 30.1 - What is HECS-HELP?

HECS-HELP provides eligible students with a loan to pay their student contribution amount for Commonwealth supported units of study.

### 30.2 - Who is eligible for HECS-HELP?

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

- an Australian citizen [HESA subsection 90-5(1)] who will undertake at least one unit of study in Australia contributing to their course of study
- the holder of a permanent humanitarian visa, an eligible former permanent humanitarian visa holder or a Pacific engagement visa holder who will be resident in Australia for the duration of the unit [HESA subsection 90-5(1)]; or
- a New Zealand Special Category Visa (CSV) holder, or former New Zealand SCV holder that has transitioned to a permanent resident on the pathway to Australian citizenship, who meets certain arrival and long-term residency requirements and who will be resident in Australia for the duration of the unit [HESA subsection 90-5(2A)]. Please see [\[Appendix\]](#) for further information.

Further, the student must:

- have completed, signed and given to an appropriate officer of the provider a Request for a Commonwealth supported place and a HECS-HELP loan form on or before the census date [part [9](#)] [HESA paragraph 90-1(g)];
- meet the TFN requirements [part [34](#)] or have paid their student contribution amount upfront on or before the census date [part [30.5](#)] [HESA paragraph 90-1(f)]
- have an available HELP balance greater than \$0 [HESA paragraph 90-1(ba)]
- be enrolled in the unit as a Commonwealth supported student [HESA paragraph 90-1(c)]
- be enrolled in an accredited course of study [HESA paragraph 90-1(aa)]
- still be enrolled in that unit at the end of the census date [HESA sub-paragraph 90-1(e)(ii)]; and
- have a student identifier immediately before the census date [HESA paragraph 36-10(1)(f)]

A student is not eligible for HECS-HELP for a CSP, and therefore also cannot receive HECS-HELP assistance for a unit of study, if the unit forms part of a course of study that is, or will be, undertaken primarily at an overseas campus [HESA sections 36-15 and 90-1(c)].

Students will need to:

- pay their student contribution amount upfront to the provider; or

- meet the TFN requirements so their student contribution amount may be deferred through a HECS-HELP loan, if applicable.

### **Australian citizenship**

A student who is an Australian citizen 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 [HESA subsection 90-5(3)].

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 of age applying for citizenship by conferral, will only obtain Australian citizenship after they have made the pledge of commitment and the Department of Home Affairs has issued them with evidence of Australian citizenship.

### **Permanent humanitarian visa, eligible former permanent humanitarian visa holders and Pacific engagement visa holders**

In determining whether a permanent humanitarian visa holder, eligible former permanent humanitarian visa holder or a Pacific engagement visa holder is considered resident in Australia for the duration of the unit, a provider must disregard any periods spent outside of Australia if those periods:

- cannot reasonably be regarded as indicating the visa holder's intention to reside outside of Australia for the duration of the unit; or
- are required to complete the requirements of that unit [HESA subsection 90-5(2)].

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

For more information, see [\[Appendix C\]](#).

### **New Zealand citizenship**

From 1 January 2016, certain New Zealand SCV holders are eligible for HELP loans. From 29 June 2023, certain former New Zealand SCV holders that have transitioned to a permanent resident visa on the pathway to Australian citizenship are eligible for HELP loans.

For more information, see [\[Appendix F\]](#).

## **30.3 - Student contribution payment options**

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

- make a full upfront payment by paying their student contribution amount for a unit of study; or

- pay part of their student contribution upfront for all (or some) of their units and obtain a loan for the remainder; 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 a Commonwealth supported place and a HECS-HELP loan form* [part 9.1], a provider can only determine a student's eligibility for HECS-HELP (and therefore confirm that the student's preferred payment option is open to the student) after the census date(s) for the unit(s) of study in which the student is enrolled. Any payments made by the student to the provider on or before the census date are taken into account when determining a student's payment status.

### 30.4 - Full up-front payments for HECS-HELP eligible students

Students who are eligible for HECS-HELP may still choose to make a full upfront payment of their student contribution amount for a unit of study to their provider.

#### TFN requirements for full up-front payments

Students who choose to make a full up-front payment of their student contribution amount are not required to provide their TFN [part 34]. If they have made a full up-front payment to their provider on or before the census date, they will be eligible to remain enrolled as a Commonwealth supported student.

However, it is prudent for students to provide their TFN, particularly if they are not certain they will be able to make a full up-front payment on or before the census date. This is because a provider must cancel a student's enrolment in a unit as a Commonwealth supported student if the student has not made the full up-front 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)].

#### Partial up-front payments

A partial upfront payment is a payment of less than 100 per cent of the student's contribution amount for all units of study with the same census date. Providers may accept multiple partial upfront payments from students for units of study with the same census date.

Students who intend to make only a partial upfront payment must meet the TFN requirements [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 contribution after the census date, which will be the amount of the student's HECS-HELP assistance for that census date.

A provider may pro-rate 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 allocation method chosen may impact students who apply for a remission of a HECS-HELP debt for a unit in special circumstances.

## 30.5 - Deadline for up-front payments

Students may only make up-front 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 up-front payments. While providers could set an earlier administrative payment date, providers are still required to accept up-front payments made on or before the census date, even if this is after their 'administrative payment date'. A provider cannot cancel a student's enrolment based on their payment status until after the census date has passed [HESA subsection 36-40(2)].

## 30.6 - HECS-HELP loans

Students who wish to access a HECS-HELP loan 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 [part 34].

The amount of the student's HECS-HELP loan 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.

The Commonwealth will pay the provider the amount of HECS-HELP assistance lent to the student [part 39.1] [HESA paragraph 96-1(b)].

### Exceeding an available HELP balance

There is a 'combined limit' on how much students can borrow in government study and training loans. The HELP loan limit includes all previous FEE-HELP, VET FEE-HELP and VET Student Loans borrowed, as well as new HECS-HELP loans from 1 January 2020.

If a student is enrolled in a unit of study where the student contribution amount exceeds the student's HELP balance, the student will only receive HECS-HELP equal to the available HELP balance [HESA section 93-20]. Providers are responsible for collecting the remainder of the person's student contribution amount for the unit.

### Example

Rob has a HELP balance of \$2,000. Rob enrolls in four units with the same census date. The student contribution amount for each unit is \$600. The total amount of HECS-HELP to which Rob is eligible for the units is \$2,000, even though the total amount of student contribution amount for the units is \$2,400. Rob must pay the remaining \$400 up-front.

### Students enrolled with multiple providers

Students who have almost consumed their available HELP balance, and who are enrolled with multiple providers or are enrolled in units, some of which are provided by OUA, must notify each provider and OUA of how much HECS-HELP they wish to receive for each unit [HESA subsection 93-20(3)].



In cases where a student is enrolled in multiple units with the same census date, does not have sufficient available HELP balance to cover all the units, and fails to notify their providers, the units for which they will receive HECS-HELP will be determined according to the order in which data is reported to TCSI (e.g. date and time). Where a student does not have enough available HELP balance to cover a unit of study, TCSI will indicate that the loan has been adjusted or rejected and this information will be available to the provider via TCSI systems. Providers are responsible for recovering any outstanding student contribution amounts from students. The Commonwealth can only pay the provider HECS-HELP up to the amount of the student's available HELP balance.

### **Determining a student's available HELP balance**

A provider can undertake an entitlement search at [myHELPbalance](#) any time to obtain the student's remaining HELP balance. The available HELP balance will be calculated when the provider has reported the student's record to the department, and the census date has passed. Before the census date has passed, any student records with a loan attached will adjust a student's pending HELP balance.

A student can borrow up to the amount of the student contribution amount being charged by their provider if this amount does not result in the student exceeding their available HELP balance.

The amount of HECS-HELP loan provided for a unit of study is the difference between the student contribution amount for the unit and the sum of any up-front payments the student has made on or before the census date [HESA Division 93]. This amount should be calculated immediately after the census date for the unit. A student's available HELP balance will be reduced by this amount.

Providers report a student's HECS-HELP loan through the Tertiary Collection of Student Information (TCSI) [part [36.1](#)] and the Commonwealth pays the HECS-HELP amount to the provider [part [42.3](#)] [HESA section 96-1].

## **30.7 - Repaying HECS-HELP debts**

A person's HECS-HELP debt is part of their accumulated HELP debt recorded by the ATO. Individuals repay their accumulated HELP debt through the taxation system once their income is above the minimum repayment threshold for compulsory repayments [part [35.1](#)]. They may also make voluntary repayments to the ATO.

# **31. FEE HELP**

## **31.1 - What is FEE-HELP?**

FEE-HELP is a loan that can be provided to eligible fee-paying students to assist them to pay for all or part of their tuition fees for units of study undertaken with an approved provider under HESA.

A student can borrow up to the HELP loan limit. However, if repayments against a HELP debt to the Commonwealth are made then the balance of those repayments is credited against that person's



HELP balance. A student repays their loan through the taxation system once their repayment income is above the minimum repayment threshold for compulsory repayment [part [35](#)].

## 31.2 - Which providers are eligible to offer FEE-HELP?

Approved higher education providers (that is, those listed in Table A, Table B and Table C of HESA, or otherwise approved by the Minister in accordance with HESA) are eligible to offer FEE-HELP [HESA subsection 104-10(1)].

A list of providers that offer Commonwealth assistance through the Higher Education Loan Program (HELP) is available on the [Study Assist website](#).

## 31.3 - What does FEE-HELP cover?

FEE-HELP provides a loan to eligible students to cover all of their tuition fees, or part of their tuition fees if they have made any up-front payment [part [31.1](#)] [HESA section 107-1].

## 31.4 - Eligibility requirements

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

- meet the citizenship or residency requirements [HESA paragraph 104-1(1)(a) and section 104-5]
- be a genuine student [HESA paragraph 104-1(1AA) and HEP Guidelines Chapter 9]
- be assessed by their higher education provider as academically suited to undertake the unit [HESA paragraph 104-1(1)(ac)]
- have available HELP balance greater than \$0 [HESA paragraph 104-1(1)(b)]
- not be a Commonwealth supported student in relation to the unit [HESA paragraph 104-1(1)(d)]
- be enrolled in a unit that meets the course requirements [HESA paragraph 104-1(1)(e) and section 104-10]
- 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)]
- have obtained and provided their USI before the census date [HESA paragraph 104 1(1)(ga)]
- meet the TFN requirements [part [34](#)] [HESA paragraph 104-1(1)(h)]
- have completed, signed and given to an appropriate officer of the provider a Request for a FEE-HELP loan form [part [9.1](#)] on or before the census date [HESA subparagraph 104-1(1)(i)(ii)] and
- have completed all parts of the request for Commonwealth assistance for the unit (or the course for which the unit forms a part) that the person themselves is required to complete [HESA subsection 19-36E]

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 will 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 who will undertake in Australia at least one unit of study contributing to their course of study [HESA subsections 104-5(1) and 104-5(3)]; or
- for students studying through OUA, an Australian citizen who is resident in Australia on the day they submit their CAF in relation to the unit of study [HESA subsection 104-5(4)]; or
- a New Zealand Special Category Visa (SCV) holder, or former New Zealand SCV holders who formerly held an SCV and have transitioned to a permanent resident visa on the pathway to Australian citizenship, who meets certain arrival and long-term residency requirements [part 31.4 and [Appendix D](#)], and who will be resident in Australia for the duration of the unit, and who will study at least one unit of study contributing to their course of study in Australia [HESA subsection 104-5(2A) and 104-5(3)]; or
- the holder of a permanent humanitarian visa, eligible former permanent humanitarian visa holder or a Pacific engagement visa holder who will be resident in Australia for the duration of the unit [HESA subsection 104-5(1)(b)] (see [Appendix C](#)); or
- the holder of a permanent visa who is undertaking the unit as part of a bridging course for overseas-trained professionals and will be resident in Australia for the duration of the unit [HESA subsection 104-5(1)(c)]

### **New Zealand citizenship**

From 1 January 2016, certain New Zealand SCV holders have been eligible for HELP loans. From 29 June 2023, certain former New Zealand SCV holders that have transitioned to a permanent resident visa on the pathway to Australian citizenship have been eligible for HELP loans. These current and former New Zealand SCV holders will be eligible for a HELP loan if they:

- hold a current SCV under the Migration Act 1958 or are a permanent visa holder who, immediately before becoming a permanent visa holder, held a SCV; and
- first began to be usually resident in Australia at least 10 years before the test date, and at that time were a dependent child aged under 18 years; and
- have been physically present in Australia for at least eight out of the past 10 years, and 18 months out of the past two years; and
- meet the other eligibility criteria for a HELP loan under HESA.

### **New Zealand citizens and overseas study**

If a New Zealand citizen arrived in Australia using a New Zealand passport, in the absence of another valid Australian visa, they will have automatically received a SCV provided they met certain security, character and health requirements.

The SCV is a temporary visa that expires as soon as they leave Australia, but it remains in place for as long as they remain in Australia. Therefore, if a SCV holder leaves Australia, they automatically lose their SCV and no longer meet the eligibility requirement of holding a current SCV under the Migration Act 1958. Any units of study that have a census date after their SCV ceased to be current will not be eligible to be deferred through a FEE-HELP loan and they will need to pay for those units upfront.

For more information, see [\[Appendix D\]](#).

## 31.5 - FEE-HELP course requirements

The course requirements for FEE-HELP assistance for a unit of study are:

- the course is undertaken with an approved higher education provider; and
- it is an enabling course offered through a self-accrediting provider; or
- it is an accredited course in relation to the provider; or
- the course of study is a microcredential course.

Units undertaken as part of an enabling course – a course that enables a person to meet the requirements for entry into a course of study leading to a higher education award – may also be eligible for FEE-HELP [\[part 6.2\]](#).

Courses accredited as a VET course are not eligible for FEE-HELP. VET students are not covered in this document. For further [information on VET FEE-HELP and/or VET Student Loans](#), visit the [Department of Employment and Workplace Relations website](#).

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 subsection 104-10(2)]. 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 [\[part 14.4\]](#).

### **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 specify listed professional occupations and the assessing bodies for listed professional occupations [HESA sections 104-60, 104-65 and 104-70].

Professional occupations are those that are categorised as such 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. ANZSCO is the classification system that allows the standardised collection, analysis, and dissemination of occupation data administered by the Australian Bureau of Statistics.

Listed professional occupations are on the Medium and Long-term Strategic Skills List (MLTSSL) or the Short-term Skilled Occupation List (STSOL). Only bridging courses related to the occupations in these lists are eligible for FEE-HELP assistance.

The [Skilled Occupation List \(SOL\)](#), administered by the Department of Home Affairs, is used by potential applicants seeking to nominate skilled occupations which are acceptable for permanent and temporary skilled migration to Australia.

### **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, if undertaken by the person, will enable them 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, if undertaken by the person, will enable them to prepare to sit examinations needed 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 them to meet requirements for entry to an eligible professional occupation [HESA subsection 104-45(3)].

All bridging courses for overseas-trained professionals must either be undertaken on a non-award basis or through Open Universities Australia [part [6.8](#)] [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)]
- is being undertaken as part of a course of study
- 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. If a course is over one EFTSL, it does not meet the requirements to be a 'bridging course of study for FEE-HELP'. For this reason, a student can enrol in more than one bridging course of study, and access FEE-HELP for each course separately [HESA section 104-45].

### **Assessing bodies**

Many professions, especially those that are regulated, require overseas-trained professionals to demonstrate that 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.

[Assessing bodies for listed professional occupations](#) are listed in the FEE-HELP Guidelines [HESA section 104-55], which specifies that assessing bodies for listed professional occupations are those listed as assessing authorities in the Skilled Occupations List [FEE-HELP Guidelines Chapter 2].

### **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, and students undertaking bridging courses for overseas professionals can only borrow up to the relevant HELP loan limit that applies to them.

## **31.7 - Available HELP balance**

There is a combined limit on how much students can borrow in government study and training loans. The HELP loan limit includes all previous FEE-HELP, VET FEE-HELP and VET Student Loans borrowed, as well as new HECS-HELP loans from 1 January 2020. Every student has a unique 'available HELP balance' (which replaced the FEE-HELP balance). A student's available HELP balance is their remaining borrowing entitlement for HECS-HELP, FEE-HELP, VET FEE-HELP and VET Student Loans. Students may access up to their available HELP balance for the year in which study is undertaken. Providers are responsible for collecting the remainder of the student's tuition fee for the unit [part [29.3](#)].

## 31.8 - Loan fee and amount of FEE-HELP loan debt

### Loan Fee

Loan fees apply to some FEE-HELP loans. If a student accesses a FEE-HELP loan for a unit of study that forms part of an undergraduate course of study with a non-Table B provider, from 1 January 2023 the amount of the FEE-HELP debt is the amount of the loan plus 20 per cent [HESA subsection 137-10(2)] and is taken to have been incurred by the student immediately after the census date for the unit.

The following do not attract the 20 per cent loan fee:

- units of study in enabling courses to assist students to meet the requirements for entry into an award program
- units of study in an undergraduate course undertaken through a Table B provider
- units made available by providers and accessed through OUA
- units of study in postgraduate courses of study, including higher degrees by research; and
- bridging courses for overseas-trained professionals.

The loan fee does not reduce a person's HELP balance and is repaid through the taxation system.

### Loan Fee exemption and reduction

A FEE-HELP loan fee exemption applies for units of study with census dates between 1 April 2020 to 31 December 2022 [HESA subparagraph 137-10(2)(b)(i)]. This means the loan fee was not applied to FEE-HELP undergraduate students at non-Table B providers that undertook units of study with census dates during this period.

For census dates from 1 January 2023, the FEE-HELP loan fee has been reduced from 25 per cent to 20 per cent.

### Example

Pablo is enrolled in an eligible undergraduate course of study at a non-Table B provider after 1 January 2023 and has requested a FEE-HELP loan for the course. Pablo's tuition fees total \$2,000 and he has paid \$1,000 up-front to his provider.

The amount of Pablo's FEE-HELP loan is \$1,000 and this is the amount by which his available HELP balance is reduced. However, the amount of Pablo's FEE-HELP debt will be  $\$1,000 \times 1.20 = \$1,200$ . This is the amount he will be required to repay through the taxation system.

## 31.9 - 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 [part [35.1](#)]. They may also make voluntary repayments to the ATO [part [35.2](#)].

## 32. OS HELP

### 32.1 - What is OS-HELP?

OS-HELP provides financial assistance to eligible Commonwealth supported students [part 20] 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 - How OS-HELP works

The process for granting OS-HELP to a student is set out as follows:

- the Commonwealth approves a total OS-HELP payment amount based on the estimated loans required for each provider [HESA subsection 164-10]
- 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, on the Commonwealth's behalf, an OS-HELP loan amount to each of their selected students [HESA subsection 124-1(2)]
- students receive a CAN within 28 days of the date on which the OS-HELP debt was incurred [Administration Guidelines subsection 18(3)]
- each provider records information on students who received an OS-HELP loan and the amount of OS-HELP that each student received
- providers report this information to the department annually
- the department provides information on OS-HELP debts to the ATO; and
- providers must not select students for receipt of OS-HELP assistance outside the number approved by the department [OS-HELP Guidelines section 9]

For further information, refer to the *Higher Education Support (OS-HELP) Guidelines 2023* (OS-HELP Guidelines).

### 32.3 - 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 Table A provider that has been allocated CSPs [part 20] to provide an estimate of the number of students who will apply for OS-HELP assistance for the following year. Providers 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 likely 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 considering 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 select a greater number of students for OS-HELP assistance 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 [HELP.Policy@education.gov.au](mailto:HELP.Policy@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 whether 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. The maximum possible amounts of OS-STUDY per six-month period are published on Study Assist ([OS-HELP and overseas study](#)). There are different amounts for study in Asia or not in Asia.

### **Payments to providers**

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.

## **32.4 - OS-HELP eligibility**

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, the holder of a permanent humanitarian visa, an eligible former permanent humanitarian visa holder, or a New Zealand Special Category Visa (SCV) holder, or former New Zealand SCV holder who formerly held an SCV and have transitioned to a



permanent resident visa on the pathway to Australian citizenship, who meets the long-term residency requirements outlined in [Appendix F] [HESA paragraph 118-1(1)(a) and section 118-5](see [Appendix C](#))

- not have received OS-HELP assistance for overseas study on more than one other occasion (not including supplementary amounts for Asian language study) [HESA paragraph 118-1(1)(b)]
- be enrolled in an accredited course of study with their Australian provider [HESA paragraphs 118-1(c)-(ca)]
- have already completed at least one EFTSL of study in Australia that counts towards their course of study as a Commonwealth supported student [HESA paragraph 118-1(1)(d) and section 118-7]
- have their overseas study count towards the course of study they are enrolled in with their Australian provider [HESA paragraph 118-1(1)(e) and section 118-10]
- 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 [HESA paragraph 118-1(f)]
- meet the TFN requirements [part [34](#)] [HESA paragraph 118-1(1)(g) and section 187-1]
- successfully submit an OS-HELP debt confirmation form [part [9.1](#)] [HESA paragraph 118-1(h)];
- be selected by their Australian provider to receive an OS-HELP loan in accordance with the provider's OS-HELP policy [part [32.14](#)] [HESA paragraph 118-1(i)]
- not have been granted an OS-HELP loan by another provider for an overlapping six-month study period [HESA paragraph 118-1(2)(a)]
- not have completed the overseas study before making the application for an OS-HELP loan [HESA paragraph 118-1(2)(b)]; and
- provide their USI with their application [HESA paragraph 118-1(1)(hb)]

In accordance with HESA section 118-2, to be entitled to a supplementary amount for Asian language study in relation to a six-month study period a student must:

- be entitled to OS-HELP assistance for overseas study in relation to that six-month period
- be undertaking the overseas study in Asia
- undertake intensive study in an Asian language in preparation for undertaking that overseas study
- have applied to their home provider for a supplementary amount for language study in relation to that six-month study period
- be selected by their home provider to receive a supplementary amount for Asian language study, which does not form part of the course of study for which the student is receiving Commonwealth assistance [OS-HELP Guidelines subsection 8(1)]

A student may be outside Australia when they apply for an OS-HELP loan [HESA subsection 118-1(3)].

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 HESA Division 118, and the provider has assessed the student as eligible for assistance, the OS-HELP loan is granted.

However, if a provider has offered OS-HELP to a student whom it subsequently determines will not meet the provisions for eligibility and has not yet paid the OS-HELP amount to the student, the provider must withdraw the offer of OS-HELP [OS-HELP Guidelines subsection 7(14)].

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

## 32.5 - OS-HELP and New Zealand SCV holders

An eligible New Zealand SCV holder may access OS-HELP if they meet all the eligibility requirements for OS-HELP. An eligible SCV holder will be paid their OS-HELP loan amount before they leave Australia. Once the student has been deemed eligible by their provider and has been paid their OS-HELP loan amount while in Australia, the student cannot subsequently be assessed as ineligible because of their SCV ceasing once they leave Australia.

Please note that if a student wishes to apply for an OS-HELP loan, they must be resident in Australia at the time of application, as they cannot hold an SCV while they are overseas.

Note: continuing New Zealand CSP students who are eligible and wish to access an OS-HELP loan, will be required to complete both an OS-HELP debt confirmation form and an OS-HELP addendum, if they have not completed a HECS-HELP addendum.

For further information, see [\[Appendix D\]](#).

## 32.6 - OS-HELP and honours

Honours students seeking to undertake OS-HELP study must meet the OS-HELP prior study requirements (one EFTSL of Australian study in a CSP), as well as the requirement to have 0.125 EFTSL remaining in their course upon finishing their OS-HELP funded study.

Higher education providers can structure their honours programs in different ways, with some providers including honours as part of a student's undergraduate course of study, and some providers delivering honours as a separate course of study from a student's undergraduate course of study.

Where a student is undertaking honours in a larger undergraduate course of study, the undergraduate course may be considered as prior study when assessing eligibility for OS-HELP.

### Example

Vyjanti is invited to complete an honours component of her Bachelor of Arts course of study in 2025. In early 2025 she is selected for OS-HELP. Her undergraduate study prior to 2025 counts towards the

OS-HELP prior study requirements as her honours study is being undertaken in the same course as her undergraduate study.

## 32.7 - 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 in HESA Division 118.

### **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 to the commencement of a student's proposed six-month study period as possible. 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, the department recommends that the provider only provisionally select the student. The provider should confirm the student's eligibility 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 six-month period

A provider may provisionally select a student to receive a second OS-HELP loan for a six-month study period that is a continuation of the 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 provisionally 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, whether the student still meets the eligibility criteria [OS-HELP Guidelines subsection 7(11)].

### **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 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 applies for the loan after they have completed the overseas study for which the OS-HELP was being sought, regardless of whether the student is still overseas or has returned to Australia. [HESA subsection 118-1(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 [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 in relation to the period for which a supplementary amount is being sought [HESA subsection 118-2(2)].

### **Meeting the 0.125 EFTSL requirement**

Under HESA, a student who has completed the study they have arranged to do outside Australia 'will have to complete units of study that have a total EFTSL value of at least 0.125 EFTSL in order to complete the course requirements for [their] course of study' [HESA paragraph 118-1(1)(f)].

It is the intention of this provision of HESA that a student will have a reasonable portion of study remaining that needs to be completed on their return to Australia, regardless of whether it occurs in a subsequent study period or the same study period. However, it is up to the provider to be satisfied that the student meets the eligibility requirements in HESA and that the student's application is in accordance with its OS-HELP policy. The 0.125 EFTSL of study to be completed on conclusion of the student's overseas study could comprise of exams, submitting assessment, or attending classes in Australia.

Recognition of Prior Learning (RPL) cannot be considered to satisfy the requirement that a student has 0.125 EFTSL to complete upon their return to Australia, as this study must be undertaken after the overseas portion of study for which the person has received an OS-HELP loan.

### **Meeting the one EFTSL requirement**

Under HESA, a student meets the prior study requirements to access an OS-HELP loan if they have completed units of study in Australia in a Commonwealth supported place that have a total EFTSL value of at least one EFTSL [HESA section 118-7].

A student would be deemed to have 'completed units of study' if they have submitted, been assessed, and the provider has awarded a grade for units of study that make up the required one EFTSL. The student must not have anything further to complete. A student cannot be deemed to have 'completed units of study' if they still have exams or assessments left to complete or submit, for which a grade is to be awarded.

A student may be eligible to access OS-HELP assistance if the provider is satisfied that they meet all eligibility requirements, including where RPL has been granted and that the study was undertaken in Australia in a Commonwealth supported place and is counted towards the student's current course of study.

## **32.8 - 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 day before the corresponding day six months later.

If, for the month that is six months later, there is no such 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

Rhiannon is selected for OS-HELP for six months of full-time overseas study that starts on 5 December 2020. The end date of her six-month study period is 4 June 2021.

Xanthe receives OS-HELP to undertake six months of full-time overseas study. Her six-month study period commences on 31 August 2020 and concludes on 28 February 2021.

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

If a student meets all the eligibility criteria under HESA Division 118, 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. This means that students cannot be selected for OS-HELP for a second time unless the second study period commences on or after the start of the next six-month period.

### Examples

Bethany is selected for OS-HELP for three months of full-time overseas study that starts on 1 December 2020 and finishes on 28 February 2021.

Although Bethany will only study for three months, the six-month study period is defined as commencing on 1 December 2020 and concluding on 31 May 2021. This means that she can be selected for OS-HELP for a second time only if her second study period commences on or after 1 June 2021.

## 32.9 - Overseas study requirements

A student's overseas study must count towards the course of study in which they are enrolled in with their home provider.

### Types of placements

Types of overseas study for which a student may receive OS-HELP assistance 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 to receive OS-HELP assistance, a provider should have due regard for the likely safety and well-being of the student at their overseas study destination.

It is important to note that, under HESA Division 118, a student must meet all the overseas study requirements when they access an OS-HELP loan. This includes that a person is undertaking full-time study, and that the study outside Australia will count towards the course requirements of the course of study in which the person is enrolled.

Ultimately, it is up to each provider to determine whether the overseas study that a student wants to undertake will count towards the course requirements, e.g. whether or not the student will earn course credit.

### **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 Darussalam, Cambodia, China (excludes Special Administrative Regions (SAR) and Taiwan), Democratic People's Republic of Korea (North Korea), Hong Kong, India, Indonesia, Japan, Laos, Macau, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Republic of Korea (South Korea), Singapore, Sri Lanka, Taiwan, Thailand, Timor-Leste 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.

## **32.10 - Asian language study requirements**

In the first instance, the student must be entitled to OS-HELP assistance in relation to the six-month period. If the student is not entitled to OS-HELP assistance, for example, because they have an overlapping six-month period, or they have already accessed two OS-HELP loans, the student would not be eligible for the supplementary amount for Asian language study [HESA subsection 118-2(1)(a)].

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 a Combined FEE-HELP loan. 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 in preparation of overseas 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.

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

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

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 [part 8] 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, whether a student should be regarded as studying full-time while overseas is determined in relation to their course of study. The department has provided a formula below that may be useful in working out whether a student meets the full-time requirement.

#### Formula

The formula below allows a comparison of a student's overseas study with an equivalent portion of their home study. If a student's overseas study has an equal or higher credit weighting to an equivalent portion of their full-time home study over the study period, the student's overseas study can be considered to be a full-time study load.

Credit points received for the overseas study	greater than or equal to ( $\geq$ ):	Duration of overseas study in weeks	divided by ( $\div$ )	Duration of a standard academic semester in weeks	multiplied by ( $\times$ )	Minimum credit a full-time student would receive in a standard academic semester

#### Example



James 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 James' 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 James will be engaged in full-time study while overseas.

James receives 20 credit points for overseas study	greater than or equal to ( $\geq$ )	The duration of James' overseas study is four weeks	divided by ( $\div$ )	The duration of a standard academic semester at James' home provider is 13 weeks	multiplied by (x)	The minimum credit a full-time student would receive in a standard semester at James' home provider is 30 points
20	greater than or equal to ( $\geq$ )	4	$\div$	13		30
20	greater than or equal to ( $\geq$ )	9.23				

James 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 points he would have received for undertaking four weeks of study at his home provider.

## 32.12 - Determining whether 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 booklet when they sign the OS-HELP debt confirmation form [part 9.1]. The statement indicates that a student must not receive OS-HELP more than twice [HESA paragraph 118-1(1)(b)].

Providers can access information on how many OS-HELP loans have been reported to the department through TCSI [part 36].

## 32.13 - Evidence a student is undertaking Asian language study

Students may submit details of their proposed language study on request to 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 that they are undertaking the language study, for example, proof of



enrolment in a language course, proof of application for admission to a language course, or a signed declaration from the student detailing the language study they are undertaking [OS-HELP Guidelines section 8].

As students may not wish to apply for admission to the Asian language study prior to being selected for OS-HELP assistance, a student may provide evidence that 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 this form, a provider is not satisfied that the student will undertake the Asian language study, it should not pay the supplementary amount to the student and should inform the student of this in writing.

### **Determining whether a student has already completed their Asian language study at the time of application**

Under HESA, a student may only be granted a supplementary amount for Asian language study if the student applies for the assistance before completing the study [HESA subsection 118-2(2)]. Therefore, a provider should collect information from students during its OS-HELP application process to ensure 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 its OS-HELP policy. Students will declare that they have read the OS-HELP statement of terms and conditions booklet when they sign the OS-HELP debt confirmation form [part [9.1](#)].

## **32.14 - Selecting students for OS-HELP**

The OS-HELP Guidelines set out the procedures that a provider must follow when selecting students to receive OS-HELP [HESA section 118-15, OS-HELP Guidelines chapter 2]. 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 must 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 accordance with the OS-HELP Guidelines and also the fairness requirements [HESA Part 2-1, section 19-D].

The OS-HELP Guidelines [chapter 2, section 7] sets out that the following information must be included in a provider's OS-HELP policy:

- how students apply for OS-HELP, including application opening and closing dates, and what information a student must provide in support of their application to meet the statutory and institutional eligibility criteria
- the criteria the provider will use to assess students' applications and establish an order of merit for receipt of OS-HELP
- how the amount of OS-HELP paid to each student will be determined and, if applicable, the minimum amount a student may receive
- how and when OS-HELP payments will be made to selected students, including any restrictions on payment dates
- requirements relating to the OS-HELP debt confirmation form, including what information must be given by selected students in the form and when the form must be signed and given by students to the provider
- whether any conditions will apply to students in receipt of OS-HELP assistance and how and when selected students will be informed of these conditions.

Providers should generally also consider the following matters when creating an OS-HELP policy:

- how and when students will be notified, in writing, of the outcome of their OS-HELP application
- how and when offers of OS-HELP will be made to students and how long offers will remain current
- what action a student may take if they are dissatisfied with decisions the provider has made about their OS-HELP application.

### 32.15 - 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 assistance. It must give all students who may be interested in applying for OS-HELP information about the assistance and how students can obtain an OS-HELP loan [OS-HELP Guidelines subsection 7(4)].

### 32.16 - 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 [OS-HELP Guidelines subsection 7(12)].

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 for which they are eligible and the conditions of receiving an OS-HELP loan.

These notifications may be given electronically if the student has consented to receiving this information in this way [part 41.1]. Providers could, for example, receive this consent from students as part of their OS-HELP application.

### 32.17 - OS-HELP debt confirmation form

Students who are selected by their provider to receive OS-HELP must complete and successfully submit an OS-HELP debt confirmation form [part [9.1](#)] before the provider can make an OS-HELP payment to the student. [OS-HELP Guidelines subsection 7(6) to (8)]

### 32.18 - Collecting and handling information from students

A provider should collect sufficient documentation from students to be able to determine whether a student meets all 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 and protected information requirements (including those when handling students' personal information as set out in [part [40](#)] of this document).

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, they must provide a copy of the student's application to the department [OS-HELP Guidelines subsection 7(15)].

### 32.19 - Calculating the amount of OS-HELP

The amount of OS-HELP paid to each selected student is determined by the provider in accordance with HESA section 121-1.

The OS-HELP loan amount 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 exceed the amount indicated on the student's completed and signed OS-HELP application form [HESA subsection section 121-1 (2)(a)]

The department publishes the [maximum OS-HELP amount for each year along with other indexed rates](#).

The information is also published on the [Study Assist](#) website.

For 2024, the maximum OS-HELP (overseas study) amount for a six-month period is:

- \$7,921 for study undertaken in a non-Asian country; or
- \$9,504 for study undertaken in Asia

For 2024, the maximum OS-HELP (Asian language study) amount for a six-month period is \$1,263.

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 and 121-5].

## 32.20 - 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.

## 32.21 - 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)].

## 32.22 - Making OS-HELP payments to students

### Number of payments

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 the assistance is paid in two amounts, one payment must be the amount determined for the overseas study and the other amount must be the supplementary amount determined for the Asian language study [OS-HELP Guidelines subsection 7(16)].

### Timing of payment

Once a student's eligibility is confirmed, providers must not pay OS-HELP to a student until after the student has been selected for OS-HELP and has submitted a correctly completed OS-HELP debt confirmation form to the provider [part 9.1]. 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 2].

Where 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. If a provider chooses to do this, then the restricted OS-HELP payment dates should be:

- set out in the provider's OS-HELP policy
- determined with regard for students' financial needs; and
- applied consistently to all students receiving OS-HELP

## 32.23 - Issuing a CAN

A student must be issued a CAN within 28 days of the date on which the OS-HELP debt was incurred [part 10.2] [Administration Guidelines section 18].

## 32.24 - Incurring OS-HELP debt

A student is taken to have incurred their OS-HELP debt on the day the provider makes the OS-HELP payment to the student [HESA subsections 137-15(3) and 124-1(2B)].

## Examples

Mark is selected for OS-HELP for six months of full-time overseas study that starts on 1 January 2021. The Commonwealth lends to Mark the amount of his OS-HELP assistance. On 1 December 2020, prior to Mark commencing his studies, Mark's provider pays Mark the amount lent. The date on which Mark incurs the OS-HELP debt is 1 December 2020.

Andrew is selected for an OS-HELP loan of \$8,444 for overseas study in Asia and a supplementary amount of \$1,123 for Asian language study. He receives the supplementary amount for Asian language study on 1 February 2021 and incurs an OS-HELP debt of \$1,123 on this date. He then receives an amount for overseas study on 1 April 2021 and incurs an OS-HELP debt of \$8,444 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.

## 32.25 - Change in student's circumstances

### Change in circumstance – unpaid OS-HELP

If a student's circumstances change in such a way that a provider determines that the student no longer meets the OS-HELP eligibility criteria and the student is yet to be paid their OS-HELP, the provider must withdraw the offer of OS-HELP to the student as soon as practicable and notify the student of this in writing.

### Change in circumstance – paid OS-HELP

If a student's circumstances change in such a way that a provider determines that the student no longer meets the OS-HELP eligibility criteria, but the student has already been paid their OS-HELP and thereby incurred an OS-HELP debt, then the provider is not obliged to do anything. The student will have already incurred an OS-HELP debt for this payment and must repay this debt through the taxation system.

### **Change in circumstance – 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 they must withdraw the offer of the OS-HELP loan and not pay the loan amount to the student. 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.

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, they 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 they are 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 taxation system.

### **32.26 - Provision of false or misleading information by a student**

If a provider knows, or has reason to believe, that a student receiving OS-HELP has provided false or misleading information in their OS-HELP application, they 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 subsection 7(15)].

### **32.27 - Remitting OS-HELP debt**

OS-HELP debt cannot be remitted under any circumstances.

### **32.28 - 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 [part [34](#)].

## **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 by which the fee is payable. The day immediately after this date is when a student using SA-HELP will incur a debt for deferring the fee [HESA subsection 137-16(3)].

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 and other eligibility requirements on or before the day on which the fee is payable.

Students applying for SA-HELP will need to provide a USI.

### 33.2 - SA-HELP eligibility

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

- be either an Australian citizen or a New Zealand Special Category Visa (SCV) holder, or former New Zealand SCV holders who formerly held an SCV and have transitioned to a permanent resident visa on the pathway to Australian citizenship, who meets certain arrival and long-term residency requirements [[Appendix D](#)]; or a permanent humanitarian visa holder or eligible former permanent humanitarian visa holder who will be resident in Australia [part [28.3](#)] [HESA paragraph 126-1(1)(a) and section 126-5](see [Appendix C](#))
- be enrolled in a course of study, a bridging course for overseas-trained professionals or accelerator program course on the day on which the fee is payable [HESA paragraph 126-1(b)]
- meet the TFN requirements [part [34](#)] [HESA paragraph 126-1(c) and section 187-1]
- have completed, signed and given to an appropriate officer of the provider a CAF on or before the fee is payable [HESA paragraph 126-1(d)]; and
- provide their USI to their provider [HESA paragraph 126-1(1)(e)]

A student will not satisfy the citizenship or residency requirements if the provider reasonably expects the student will not undertake in Australia any units of study or the accelerator program course with the provider [HESA subsection 126-5(2)].

#### **New Zealand citizenship**

From 1 January 2016, certain New Zealand Special Category Visa (SCV) holders have been eligible for HELP loans. New Zealand SCV holders will be eligible for a HELP loan if they:

- hold a current SCV under the Migration Act 1958, or is a permanent visa holder who, immediately before becoming a permanent visa holder, held a SCV
- first began to be usually resident in Australia, as a dependent child aged under 18 years, at least 10 years before a previous request for Commonwealth assistance in relation to the course they are enrolled in or their current request for SA-HELP assistance
- have been physically present in Australia for at least eight out of the past 10 years, and 18 months out of the past two years; and
- meet the other eligibility criteria for a SA-HELP loan under HESA

For further information [[Appendix D](#)].



### 33.3 - SA-HELP for cross-institutional enrolments

To be eligible for SA-HELP a student must be enrolled in a course of study, a bridging course for overseas-trained professionals or an accelerator program course at the provider at which the fee is being imposed.

Students who are enrolled cross-institutionally – that is, they are enrolled in a course of study at their home provider but are undertaking a unit or a set of units at a host provider – will only be eligible for SA-HELP at the home provider. This applies even if the units of study they are undertaking at the host provider form part of the course of study they are undertaking at the home provider.

### 33.4 - Amount of SA-HELP

The amount of a student's SA-HELP loan is equal to the unpaid portion of the student services and amenities fee. That is, the difference between the fee and the sum of any payments of the fee (other than a payment of SA-HELP assistance) made on or before the day on which the fee is payable [HESA section 127-1].

### 33.5 - Paying SA-HELP

The Commonwealth will lend the student the amount of SA-HELP assistance they are entitled to and pay the provider the amount lent in discharge of the student's fee liability [HESA section 128-1].

### 33.6 - SA-HELP and the CAN

Providers must issue each student who has requested SA-HELP with a CAN [part 10]. 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 the person a CAN, if any, in relation to units of study for which the person is a Commonwealth supported student or received FEE-HELP assistance [Administration Guidelines section 18]

### 33.7 - Incurring SA-HELP

A student is taken to incur their SA-HELP debt immediately after the day the student amenities fee is payable to the provider [HESA subsection 137-16(3)].

### 33.8 - Remitting SA-HELP

A SA-HELP debt can only be remitted in limited circumstances.

These circumstances arise when:

- a provider imposes a student services and amenities fee on a person
- the provider receives notice that the person does not have a tax file number; and



- at the end of 28 days after receiving this notice, the provider has not received a tax file number that it is satisfied is valid; and
- the person is eligible for SA-HELP

If the above circumstances arise the provider must repay to the Commonwealth any amount paid to the provider to discharge the person's liability to pay the fee. [HESA sections 128-5 and 193-15].

### 33.9 - 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 [part [34](#)].

## 34. Tax file number (TFN) requirements

### 34.1 – Who is required to provide a TFN?

All students who wish to obtain a HELP loan are required to meet the TFN requirements in HESA by providing to the provider (and the department) their TFN, or a Certificate of application for a TFN on their CAF [part [9.1](#)]. Students who do not have a TFN must apply for one by completing a Tax file number – application or enquiry for an individual form, which is available from the ATO [HESA paragraphs 90-1(f)(i), 104-1(h), 118-1(g), 126-1(1)(c), 128B-1(1)(f) and section 187-1].

Commonwealth supported students who are eligible for HECS-HELP, but who wish to pay their student contribution up-front, 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 up-front payment on or before the census date, and failure to provide a TFN, may trigger the provider's obligation to cancel the student's enrolment as a Commonwealth supported student in the relevant unit.

A student should apply for a TFN early enough to ensure they will receive their TFN by the census date. The TFN and student details supplied on the form are cross referenced with the information held by the ATO. If there is a mismatch between the information on the student's application and ATO records, the loan cannot be processed. The student will need to correct the mismatch before a loan can be processed. If the student does not correct the error, this may result in the student's enrolment being cancelled.

For information on correcting a TFN mismatch, see the [Department of Education's Student Fact Sheet: Tax File Number \(TFN\) Mismatch](#)

If a student does not have a TFN, the fastest way to obtain one is to apply through Australia Post. A TFN will normally be provided to the student by the ATO within 28 days.

The ATO will also, on request, supply the student with a Certificate of Application for a TFN. Even before the student receives their TFN from the ATO, they can attach their Certificate of Application

to their HELP form, as proof that they have applied for a TFN. Once the student has received their TFN from the ATO, they must supply it to their provider within 21 days.

If the student's form does not provide their TFN (or the student has not supplied a valid Certificate of Application for a TFN) on or before the census date, the provider is required to notify the student in writing how to meet the TFN requirements within 7 days of receiving the form, or before the census date (whichever is first). Further, if the provider receives notice from the ATO that the person does not have or no longer has a TFN, this may affect the student's enrolment and eligibility for assistance.

If a student cannot find their TFN, they must contact the ATO for assistance. More information about [applying for a TFN](#) is on the ATO website.

## 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 or accelerator program course for which they wish to obtain a HECS-HELP, FEE-HELP or STARTUP-HELP loan [HESA subsection 187-1(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 day the fee is payable [HESA subsection 187(3B) and (3D)].

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 must students provide their TFN?

Students should provide their TFN on one or more of the following forms [part [9.1](#)], as applicable:

- Request for a Commonwealth supported place and a HECS-HELP loan form
- Request for a FEE-HELP loan form
- Request for a FEE-HELP loan Open Universities Australia (OUA) form
- OS-HELP debt confirmation form
- Request for a SA-HELP loan form
- Request for a STARTUP-HELP loan form
- on or before the census date if the student is seeking HECS-HELP, FEE-HELP or STARTUP-HELP assistance [HESA subsections 193-1(1)-(2C) and subsections 193-1(4C) to (4D)];
- before the provider can pay the student any amounts of OS-HELP [HESA subsections 193-1(3) and (4)];
- on or before the student services and amenities fee is payable (if the student is seeking SA-HELP assistance) [HESA 193-1(4A)-(4B)].

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 (if seeking HECS-HELP, FEE-HELP or STARTUP-HELP assistance) or before the student services and amenities fee is payable (if seeking SA-HELP assistance), they are not eligible for HELP. Students requesting OS-HELP must provide their TFN on or before the OS-HELP payment date. Students may also provide their TFN electronically in accordance with Part 8 of the Administration Guidelines [part [41.1](#)].

### 34.4 - Notification if a student does not provide a TFN

If a student does not provide their TFN on their CAF [part [9.1](#)] and the student intends to access HELP, the provider must notify the student, in writing, that the student's TFN or a Certificate of application for a TFN is required:

The provider must notify the student of the TFN requirements within seven days after the student has given the provider the CAF or on or before the census date of the relevant unit or accelerator program course for HECS-HELP, FEE-HELP and STARTUP-HELP, whichever is the earlier. For students who have applied for SA-HELP, the provider must notify students of the TFN requirements within seven days after the student has given the provider the CAF or on or before the date the fee is payable for SA-HELP, whichever is earlier.

The provider is not obliged to notify a student 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 full upfront payments, or for census dates between 2021-22 inclusive if the student had made 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, should contact the ATO to acquire their TFN or to obtain a Certificate of application for a TFN.

There are no other alternatives for a student to provide a TFN on or before the census date. For example, a student cannot be deemed eligible for a HELP loan if they only have a receipt of application for a TFN from Australia Post.

Students can apply for a TFN by following the [ATO's instructions](#).

The ATO suggest that it can take 28 days after application for a person to receive their TFN. It is essential for students to apply for a TFN early to ensure they have received it 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 by the census date, the student must provide the Certificate of application for a TFN from the ATO to their provider as proof of having applied. The student must quote their TFN to their provider within 21 days from the day the ATO issues the student a TFN advice [HESA paragraphs 187-5(1)(a) and (2)]. The provider must be satisfied that the TFN quoted by the student is valid [HESA paragraphs 187-5(1)(b) and (2)].

## 34.6 - Provision of TFNs to providers

HESA provides that the Commissioner of Taxation may give a higher education provider written notice of a student's TFN [HESA Division 190 and Schedule 1A, Division 15]. This applies if the TFN is issued or reissued, or if the Commissioner is satisfied that the TFN has been cancelled, withdrawn or is otherwise wrong.

The ATO ceased providing student TFNs to higher education providers from 9 January 2017. This applies to all HELP loans, and to all providers. Background on this decision is provided below.

During 2016 the Australian National Audit Office examined the administration of HELP debt generally, and administration of the VET FEE-HELP scheme in particular. At the same time, the department reviewed risks associated with student loan schemes and HELP data management.

In September 2016, the department instructed the ATO to cease providing TFNs to VET providers, including dual VET and higher education providers. To ensure consistency of treatment across the whole tertiary education sector, and to strengthen protections for students, the department decided to extend this policy to all providers.

Accordingly, from 9 January 2017, providers can no longer contact the ATO to obtain a TFN where a student has failed to advise it.

Revised procedure for confirming student TFNs

Providers should contact the student to obtain the correct TFN or advise the student to contact the ATO if they need to confirm their TFN. Students should provide updated details to their provider if the Commissioner has issued, altered, or replaced their TFN.

## 34.7 - Failure to provide a TFN

The student may fail to provide their own TFN; OR the ATO may give the provider notice of students who do not have a TFN for one or more of the following reasons twice-yearly, by late February and July [HESA Division 190]:

- the ATO is unable to identify the student correctly
- the ATO is not satisfied that the student has a TFN
- the TFN given by a student is not the student's TFN
- the ATO has refused to issue a TFN to the student because the student already has a TFN
- the ATO has cancelled the student's TFN

### **Commonwealth supported and HECS-HELP students**

A provider must cancel a student's enrolment in a unit of study as a Commonwealth supported student if:

- The provider receives notice from the ATO to the effect that the student does not have or no longer has a TFN; and

- At the end of 28 days after the provider receives the notice, the provider has not been notified of a valid TFN; and
- The student has not paid 100 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 repay to the student any amounts paid in relation to their student contribution and repay to the Commonwealth the amount of HECS-HELP assistance the student was entitled to for the unit. The corresponding HECS-HELP debt is remitted [HESA section 193-5, 36-24B and subsection 137-5(4)]

### **Students seeking FEE-HELP**

If a provider receives notice from the ATO that the student does not have or no longer has a TFN and at the end of 28 days after the provider receives the notice, the provider has not been notified of a valid TFN, the provider must (on the Secretary's behalf) re-credit the student's HELP balance with the amounts of FEE-HELP assistance the student received for the unit [HESA sections 193-10 and 104-27]. The provider must repay that amount to the Commonwealth [HESA section 110-5]. The student's corresponding FEE-HELP debt is remitted [HESA subsection 137-10(4)]. 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 [HESA subsection 124-1].

### **Students seeking SA-HELP**

If a provider receives notice from the ATO that the student does not have or no longer has a TFN and at the end of 28 days after the provider receives the notice, the provider has not been notified of a valid TFN, the provider must repay to the Commonwealth the student services and amenities fee. The person's corresponding SA-HELP debt is remitted [HESA sections 193-15 and 128-5, subsection 137-16(4)].

### **Students seeking STARTUP-HELP**

If a provider receives notice from the ATO that the student does not have or no longer has a TFN and at the end of 28 days after the provider receives notice, the provider has not been notified of a valid TFN, the provider must (on the Secretary's behalf) re-credit the student's HELP balance with the amounts of STARTUP-HELP assistance the student received for the unit (HESA sections 128E-20 and 193-20). The provider must repay that amount to the Commonwealth [HESA section 128D-5]. The student's corresponding STARTUP-HELP debt is remitted [HESA subsection 137-17(4)].

## **34.8 - Validation of TFNs**

Students are eligible for a HELP loan only if they provide a valid TFN

Providers should obtain a TFN from students seeking to access a HELP loan and report this data along with key identifying data as soon as possible after the student is admitted into a new course of study. Departmental systems will attempt to verify newly reported TFNs daily and will provide

feedback to providers on whether reported TFNs have been verified by ATO systems. No loans will be transmitted to the ATO until a verified TFN is reported by the provider. Further information on the TFN verification process is available on the [TCSI website](#).

#### **What happens if a student has not provided a valid tax file number?**

If a student has not provided a valid TFN, the provider must notify the student, in writing, within seven days of receiving the relevant CAF [part [9.1](#)], or before the census date or OS-HELP payment date, if earlier. The provider must notify the student that they:

- have not provided a valid TFN; and
- are required to provide either a TFN or Certificate of application for a TFN on or before the census date for the unit or accelerator program course 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 Part 8 of the Administration Guidelines [part [41.1](#)].

If the student fails to provide either a valid TFN or a Certificate of application for a TFN before the census date, they will not be eligible for a HELP loan and providers must cancel their enrolment or seek payment from the student.

#### **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, on the date the debt is incurred, or within seven days of receiving the Request for a SA-HELP loan form. The provider must inform the student that they:

- have not provided a valid TFN; and
- are required to provide either a TFN or Certificate of application for a TFN on or before the day the fee is payable

### **34.9 - TFNs 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 to remind those students who have stated they have a Certificate of application for a TFN – that they need to provide a copy of it to the provider.

### **34.10 - TFN retention and disposal**

Providers must retain a student's TFN until such time as:

- the provider is satisfied that it has correctly calculated the debt for the final unit of study in the course for which the student has sought HELP

- 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* (the Privacy Act) and the [Privacy \(Tax File Number\) Rule 2015](#), any disposal of TFN information must be by appropriately secure means.

### 34.11 - 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 students' TFNs. The provider must comply with the rules for handling TFNs in the [Privacy \(Tax File Number\) Rule 2015](#), in addition to the relevant provisions in HESA, the *Privacy Act 1988* and the *Taxation Administration Act 1958*.

### 34.12 - Provision of TFN if a 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), (3C)].

## 35. Repaying HELP loans and indexation arrangements

### 35.1 - Compulsory repayments/Overseas levy

A person's HELP debt must be repaid to the ATO once they earn enough to make repayments (this is known as the repayment threshold).

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; and
- any exempt foreign employment income amounts [HESA section 154-5]

The amount a person repays each year is a percentage of their repayment income [HESA Subdivision 154-B]. The ATO [publishes repayment rates](#). Similarly, an overseas debtor becomes liable to pay a levy when their assessed worldwide income is above the minimum repayment threshold for the income year [HESA Subdivision 154-AA].

For further information on overseas obligations, visit the [ATO website](#).

## 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, it can mean that they repay their debt quicker and less indexation may be added to their debt across the life of the loan. Voluntary repayments are in addition to compulsory repayments. Voluntary repayments are non-refundable.

## 35.3 - 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 or the Wage Price Index, whichever is lower. Indexation means the amount a person will repay in total will likely be more than the original amount of the loan.

Indexation adjustments are applied by the ATO on 1 June each year and applies to the portion of debt that has remained unpaid for more than 11 months.

## 35.4 - Re-crediting HELP balances

Since 1 July 2019, any repayment a student makes towards their HELP debt with the ATO will credit their available HELP balance, up to their applicable HELP loan limit [HESA section 128-25].

Any voluntary repayments a student makes will credit their HELP balance when the ATO notifies the department that a repayment has been made. Any compulsory repayments will credit a student's available HELP balance once:

- they have completed their tax return
- have been issued a notice of assessment; and
- the ATO notifies the department of a repayment being made

The amount that is withheld from a person's fortnightly pay via PAYG is not a repayment against their HELP debt. These amounts are withheld at the ATO until the person completes their tax return and it is processed by the ATO.

A person can view their compulsory and/or voluntary repayments when they log in to the ATO's Online Services via myGov.



A person can view repayments made after 1 January 2020, which re-credited their HELP balance, as well as study history (from 2005 onwards) by logging into the [myHELPbalance](#) portal.

## 36. Reporting Requirements

### 36.1 - Tertiary Collection of Student Information (TCSI) system

Providers must report accurate and timely student information to the department via TCSI. Delays to the reporting of accurate data can have consequences for students and providers and can affect the calculation of loan entitlements, student income support entitlements and the processing of loans. Providers are required to report, and where relevant, revise data within the timeframes that have been determined under section 19-70 of HESA. Full details on reporting requirements, including what, when and how to report are available on the [TCSI website](#).

TCSI is used to:

- obtain data on HELP debts, statistical data, and data required for program management
- supply data to the myHELPbalance website to provide students with timely, accessible and accurate information about their study; and
- support the management of Commonwealth student loans and higher education eligibility, including scholarships

### 36.2 - Managing HELP limits

TCSI provides a mechanism through which providers can report and update data in real-time and receive near real-time information on the extent to which students have accessed OS-HELP loans, STARTUP-HELP loans, and consumed their HELP balance. The accuracy of the information available depends on all providers reporting accurate loan data as soon as possible. In particular, TCSI provides return information on:

- what OS-HELP and STARTUP-HELP loans the student has accessed at all providers
- the student's 'available HELP balance', which takes account of loans that have already consumed the student's HELP balance and any loan repayments that have been applied to the student's HELP balance
- the student's 'pending HELP balance', which takes account of loans that have or will consume the student's HELP balance and any loan repayments that have been applied to the student's HELP balance; and
- the status of all loans that a provider has reported, including whether the loan has or will be covered by the student's entitlements

Providers will also be able to access reports using the TCSI Analytics portal to determine which of their students may be close to exhausting their HELP balance.

This information can be used by providers to help determine whether student contributions or tuition fees can be covered by a student's HELP balance or whether these amounts will need to be recovered directly from the student.

The Commonwealth can only make payments to providers in respect of Commonwealth assisted students if those students are eligible for that assistance. Payments cannot be made on behalf of students who have exhausted their entitlements. Providers are encouraged to use the tools available in TCSI to help manage student entitlements in conjunction with their own processes to ensure that students have sufficient entitlements to enable access to HELP for their units.

## 36.3 - Management of Student Identifiers (USIs and CHESSNs)

### USI

A unique student identifier (USI) is a unique series of numbers and letters assigned to an individual that is used to manage information and access to HELP entitlements.

From 1 January 2023, all students, including those that commenced prior to 1 January 2023, must apply for and obtain a USI in order to graduate and receive their award.

From 1 January 2023, students requesting any Commonwealth assistance must have a USI.

### CHESSNs

If a student applied for Commonwealth financial assistance after 2005 they will have a CHESSN. The CHESSN is a system identifier in TCSI and does not need to be managed by education providers or students.

### Managing student identities

Students must be accurately identified across providers. Matching processes in TCSI use multiple identifiers and personal information to reduce the number of students with multiple entitlement balances. The matching processes are based on the information supplied by students and education providers and cannot eliminate duplicate records entirely.

If a student has been incorrectly allowed to access multiple entitlement balances, they risk exceeding their HELP loan limit. If a student has been advanced HELP loans in excess of their HELP limit, the department will identify which unit(s) of study, OS-HELP, STARTUP-HELP were not covered by the student's HELP or SLE limit and may recover the excess loan amounts from the provider(s) that delivered the unit(s), OS-HELP, STARTUP-HELP.

The department cannot make payments to providers for students who have exceeded the limit. It is the student's responsibility to know their HELP balance and identity details before seeking Commonwealth loan support.

Where a provider has reason to believe that a student has multiple entitlement balances in TCSI (for which the system has not identified), it should [notify the department](#) as soon as possible.

**If a student has not supplied a USI, can they graduate?**

From 2023 all students, regardless of commencement date, will be required to provide their USI to be able to graduate and receive their award unless they are exempt from this requirement under subsections 53A(3) or 53A(6) of the *Student Identifiers Act 2014*. Further information regarding USI exemptions can be found on the [USI website](#).

### **Why is it important to only have one USI?**

As the USI replaced the CHESSN, it is used as is an important identifier to monitor and manage Commonwealth assistance information, especially for identifying whether a student has reached their HELP loan limit. The [HELP loan limit](#) applies to all study for HECS-HELP, FEE-HELP, START-UP HELP, VET Student Loans and VET FEE-HELP.

### **Do providers need to verify the USI?**

The department strongly encourages education providers to verify USIs prior to submission into government systems.

USIs will be verified once arriving in government systems if they are correct. However, by verifying USIs prior to submission into government systems, providers can reduce the number of unverified USIs that will require correction. When verifying a USI, it is important that the first name, last name and date of birth match the details on the student's USI account.

If a student is uncertain, they can always log-in to their USI account to check their details on the [USI website](#).

Providers can verify a USI through one (or more) of the following:

1. **Verify USIs through the USI Registry System**  
The USI Registry System has been updated for higher education providers. Providers can verify USIs through the web-based USI Organisation Portal, and/or integrate USI web services into their Student Management Systems. Find more information on the [USI website](#).
2. **Use the Government's eCAF system**  
The Government's electronic Commonwealth Assistance Form includes USI API verification, similar to the approach used for verifying Tax File Numbers. When a student provides their USI in the Government eCAF, if verification fails, the student will be advised as to which detail has not passed (first name, last name, date of birth or USI). The latest eCAFs are always available in the Government eCAF portal. Higher education providers can access the Government eCAF Training environment to compare eCAF definition templates and update their own eCAFs. If a provider wants access to the eCAF training environment, contact: [HEenquiries@education.gov.au](mailto:HEenquiries@education.gov.au).
3. **Build verification functionality into your Student Management System**  
If you are not using the Government eCAF, then your own solution should replicate the Government's approved eCAF, which providers can test and view in the training environment. Please use this to develop the recording and verification of USIs in non-government eCAFs. Further information for developers is available through the department's eCAF Developers Google Group.

#### 4. Verify via TCSI

TCSI verifies USIs reported on student records via B2G APIs or the TCSI Data Entry portal. TCSI will verify all USIs in near real-time. If verification of the student's USI, first name, last name or date of birth matching the USI fail, the education provider will be sent a notification. These notifications can be retrieved using B2G APIs or via the TCSI Analytics portal.

#### **Can providers retrieve a USI on behalf of a student?**

Providers can search for a student's existing USI using the [USI Organisation Portal](#), provided they have the student's permission.

#### **How will the CHESSN be decommissioned?**

[TCSI automatically allocates and manages CHESSNs](#) for new and continuing students in the system for quality control.

All students must obtain and provide a USI if seeking Commonwealth assistance. These students will be automatically allocated a CHESSN in TCSI for government administration purposes.

#### **When do international students require a USI?**

[Onshore international students will require a USI](#) in order to receive their higher education award.

#### **Will international offshore students require a USI?**

At this stage there is no requirement for an offshore international student to obtain a USI.

## 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 or accelerator program courses that it provides or proposes to provide, on or before the earliest enrolment date for units of study or accelerator program course. This helps students access information about fees before they enrol [HESA paragraphs 19-95(2)(c) and 19-97(3)(b); HEP Guidelines section 23].

The schedule must contain enough information to enable a person to work out the student contribution amount tuition fee, or accelerator program course fee for each unit or accelerator program course the provider provides or proposes to provide. If more than one student contribution amount or tuition fee has been determined for a unit of study, 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); FEE-HELP Guidelines (for OUA) chapter 3].

A provider must publish the schedule and ensure that it is available to all students enrolled and persons seeking to enrol with the provider on request and at no charge [HESA paragraphs 19-95(2)(c) and 19-97(3)(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 [part 8.1[AS1] ], 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 ( $0.2 \times \$3,000$ ), and the medicine student will be charged \$375 for the unit ( $0.125 \times \$3,000$ ).

### Giving the schedule to the Minister

Providers must publish schedules on their website on or before the earliest enrolment date for units of study or accelerator program courses, enabling students to access information about fees before they enrol [HEP Guidelines section 23].

Publishing the unit of study information on the provider's website satisfies the requirement for submission of this information to the Minister [HESA subsections 19-95(1) and 19-97(2); HEP Guidelines section 26]. The department may request this information as part of student support activities at any time.

Beyond the requirement to publish the schedules on the provider's website, there is no further requirement in relation to the format of the 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. Regardless of the format used, it must be clear to students which tuition fee applies to them.

## 37.2 - Publication of student services and amenities fee

A provider that determines a student services and amenities fee (SSAF) must publish information about the student services and amenities fees. The provider must publish:

- the amount of the fee
- 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 [Administration Guidelines section 10]

A provider must inform a student of the SSAF amount, and the day on which it is payable if the student requests this information [HESA section 19-37(6)(b)].

A provider must publish this information by:

- 1 April for a SSAF that is payable between 1 July and 31 December of the same year
- 1 October for a SSAF that is payable between 1 January and 30 June of the subsequent year

### 37.3 - Census dates and EFTSL values

A provider must, on or before the earliest enrolment date for the units of study as determined by the provider, publish on their website the census dates and EFTSL value for each unit of study it provides or proposes to provide [HESA subsection 169-25(3) and Administration Guidelines part 6]. EFTSL is used by the department in checking payment estimates. Providers must calculate the EFTSL value for each unit of study and report the EFTSL value as part of their FEE-HELP TCSI data submission. The EFTSL value must also be included on the student's CAN, 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 can easily access this information.

#### Flexible enrolments

For units of study or accelerator program courses where rolling intakes or flexible enrolments are accepted, such as those offered online, the provider must clearly state the census date for each individual student. In these cases, as with units of study or accelerator program courses with fixed census dates, census dates cannot be earlier than 20 per cent of the way through the unit of study or accelerator program course [Administration Guidelines section 25].

#### Examples

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 - Variations to published student services and amenities fee information

Once a provider has published its SSAF information for the period, it can vary the information only in accordance with the requirements in section 9 of the Administration Guidelines. The amount of the fee and/or the date on which the fee is payable may be varied if:

- It is necessary because of new circumstances that did not apply when the fee, or the day the fee was payable, was determined; or
- to correct an administrative error

A provider must notify the department of its intention to vary its published SSAF information in writing to [SSAF@education.gov.au](mailto:SSAF@education.gov.au) at least five working days before making the variation.

If the variation will disadvantage a student seeking to enrol or enrolled with the provider, then the variation can only be made up to two months before the commencement of the course [Administration Guidelines section 9(2)]. Variations that disadvantage students include, but are not limited to, increasing the SSAF amount or changing the date to which the fee is payable to an earlier date.

The provider must publish the varied fee or date payable no later than two weeks after making the variation [Administration Guidelines section 11].

## 37.5 - Variations to published unit of study or accelerator program course information

Once a provider has published its unit of study or accelerator program course information, it can vary the information only in accordance with the requirements in section 25 of the HEP Guidelines for student contributions or tuition fees, or sections 23 and 24 of the Administration Guidelines for EFTSL and census dates, or with Ministerial approval.

Publishing the unit of study information on the provider's website satisfies the requirement for submission of this information to the Minister. Providers should be aware that 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.

### **Variation to student contribution amount or tuition fees without Ministerial approval**

A provider may only change student contribution amounts or tuition fees without Ministerial approval if the change occurs prior to the published census date of the unit, and:

- the variation does not disadvantage students enrolled or seeking to enrol in the unit; and
- is necessary to correct an administrative error or circumstances that did not apply at the time that the fees were determined [HEP Guidelines section 25].

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 the student contribution amounts or tuition fees on their website by uploading a replacement schedule as soon as practicable following the decision to make the variation [HEP Guidelines section 25].

### **Variations to unit of study information 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.

Non-Table A or B providers may request approval to make these types of variations by contacting [FEE-HELP@education.gov.au](mailto:FEE-HELP@education.gov.au).

Table A and B providers may request approval to make these types of variations by contacting [HELP.Policy@education.gov.au](mailto:HELP.Policy@education.gov.au).



The request must include all the following:

- the name of the affected unit of study and unit of study code
- the course of which the unit of study forms part
- the change 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 must consider whether it is reasonable to think that students will be disadvantaged in any other way.

## **37.6 – Units of study – other publishing requirements**

Providers are required to publish the following information in relation to each unit of study (or as it relates to accelerator program courses) they offer [HESA subsection 19-73 and HEP Guidelines section 37]:

- the mode of delivery of the unit of study
- whether the unit of study will be delivered by the provider or by a third party
- whether Commonwealth assistance is available for the unit of study; and
- whether there are any limits or conditions on the HELP assistance available for the unit of study imposed on the provider's approval as a higher education provider

The information must be published by the provider prominently on its website, without a student needing to login or provide contact information to access.



The information must be published before the earliest day for enrolment in the unit of study or accelerator program course and remain published until the end of the period in which the unit can be undertaken.

## 38. Financial reporting requirements for non-university FEE-HELP providers

All higher education providers, including providers approved by the Minister to offer FEE-HELP under subdivision 16C of HESA, must be financially viable and likely to remain financially viable. To allow the department to assess ongoing financial viability, providers must submit annual financial information to the department as specified in section 19-10 of HESA, the HEP Guidelines and the Financial Viability Instructions (FVI). This information must be submitted within six months following the close of a provider's annual financial reporting period. All financial information received by the department is treated on a commercial-in-confidence basis.

Providers must submit audited financial statements prepared in accordance with the requirements of the HEP Guidelines and FVI and completed Financial Performance information in HITS, among other requirements. Providers should note that the Minister may ask for additional information or place reporting conditions on a provider's approval in response to emerging risks, or allow a more detailed assessment of financial viability to be undertaken.

The Minister must take into account all of the following information in determining whether a higher education provider under section 16-25 of HESA is financially viable and likely to remain so:

- ability to generate sufficient income to meet operating expenditure, debt obligations, and where applicable, to generate growth while delivering quality higher education
- maintenance of a positive net equity position, and there is no evidence to suggest this might change
- if the provider has been operating for 3 years or more – the provider has operated at a profit for at least 2 of the 3 more recent financial years
- if the provider has at least 100 enrolments in courses of study that lead to higher education awards – at least 20% of the provider's revenue for the previous financial year came from sources other than payments that gave rise to FEE-HELP debts
- net positive cash position from operating activities
- loans, dividends or guarantees that could have a detrimental material effect on the provider's financial position;
- the provider is not providing its asset as security other than under a commercial loan arrangement with an authorised deposit-taking institution [HEP Guidelines section 33]

The Minister may also consider:

- the impact that a provider's broader corporate network is likely to have upon its ongoing viability
- changes in ownership or any other events that may have a bearing on Fit and Proper Person assessments

The FVI advises providers on the standard of [financial information required](#) and how financial viability is monitored.

Additionally, providers 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]. These include things such as changes to ownership, management, or organisational structure; changes to course offerings or delivery models; large asset acquisitions and/or sales; new loan or borrowing arrangements; third-party delivery agreements; and TEQSA regulatory decisions.

## 39. Provider payment and reconciliation

The department makes HELP payments to providers in advance, based on provider estimates. HELP payments are adjusted following variations processes throughout the year and end-of-year reconciliations as described below. They may also be revised based on revisions submitted for prior years, including giving effect to remissions of HECS-HELP and FEE-HELP debts.

If a provider becomes aware that the amount of the advance payments for the year is significantly different to actual liabilities incurred, the provider must contact the department via:

- [FEE-HELP@education.gov.au](mailto:FEE-HELP@education.gov.au) in relation to FEE-HELP advances if the provider is a non-Table A or B provider/non-university;
- [HELP.Policy@education.gov.au](mailto:HELP.Policy@education.gov.au) in relation to FEE-HELP and HECS-HELP advances if the provider is a Table A or B provider
- [HELP.Policy@education.gov.au](mailto:HELP.Policy@education.gov.au) in relation to OS-HELP advances
- [SSAF@education.gov.au](mailto:SSAF@education.gov.au) in relation to SA-HELP advances

Variations to HELP advance payments may be requested at any time throughout the year, but are generally processed in batches as determined by the department.

As loan data is reported to the department, 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.

### 39.1 - HECS-HELP payment cycle

Date	Action
October	Providers request HECS-HELP advances for the following year and update current year estimates based on updated CGS estimates.  Review of amount of HECS-HELP paid for the current year The remaining payments may be adjusted, and a lump sum amount may be paid or recovered depending on how HECS-HELP reported data varies from estimates.
October/ November	HECS-HELP advances for the following year are calculated. Forward estimates for three additional years beyond the current budgeted year are also calculated.
December	Payments are authorised for following year advances.
Early January	First HECS-HELP advance is paid. Future payments are made in instalments throughout the year.
April	Review of amount of HECS-HELP paid for the current year based on updated CGS estimates.
July to September	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.

### 39.2 - FEE-HELP payment cycle

Date	Action
<b>Table A and B providers</b>	
October	Providers request FEE-HELP advances for the following year and update current year estimates.  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 how FEE-HELP reported data varies from estimates.
October/ November	FEE-HELP advances for the following year are calculated based on provider estimates.
December	FEE-HELP payments are authorised for following year advances.

Date	Action
<b>Table A and B providers</b>	
Early January	First FEE-HELP advance is paid. Future payments are made in instalments throughout the year.
April	Review of amount of FEE-HELP paid for the current year.
July to September	End-of-year reconciliation of FEE-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.

**Private/non-university higher education providers**

Date	Action
October to December	Calculation of FEE-HELP advances to be paid for the following year. This will be determined based on a provider's approved advance for the current year and/or actual liability data reported in TCSI.
November/December	Providers are advised of approved advances for the following year.
December	Payments are authorised for following year advances.
Early January	First FEE-HELP advance paid. Future payments are made in instalments throughout the year. Variations may be requested throughout the year.
April, July and October	<p>Variation processing periods. Variations should be submitted once a provider becomes aware that the liabilities likely to be incurred for the entire year will vary from agreed advances. This includes reductions to variations as well as increases. Providers are expected to monitor their regular data submissions in TCSI to track student liabilities against the advanced payment amount.</p> <p>The remaining payments may be adjusted, and a lump sum amount may be paid or recovered depending on how FEE-HELP payments varied from current year estimate.</p> <p>Variations will be processed in three distinct batches rather than continually as data is submitted in TCSI. Variation requests are due to the department on 31 March, 30 June and 30 September each year.</p>
August - September	Reconciliation of FEE-HELP paid for the previous years. An additional payment or a recovery is used to resolve variations.

### 39.3 - OS-HELP payment cycle

Date	Action
October	<p>Providers request an allocation of OS-HELP loans for the following year and update current year estimates.</p> <p>Review of amount of OS-HELP paid for the current year based on updated estimates. The remaining payments/ loan allocation may be adjusted, and a lump sum amount may be paid or recovered depending on how OS-HELP reported data varies from estimates.</p> <p>At any time during the year providers can request an additional allocation of OS-HELP loans.</p>
October/November	OS-HELP advances and loan allocations for the following year are calculated based on provider estimates.
December	Payments are authorised for following year advances.
January	Payment of 50 per cent of the OS-HELP advance amount for the year.
June to August	Reconciliation of OS-HELP funds allocated in the previous year. Unused OS-HELP funds are recovered.
July	Payment of remaining 50 per cent of the OS-HELP advance amount for the year.

## 39.4 - SA-HELP payment cycle

Date	Action
October to December	Calculation of SA-HELP advances to be paid for the following year. This will be determined based on a provider's approved advance for the current year and/or actual liability data reported in TCSI.
November/December	Providers are advised of approved advances for the following year.
December	Payments are authorised for following year advances.
Early January	First SA-HELP advance is paid. Future payments are made in instalments throughout the year, similar to FEE-HELP.
April	Variation processing period. Variations should be submitted no later than 1 April. This is the first opportunity to vary the approved advance amount for this calendar period which was based on data reported in October the previous year. Variation requests may include both reductions as well as increases. Providers are expected to monitor their regular data submissions in TCSI to track student liabilities against the advanced payment amount.
August- September	End of year reconciliation of SA-HELP paid for the previous year. An additional payment or a recovery is used to resolve variations.
October	Variation processing period. Variations should be submitted no later than 1 October. This is the last opportunity to vary the advanced payment amount for the calendar year. This includes reductions to variations as well as increases. Providers are expected to monitor their regular data submissions in TCSI to track student liabilities against the advanced payment amount. The remaining payments may be adjusted, and a lump sum amount may be paid or recovered, depending on a variation from the current year estimate.

## 40. Privacy requirements

### 40.1 - Requirements with respect to personal information

When dealing with personal information, a provider is required to comply with any relevant obligations under HESA, and any other law that regulates the handling of personal information. Higher education providers who are APP Entities within the meaning of section 6C of the Privacy Act 1988 (Cth) also need to comply their obligations under the *Privacy Act 1988*.

Privacy obligations that providers are subject to include (but are not limited to):

- compliance with section 19-60 of HESA – which includes the following requirements:
  - compliance with the Australian Privacy Principles (APPs) (set out in Schedule 1 of the *Privacy Act 1988*) in respect of personal information obtained for the purposes of Subdivision 36-B or Chapter 3 or 4 of HESA
  - a provider must have a procedure under which a student enrolled with the provider may apply to the provider for, and receive, a copy of personal information that the provider holds in relation to that student; and
  - compliance with the requirements of the HEP Guidelines relating to personal information in relation to students, and the provider's own personal information handling procedures referred to in the point above; and
  - compliance with relevant requirements in Divisions 179 (Protection of Personal Information) and 180 (Disclosure or use of Higher Education Support Act information) of HESA

## 40.2 - Seeking informed consent from students

A provider must obtain the student's consent prior to providing the student's personal information to the department. This consent can be obtained:

- when the student submits their electronic Commonwealth Assistance Form (eCAF) to the provider; or
- for students who are not required to submit an eCAF, at another time, and in another form, determined by the provider

## 40.3 - Privacy complaints

A provider must have published, publicly available grievance procedures for dealing with complaints by the provider's students, and persons who seek to enrol in courses of study with the provider, 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.

# 41. Electronic communications

A provider may communicate electronically with its students if the provider complies with the requirements of the *Electronic Transactions Act 1999* (ETA), HESA and part 8 of the Administration Guidelines in doing so.

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 email, web-based communication or any other form of electronic communications specified by the provider [Administration Guidelines part 8], as long as the method of electronic communication assures that the integrity of information is maintained [ETA section 11].

## 41.1 - 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 [part 9]
- requests for the correction of a notice [part 10.4]
- notification, by a student, of their TFN or the provision of a Certificate of application for a TFN [part 34]
- notification, by a student, that he or she does not wish to be Commonwealth supported for a unit of study [part 20]; and
- the CAN [part 10]

### 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, 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

Any information system used to send or receive electronic communications must also be able to store the information so that the student can readily access it, and available for subsequent reference and printing.

### Online access to electronic CANs

For units of study where the provider is required to initially issue a CAN [HESA subsection 169-5(1)], providers must ensure that a student enrolled in that unit can access an electronic CAN.

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; for example, when they complete the unit.

Each time the person enrolls in further units of study for which the provider must issue a new CAN, the provider has a new and separate obligation to provide online access to that CAN.

## 41.2 - 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 part 8 of the Administration Guidelines. This includes:

- requests for Commonwealth assistance [part 9]
- a request for the correction of a notice [part 9.5]
- notification by a student of their TFN, or applied Certificate of application for a TFN [part 34]; and
- notification by a student that he or she does not wish to be Commonwealth supported for a unit of study [part 20.3]

The requirement 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:

- The information system used for providing the information is
  - compliant with the information technology requirements in [part 41.1]
  - secure, with appropriate security and back-up measures in place; and
  - able to generate a printable receipt for the student
- When giving information to the provider, the student follows instructions the provider has given. For example, the provider may require a notice from a student to be sent to a particular email address.
- The student is 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.
- Where a document must 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 part 8].

### 41.3 - Electronic submission of documents that require signature

For documents that students are required to sign, such as the electronic Commonwealth Assistance Form (eCAF) [part 9.4], students must use a unique identifier, issued by their provider, to identify themselves and indicate their approval of the conditions and requirements set out in the eCAF or other document [ETA section 10; Administration Guidelines part 8]. When submitting a Government eCAF, the 'submission transaction' serves as the student's electronic signature, and the student receives a PDF copy via email for their records.

### 41.4 - Issuing unique identifiers to students

A provider must have a method in place that 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 identifiers. In issuing the unique identifier, the provider must ensure it uses a reliable method of verifying a person's identity [ETA subsection 10(1)]. The provider must:

1. verify the identity of the person to whom the identifier is to be issued
2. take all reasonable precautions to ensure there is no unauthorised access to, or use of, the identifier; and
3. 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 an eCAF and for other enrolment processes.

### 41.5 - 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 that there is an error and advising of any follow-up action required.

### 41.6 - Requirements for non-government eCAFs

Students who are requesting Commonwealth assistance need to complete and submit an eCAF [HESA Division 174]. Providers may choose to use their own, purpose-built non-government eCAFs, or they may choose to use the Government eCAF, which is available for all approved providers. Providers who elect to use their own eCAF systems must meet the requirements in the ETA and part 8 of the Administration Guidelines to ensure that their non-government eCAF is an 'approved form'.

An approved form comprises all the information contained in the Government eCAF. This includes every element, section, and text – the exceptions are the eCAF video and eCAF quiz, and the TFN and USI verification tool.

The department provides access to the Government eCAF as the point of reference that providers must use to develop their provider eCAFs. The Government eCAF is updated and approved annually. Additional policy and/or legislation changes throughout the year sometimes require that the Government eCAFs approved by the Minister to be updated. If this occurs, it is communicated to providers by the Department.

The information contained in the Government eCAF represents the minimum mandatory information required for a provider eCAF to be valid.

Collecting mandatory information via another source, such as through the enrolment process, does not exempt a non-Government eCAF from being required to have this information. For example, a student's enrolment form may have their full name, email, and date of birth, but their eCAF must also have this information as well.

If a provider's non-government eCAF is not compliant, it is not an approved form for a student to request Commonwealth assistance, deeming the student ineligible for the CSP and/or HELP loan they are requesting.

Providers can 'personalise' the form as they require, provided the minimum requirements are met.

### Accessing the Government eCAF

Providers can request access to the Government eCAF training environment and the Government live eCAF environment by contacting the department.

- For higher education providers, please email [HEenquiries@education.gov.au](mailto:HEenquiries@education.gov.au)
- For VET Providers, please visit [www.dewr.gov.au/vet-student-loans](http://www.dewr.gov.au/vet-student-loans).

### Other key requirements for non-government eCAFs

In addition to the minimum mandatory information, providers must fulfil the below key requirements in relation to eCAFs.

- Inclusion of an automatically generated 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.

- Assistance in submitting, and correcting and submitting the form

A provider must ensure that students have reasonable access to the relevant HELP information booklet [part 9.2], to assist students when completing their eCAF/s. A provider should give students the opportunity to re-read the information they have provided online and correct any errors if necessary. This is why the department encourages providers to issue students with a copy of their submitted eCAF.

If the provider is satisfied that 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].

In circumstances where the error does not impact a student's eligibility, these errors can be fixed up to 6 weeks after the student's census date. For example, an incorrectly spelt name, wrong DOB, or incorrect course name.

If the error does impact a student's eligibility, a provider may fix these errors before the census date. If the census date has passed, providers must contact the department regarding next steps – [HEenquiries@education.gov.au](mailto:HEenquiries@education.gov.au).

- Issue of a receipt

Any information system that students use to submit an eCAF must be able to generate a printable receipt for the student. A provider may determine the format of this receipt. However, the student's TFN must not be printed on the receipt issued to the student.

## 41.7 - Retrieval of information

A provider must store all electronic forms, notices, documents, and other information in such a way that they can be reproduced and retrieved. A provider must be able to produce a copy of a student's eCAF to the student or the department for the time specified in State/Territory record keeping legislation.

## 41.8 - Storage of data

The information system must store the information so that the student can readily access it and so that it 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 recorded in a secure database. The storage and security of TFNs must comply with the [Privacy \(Tax File Number\) Rule 2015](#).

### 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.

### Privacy

Where personal information of a student is stored on an information system, the provider must comply with the *Privacy Act 1988* and HESA Division 179 [part [41.1](#)].

## 41.9 - 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 part 8 of the Administration Guidelines. The information that is likely to be sent would include a CAN.

In accordance with section 9 of the ETA and part 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 [40.1](#)].
- The student consents to receiving the CAN electronically [ETA paragraphs 9(1)(d), 11(1)(e) and 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.

## 42. 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 (or a relevant accelerator program course) during the period in which the person undertook, or was to undertake, the unit, can apply to:

- have their HELP balance re-credited [HESA Division 97 and Subdivision 104-B];
- have their STARTUP-HELP assistance reversed [HESA Division 128E];
- have their up-front payment of a student contribution amount repaid [HESA sections 36-20 and 36-21];
- have their Student Learning Entitlement amount re-credited [HESA Division 79]

If a HELP balance is re-credited under Division 97 or Subdivision 104-B, the recrediting also has the effect of remitting the HELP debt [HESA section 137-5(5) and 137-10(4)]. If a person's STARTUP-HELP assistance is reversed under Division 128E, the person's STARTUP-HELP debt in relation to that accelerator program course is remitted [HESA subsection 137(4)].

### 42.1 - Remission of debts under Higher Education Funding Act 1988

Under the *Higher Education Funding Act 1988* (HEFA) section 106L, a person could apply in writing to the Secretary for remission of their Higher Education Contribution Scheme (HECS), Postgraduate Education Loans Scheme (PELS) or Bridging for Overseas-Trained Professionals Loan Scheme (BOTPLS) debt in special circumstances. The lodgement deadline for such an application was 12 months after the day a person withdrew from a unit in their 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 [part 44].

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. Non-finalised remissions include those made as a result of a review and appeal to the Administrative Review Tribunal (ART), and remissions that were finalised in previous years but not reported.

The forms provided in Appendices E and F 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.

### 42.2 - Re-crediting a person's HELP balance in relation to FEE-HELP assistance

A provider must, if the threshold criteria are satisfied, re-credit a person's HELP balance with an amount equal to the amount of FEE-HELP the person received for the unit of study [HESA Subdivision 104-25B].

If a person's HELP balance is re-credited, any FEE-HELP debt that 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, unless the person's HELP balance was re-credited under subsection 104-25(1) and the person enrolled in that unit of study as a replacement unit [HESA section 110-5]. In these circumstances, a provider has the discretion to repay any up-front payments the person made in respect of the unit in accordance with its own rules, which should be accessible to the person.

Refer to [Appendix G](#) for a 'Guide to special circumstances decision-making'.

### 42.3 - Re-crediting a person's HELP balance in relation to HECS-HELP assistance, obligation for the provider to repay amounts to the Commonwealth and/or repayment of up-front payments of student contribution amounts

If a provider determines the threshold criteria are satisfied by a person in respect of a unit of study, the provider must re-credit a person's HELP balance with an amount equal to the amount of HECS-HELP assistance the person received for the unit of study [HESA Division 97].

If a provider re-credits a person's HELP balance under Division 97, the person's HECS-HELP debt in relation to the unit of study is taken to be remitted [HESA subsection 137-5(54)].

If a person has been enrolled as a Commonwealth supported student and did not complete the requirements for the unit and the provider is satisfied that special circumstances apply to the person, and the person applies in writing for the repayment of their student contribution amount or remission of their HELP debt, and satisfies all the relevant requirements in section 36-20 of HESA, the provider must repay to the Commonwealth the amount equal to any HECS-HELP assistance to which the person was entitled for the unit.

The provider must also repay any up-front payments of student contribution amounts the person made in relation to the unit of study [HESA section 36-20]:

#### **Units with census dates before 1 January 2012**

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.

The *Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Act 2011* (Amendment Act) made significant amendments to HESA, including repealing HESA Part 3.1, which includes sections 79-1 to 79-15. However, the compilation of HESA (registered 9 September 2011) 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 this compilation of HESA to such units, providers should note that:

- 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; and
- 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 they are no longer in force.

#### **Application of the Administration Guidelines to units with census dates before 1 January 2012**

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)]. As such, they do not apply to units of study with census dates prior to 1 January 2012, and providers are not bound to apply the Administration Guidelines when making decisions in respect to such units of study. The department's policy position is, however, that in applying the special circumstances test, providers are to make their decisions in accordance with Part 3 of the Administration Guidelines. In other words, as a statement of departmental policy relevant to special circumstances decision-making by providers, the guidelines should be taken into account when making these decisions.

Providers should ensure that any guidance provided to students in relation to special circumstances decisions reflects this position.

## **42.4 - Re-crediting, remission, reversal and/or repayment process**

### **Advising students of the process**

If a person withdraws from a unit of study or accelerator program course after the census date, the provider should advise the person they may apply, in writing, to the provider, for re-credit, remission, reversal and/or repayment, whichever is relevant to the person.

Refer to [Appendix G](#) for a 'Guide to special circumstances decision-making'.

### **When can a person apply for re-credit, remission, reversal and/or repayment?**

Where the student meets the relevant criteria for a re-credit, remission, reversal or repayment of their HELP debt or HELP balance or in relation to their student contribution amount or tuition fees, a person may apply to the provider for:

- a re-credit of HELP balance in relation to FEE-HELP assistance for a unit and remission of FEE-HELP debt [HESA Subdivision 104-B; section 137-10];
- a re-credit of HELP balance in relation to HECS-HELP assistance, remission of HECS-HELP debt and/or repayment of the student contribution amount for a unit [HESA Division 97, sections 137-5 and 36-20];
- a re-credit of SLE amount for the unit [HESA Division 79]



- a reversal of STARTUP-HELP assistance for the accelerator program course [HESA Division 128E]

A student may also apply to the department if their provider is unable to accept their application for any reason [HESA section 36-24C, subsections 79-1(3), 104-25(3), 128E-1(3)].

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 or their HELP balance is re-credited in relation to their HECS-HELP assistance [HESA subsections 137-5(4) and (5)]. A person's FEE-HELP debt in relation to a unit is taken to be remitted if the person's HELP balance is re-credited [HESA subsection 137-10(4)]. A person's SA-HELP debt is taken to be remitted if, under section 128-5 of HESA, the provider must repay the Commonwealth the amount the Commonwealth paid the provider in relation to the person's SSAF [HESA subsection 137-16(4)]. A person's STARTUP-HELP debt is remitted if the person's STARTUP-HELP assistance is reversed [HESA subsection 137-17(4)].

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 application deadline 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, 79-1, 104-25, 104-40, 128E-10 and 128E-15].

In such decision-making, '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 HESA sections 36-21, 79-5, 104-30 and 128E-5, and in Part 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 that the application has been refused on the basis that the person has not satisfied one of the threshold criteria. 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 to refuse to re-credit a person's HELP balance or refuse to reverse STARTUP-HELP assistance will be a reviewable decision under HESA and the provider has an obligation to inform the person of this and provide the person with the opportunity to seek reconsideration of the decision.

### **When can't a person apply for re-credit, remission and/or repayment?**

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.

## 42.5 - When must a provider re-credit, remit, reverse and/or repay?

### Special circumstances

A provider must re-credit, remit, reverse and/or repay a person if they are satisfied, in respect of a unit of study or accelerator program course, that the relevant criteria apply to the person (for example, the provider is satisfied that special circumstances 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
- 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 in which the person undertook, or was to undertake, the unit [HESA sections 36-21, 79-5 and 104-30].

Part 3 of the Administration Guidelines specifies the circumstances in which a provider can satisfy itself 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 for re-credit, remission or repayment 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 criteria

Part 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.

Refer to [Appendix G](#) for a 'Guide to special circumstances decision-making'.

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 12]. 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:

- before the census date, but worsen after that day;
- 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 [Administration Guidelines section 13].

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 HELP balance or remit a person's 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 that 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, considering 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 14]:

- 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
- 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

- 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
- 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
- complete the required assessable work
- 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, whether the person would have already failed 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. However, if that person may have already failed to meet the ongoing compulsory requirements of the unit of study, such that their failure to sit the final or special examination, does not of itself make a difference as the student has already failed to meet the requirements to complete the unit of study.

In this case, the provider may make a decision not to re-credit the person’s HELP balance or remit the person’s HELP debt.

Providers need to state these requirements for continuous assessment and attendance in the provider’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**

Open Universities Australia means Open Universities Australia Ltd [HESA Schedule 1, subsection 1(1)]. In HESA, OUA is considered separately from approved higher education providers. 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 Part 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.

### **Student Protections**

Student protection amendments made by the *Higher Education Support Amendment (Job-ready Graduates and Supporting Regional and Remote Students) Act 2020* have expanded circumstances in which a provider must re-credit a person's HELP balance.

### **Not entitled to assistance**

A provider must re-credit a person's HELP balance with an amount equal to the amounts of HECS-HELP or FEE-HELP assistance that the person received for a unit of study if the provider, or the Secretary of the department, (for FEE-HELP the Secretary only) is satisfied that the person was not entitled to receive HECS-HELP or FEE-HELP for the unit of study with the provider [HESA subsections 97-50(1), 104-44(2)].

For example, a person is not entitled to HECS-HELP assistance for a unit of study if the person is not a Commonwealth supported student in relation to the unit [HESA section 90-1]. Whether a person is a Commonwealth supported student in relation to a unit is set out in section 36-5 of HESA, and Subdivision 36-B sets out a number of circumstances in which a higher education provider must not advise a person that he or she is a Commonwealth supported student [part [20](#)].

### **Provider completes request for assistance**

A provider must also re-credit a person's HELP balance with an amount equal to the amounts of Commonwealth assistance that the person received for a unit of study or accelerator program course if the higher education provider completes any part of the request for Commonwealth assistance in relation to the unit that the student is required to complete [HESA sections 97-45, 104-44(1) and 128E-25].

## **42.6 - Academic review and re-credit, reversal or remission of HELP debt**

A provider should have procedures in place that allow a person's academic grades to be revised independent of re-crediting of their HELP balance, remission of their HELP debt and/or refund of up-front payments.

Decisions relating to re-credit, remission, reversal 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.

## 42.7 - Timeframe for making decisions

A provider should consider the person's application as soon as practicable [HESA sections 36-23, 79-15, 97-40, 104-40].

### Notifying applicants of the decision

A provider must notify the person of its decision and the reasons for making it [HESA sections 36-23, 79-15, 97-40, 104-40 and 128E-15].

The person must be advised that 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 relevant passage states that:

- In accordance with section 209-10 of the *Higher Education Support Act 2003*, the application must be made by written notice and must be made within 28 days, or such longer period as the reviewer allows, after the day on which the person first received written notice of the decision.

### Notifying the department of the decision

Where a decision results in the re-crediting of a person's HELP balance, the remission of a person's HELP debt, the reversal of STARTUP-HELP assistance 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 [part [42.1](#)]. The provider must repay to the Commonwealth any amounts of HECS-HELP, FEE-HELP or STARTUP-HELP that the provider received from the Commonwealth on the person's behalf [HESA subsection 36-20(2) and sections 110-5 and 128D-5].

## 42.8 – Re-crediting a person's SLE amount

A provider must, if the relevant criteria are satisfied, re-credit a person's SLE amount with an amount equal to the EFTSL value for a unit of study [HESA section 79-1].

A provider must also re-credit a person's SLE amount with an amount equal to the EFTSL value of a unit of study if the person's HELP balance is re-credited under any of the following provisions with an amount equal to the amount of HECS-HELP assistance the person received for the unit of study [HESA section 79-20]:

- HESA subsection 97-25 (special circumstances);
- HESA subsection 97-27(1) (the person does not have a tax file number);
- HESA subsection 97-42(1) (the higher education provider defaults);
- HESA subsection 97-45(1) (the higher education provider completes a request for Commonwealth assistance);
- HESA subsection 97-50(1) (the person was not entitled to assistance).

## 43. Review of decisions

### 43.1 - Provider review of a decision

A provider must have review procedures for reconsidering decisions relating to re-crediting a person's HELP balance or SLE amount, whether special circumstances apply to a person, and a decision that undertaking a unit of study or accelerator program course will impose an unreasonable study load on a person or reversing a person's STARTUP-HELP assistance [HESA subsection 19-45(1)(c)]. The review procedures must be published, publicly available, and up to date [HESA subsection 19-45(6)]. The review procedure for reconsidering decisions must comply with the requirements in Chapter 4 of the HEP Guidelines. The Code of Practice for Notification of Reviewable Decisions and Rights of Review is included in [Appendix H](#).

A provider may include other review procedures with which its review officers must comply, provided these procedures are consistent with HESA requirements and HEP Guidelines [HESA subsections 19-45(1)(c) and 19-45(3)]. The provider must also give notice of decisions, give the person relevant information (for example, in relation to the person's review rights) and have regard to relevant matters. [*Administrative Review Tribunal Act 2024* (ART Act) Part 10].

Providers' review procedures should make it clear how a student can request a review of a decision, what information they should provide in that request, and what information the provider will include in a response to a request to review a decision.

#### **Right to a statement of reasons for decisions**

The notice to an applicant of a provider's decision must include a statement of reasons for that decision [HESA subsections 36-23(2), 79-15(2), 97-40(2), 104-40(2), 128E-15(2)].

Further, an applicant has the right to make a request, in writing, for a statement of reasons for a decision from a decision-maker, containing the findings on material questions of fact, reference to the evidence used in the findings, and explains the reasons for the decision [ART Act section 268]. The request must be fulfilled no later than 28 days after receiving the request [ART Act subsection 269(2)], unless an exception applies to allow the decision-maker to refuse the request.

If a decision-maker refuses the applicant's request for a statement of reasons or does not give the person a statement of reasons within 28 days, the person may apply to the ART for a decision about whether the decision-maker should give the person the statement of reasons. If the ART decides that the decision-maker should give the person the statement of reasons, the decision-maker must do so within 28 days after the ART notifies the decision-maker of the ART's decision [ART Act Section 270].

The decision-maker can refuse a request for a statement of reasons if the request was made after 28 days from the decision or within a reasonable time [ART Act subsection 269(8)].

The decision-maker may also refuse the request if the person has already been given a statement of reasons for the decision (in the document setting out the decision or separately). [ART Act



subsection 269(7)]. If the decision-maker refuses to give a statement of reasons for the decision for a reason other than that the person has already been given a statement of reasons, the decision-maker must explain their refusal to give statement of reasons [ART Act 269(11)-(12)].

The provider should try to provide an adequate statement of reasons at first instance to avoid an ART declaration that an additional statement of reasons should be granted containing adequate information about the matter. [ART Act 271(4)].

### **Request for reconsideration of decision**

A person has the right to request a reconsideration of any of the reviewable decisions outlined in section 206-1 of HESA, including decisions by the provider to not re credit, remit, reverse and/or repay [HESA subsection 209 10(1)]. The time limit for a person requesting 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 up-front, and did not request FEE-HELP assistance, the review procedures under HESA do not apply to decisions by the provider to repay any amount of their up-front fees [HESA subsections 104-25(1)]. This is because this is not a decision made under HESA. In this instance, the student cannot request a review under HESA or apply to the ART for a review of that decision.

Further, reviews of decisions on matters related to suitable replacement courses for students, – when a higher education provider defaults in relation to a student, – cannot be referred to the ART [HESA subsection 212-1(2)].

### **Acknowledging receipt of applications for reconsideration of a decision**

A higher education provider must acknowledge in writing when an application for review of a reviewable decision has been received [HEP Guidelines subsection 21(2)]. The higher education provider must also inform the applicant that, if the reviewer has not contacted the applicant with a decision within 45 days of receiving the application for review, then the reviewer is taken to have confirmed the original decision [HEP Guidelines paragraph 21(2); HESA subsection 209-10(6)].

### **Reconsideration of decisions made out of time**

Where an applicant requests that a provider reconsider a decision not to re-credit, remit, reverse and/or repay, and the application is made outside of the 28 day time limit, or such longer period 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. 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 that their application 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 ART. 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.

This review application period (i.e. the period in which a student can apply for reconsideration of a reviewable decision) is distinct from the period in which the person can apply for repayment or remission of their student contribution amount, tuition fees or accelerator program course fees or remission of their HELP debt. The initial application period is the period where a student can submit their initial application to re-credit, remit and/or repay, rather than the period from where a student submits an application to have a decision reviewed. For the initial application period, students have 12 months to submit their initial application, either from the day after a specified notice for withdrawal from a unit of study takes effect, or after the end of the period when the student undertook the unit [HESA sections 36-22, 79-10, 97-35, 104-35, 128E-10].

Paragraph 21(2) of the HEP Guidelines requires that a provider must follow certain procedures when reviewing reviewable decisions. The provider must acknowledge receipt of an application for review of a reviewable decision. 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 they have not received a decision within 45 days of the reviewer receiving their application [HEP Guidelines paragraph 21(2)]
- inform the person of their right to apply to the ART for a review of the reviewable decision that has been confirmed, varied or set aside [HEP Guidelines paragraph 21 (3)]; and
- provide the contact details of the closest ART Registry and the approximate costs of lodging an appeal with the ART [HEP Guidelines paragraph 21(3)].

Providers must inform applicants that an application to the ART must generally be made within 28 days from the date the applicant receives the reviewer's decision [HESA subsection 209-10(2)].

A provider must also:

- appoint a review officer who is either the chief executive officer of the provider or a delegate of the chief executive officer of the provider [HESA section 19-50]
- 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 [HESA section 19-55]
- 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) [HESA subsections 209-5(3) and 209-5(5)]
- advise the person of their right to appeal to the ART for a review of the reviewer's decision if the person is unsatisfied with the outcome [ART Act subsection 266(5); Administration Guidelines part 3]; and
- provide the person with the contact details and address of the nearest ART Registry.

Providers may find it useful to maintain an up-to-date register of review officer appointments.

## 43.2 - Review by the Administrative Review Tribunal (ART)

A person may make an application to the ART under section 212-1 of HESA for a review of a provider's decision to refuse to re credit, remit, reverse and/or repay amounts where that decision has been varied or set aside on internal review by the provider under section 209 5 or 209 10 of HESA. A person who applies to the ART may supply additional information that they did not previously supply to the provider, including the provider's reviewer.

The Secretary of the department is the respondent for cases that are before the ART and the department is responsible for all dealings with these matters including responding to all ART correspondence. When the department receives notification of an application to the ART, it is still open to the department (on behalf of the Secretary) to review the original decision under HESA paragraph 209-5(2)(b).

Within 28 days after the Tribunal notifies the decision-maker for a decision of an application for review of the decision, the decision-maker must give the Tribunal a statement of reasons for the decision, and a copy of every other document that is in the possession or under the control of the decision-maker and relevant to the Tribunal's review of the decision (ART Act section 23).

Upon receipt of a notification from the ART that a person has filed an application for review of a decision, the department will notify the provider(s), in writing, that a request for review has been lodged. To enable the department to meet the statutory timeframe for lodging relevant documents with the ART, a provider must give the department copies of all the documents it holds that are relevant to the appeal within five business days of them being requested. The provider should keep any originals and copies of the documents in accordance with their normal record-keeping practices.

Subject to there being a current delegation of powers by the Secretary of the department to enable review officers of providers to review original decision of providers, a provider may, in accordance with HESA paragraph 209-5(2)(b), reconsider a decision for which review is being sought by the ART. The provider must advise the department if a decision is made to re-credit, remit, reverse and/or repay following consideration.

However, until a person withdraws their ART application, or the appeal is dismissed by the ART, the department must comply with section 23 of the ART Act. Therefore, a provider must still forward all relevant documents to the department within the five business days, unless the department advises otherwise. The department will deal with cases from that point and advise the provider of the outcome.

## 44. Waiver of HELP debt

To remit a HELP debt, the 'special circumstances' provisions [[Appendix G](#)] set out the legislative criteria to allow for students to seek remission for units in which they were enrolled, but could not complete. It is a provider's responsibility to assess special circumstances applications. Should the applicant disagree with their providers' decision, they can use the internal and external review mechanisms of the special circumstances provisions [Part 43]. Failing this, the person's option of last resort is to contact the Department of Finance and request their HELP debt be waived.

A waiver of debt is a special concession granted to a person that extinguishes a debt owed to the Commonwealth. This means that the debt is completely forgiven and can no longer be recovered by the Commonwealth.

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.

The waiver of debt power is found in section 63 of the Public Governance, Performance and Accountability Act 2013 (PGPA Act). It allows the Minister for Finance 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.

For further information on waiver of debt, and information on how to apply, see the [Department of Finance website](#).

## 45. Freedom of information

All documents in the possession of 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.

FOI requests should be sent to [FOI@education.gov.au](mailto:FOI@education.gov.au).

## 46. Tuition Protection

### 46.1 - What is Tuition Protection?

This section describes the higher education provider's obligations towards their students if the provider defaults, and how Tuition Protection works.

Higher Education Tuition Protection is an initiative of the Australian Government to assist domestic higher education students if their provider defaults (fails to commence or ceases to deliver a unit of study and/or course to their students). Tuition Protection protects all domestic students at private higher education providers whether they make upfront payments or use a HELP loan to pay for their studies.

Tuition Protection ensures that domestic higher education students can either:

- Complete their studies in an equivalent or similar unit and/or course with another higher education provider; or
- Receive a refund of their upfront payments for tuition fees, or a re-credit of their HELP loan for units of study they were undertaking when their provider defaulted.

## 46.2 - Which providers does tuition protection arrangements apply to?

Table A providers [HESA section 16-15], TAFEs and Government funded providers are currently exempt from higher education tuition protection arrangements under Part 5-1A of HESA and the Part 5A of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act), and students enrolled with these exempt providers are not included in the scope of these tuition protection arrangements, since these providers are assessed to have a low risk of default. This does not prevent those providers from enrolling displaced students as replacement providers.

All other registered higher education providers are statutorily required to participate in tuition protection arrangements, either for HELP students [HESA Part 5-1A] or for domestic up-front paying students [TEQSA Act, Part 5A].

## 46.3 - When does a provider default in relation to a student?

### HELP Tuition Protection Scheme

A non-exempt higher education provider defaults [HESA section 166-10] in relation to a student if:

- The provider fails to commence a unit of study on the day of the unit of study's scheduled start date, or the provider ceases to provide a unit of study before the unit of study's scheduled end date; and
- the student has not withdrawn from the unit of study on or before that day; and
- student was entitled or would have been entitled to FEE-HELP or HECS-HELP assistance for the unit of study.

Section 12 of the HEP Guidelines also prescribes further circumstances in which a higher education provider defaults in relation to a HELP student.

### Up-front Payments Tuition Protection Scheme

A registered higher education provider defaults in relation to a domestic student if [TEQSA Act, section 62C]:

- The provider fails to commence a unit of study on the day of the unit of study's scheduled start date, or the provider ceases to provide a unit of study before the unit of study's schedule end date; and
- the student has not withdrawn from the unit of study on or before that day; and

- the student:
  - made an up-front payment for the unit of study on or before that day; or
  - did not make an up-front payment for the unit of study on or before that day and the student was not entitled, and would not have been entitled, to FEE-HELP or HECS-HELP assistance for the unit.

Division 4 of the *Tuition Protection (Up-front Payments Guidelines) 2020* (Up-front Payments Guidelines) 2020 also prescribes further circumstances in which a registered higher education provider defaults in relation to a domestic student.

## 46.4 - What are the Tuition Protection requirements that non-exempt providers must meet?

Non-exempt higher education providers who default in relation to a HELP student or domestic up-front paying student must meet the tuition protection requirements [HESA Part 5-1A and HEP Guidelines Chapter 2; TEQSA Act Subdivision A and Up-front Payments Guidelines Part 2]:

Notice of default to the Higher Education Tuition Protection Director

- Within 24 hours of defaulting, the higher education provider must give written notice to the Higher Education Tuition Protection Director (the Director) of the circumstances of the default [HESA subsection 166-15(2); TEQSA Act subsection 62D(2)]
- Within 3 business days of defaulting the higher education provider must give written notice to the Director specifying:
  - information in relation to each student to whom the provider has defaulted including [HESA subsection 166-15(3); TEQSA Act section 62D(3)]:
    - the student's full name and contact details
    - the units of study and the course of study that the student was enrolled in at the time of the default
    - the amount of the tuition fees for each unit of study that the student was enrolled in at the time of the default
    - details about the payment of those tuition fees
  - advice as to whether the provider intends to discharge its obligations to the student under legislation and if appropriate, how the provider intends to discharge those obligations; and
  - any other matters prescribed by the HEP Guidelines for affected HELP students; or
  - any other matters prescribed by the Tuition Protection (Up-front Payments Guidelines) 2020 for affected domestic up-front fee-paying students.

The higher education provider must also give to the Director a copy of a student's record of results for the units of study that the student has completed if it is requested by the Director [HESA subsection 166-15(4); TEQSA Act section 62D(4)].

### **Notice of default to affected students**

Within 24 hours of defaulting, the higher education provider must give written notice of the default to the students to whom the provider has defaulted [HESA subsection 166-20(2); TEQSA Act subsection 62E(2)] and that notice must comply with any requirements set out by the HEP Guidelines for HELP students [HESA subsection 166-20(3), HEP Guidelines section 14], and the Up-front Payments Guidelines for domestic up-front fee-paying students [TEQSA Act subsection 62E(3), Upfront Payments Guidelines section 16].

### **Providers' obligations in case of default**

Within 14 days of defaulting ('the provider obligation period'), the higher education provider must discharge its obligations to the student [HESA subsection 166-25(2); TEQSA Act subsection 62F(2)].

A provider discharges its obligations to the student [HESA subsection 166-25(3); TEQSA Act subsection 62F(3)] when either:

- the provider arranges for the student to be offered a place in a suitable replacement unit or replacement course and the student accepts the offer in writing; or
- the provider re-credits the student's \*HELP balance [HESA subsections 97-42(1) or 104-42(1)] and repays the relevant HELP loan amount to the Commonwealth [HESA subsections 36-24A(2) or 110-5(1)]; or
- the provider provides a refund [TEQSA Act paragraph 62F(3)(b)].

Within 7 days of the end of the provider obligation period, the provider must also give a notice to the Director that includes the following [HESA section 166-26A; TEQSA Act subsection 62H(1)]:

- whether the provider discharged its obligations to the student in accordance with section 166-25 of HESA for affected HELP students, or with section 62F of the TEQSA Act for affected domestic up-front fee-paying students; and
- if the provider arranged a suitable replacement unit or replacement course for the student, the following information:
  - details of the student; and
  - details of the replacement unit or the replacement course; and
  - evidence of the student's acceptance of an offer of a place in the replacement unit or replacement course; or
- if the provider re-credited the student's HELP balance and repaid the Commonwealth for an affected HELP student, the:
  - details of the student; and
  - details of the amount re-credited and the amount repaid; or
- if the provider provided a refund to an affected domestic up-front fee-paying student, the:
  - details of the student; and

- details of the amount of the refund.

### **Suitable replacement units or suitable replacement courses**

A provider that has defaulted must identify whether there are suitable replacement units or suitable replacement courses, [HESA subsection 166-25(4); TEQSA Act subsection 62F(4)] or that there is no suitable replacement unit or suitable replacement course for the student.

For identifying whether there is a suitable replacement course, the default higher education provider must have regard to the following matters [HESA subsection 166-25(5); TEQSA Act subsection 62F(5)]:

- whether the replacement course leads to the same or a comparable qualification as the original course
- what credits the student may receive for the units of study of the original course successfully completed by the student
- whether the mode of delivery of the replacement course is the same as the mode of delivery of the original course
- the location where the replacement course will be primarily delivered
- whether the student will incur additional fees that are unreasonable and will be able to attend the course without unreasonable impacts on the student's prior commitments; and
- any other matters prescribed by the HEP Guidelines for affected HELP students; or
- any other matters prescribed by the Tuition Protection (Up-front Payments Guidelines) 2020 for affected domestic up-front fee-paying students.

For identifying whether there is a suitable replacement unit, the provider must have regard to the following matters [HESA subsection 166-25(6); TEQSA Act subsection 62F(6)]:

- whether the student will receive credit under the student's original course for the replacement unit
- whether the mode of delivery of the replacement unit is the same as the mode of delivery of the affected unit
- the location where the replacement unit will be primarily delivered
- whether the student will incur additional fees that are unreasonable and will be able to attend the replacement unit without unreasonable impacts on the student's prior commitments; and
- any other matters prescribed by the HEP Guidelines for affected HELP students; or
- any other matters prescribed by the Tuition Protection (Up-front Payments Guidelines) 2020 for affected domestic up-front fee-paying students.

If there is a suitable replacement unit or suitable replacement course available, then the default higher education provider must give a written notice to the student that includes the following [HESA subsection 166-25(7); TEQSA Act subsection 62F(7)]:



- a statement that the student may decide to do one of the following:
  - enrol in a suitable replacement unit or replacement course
  - enrol in another unit of study or course
  - elect to have either
    - an amount equal to the amounts of FEE-HELP or HECS-HELP assistance that the student received for the affected unit re-credited to the student's \*HELP balance; or
    - the amount equal to the sum of any up-front payments made for the affected unit refunded back to the student;
- a description of each suitable replacement unit or suitable replacement course, including the qualification that the suitable replacement course leads to
- the contact details of the provider of each suitable replacement unit or suitable replacement course
- an explanation that, if tuition fees or the student's student contribution amount have been paid for the affected unit of the original course, tuition fees or the student contribution amount would not be payable for a suitable replacement unit or a replacement unit of a suitable replacement course
- an explanation that if the student chooses to enrol in another unit of study or course, there is no obligation on the provider of the other unit or course to offer a replacement unit without charge to the student
- If an affected HELP student, then an explanation of the matters the provider must have regard to under subsections 166-25(5) and (6) of HESA
- If an affected up-front fee-paying student, then an explanation of the matters the provider must have regard to under subsections 62F(5) and (6) of the TEQSA Act
- any other matters prescribed by the HEP Guidelines for affected HELP students
- any other matters prescribed by the Tuition Protection (Up-front Payments Guidelines) 2020 for affected domestic up-front fee-paying students.

### **Student elects re-credit**

If a HELP student elects to receive a re-credit of their FEE-HELP or HECS-HELP loan used to pay for the affected unit of study costs, the provider must re-credit the student's HELP balance of an amount that is equal to the amounts of FEE-HELP assistance or HECS-HELP assistance that the student received for any affected unit(s) [HESA subparagraph 166-26B(4)(a)(iii)].

Note: If a HELP student has received HECS-HELP or FEE-HELP assistance and also made a partial up-front payment for the affected unit of study costs, then any elections made must be consistent for the HELP assistance received, and the up-front payment made for the unit [HESA subsection 166-26B(9)]. For example, if the student elects a re-credit for the HELP assistance received for the



affected unit, then if the student also made partial up-front payment for the same affected unit, then the student must also elect to receive a refund for the up-front payment amount.

### **Student elects refund**

If a domestic up-front fee paying student elects to receive a refund of their affected unit costs, the provider must pay the student the refund of an amount equal to the sum of any up-front payments they made for any affected unit(s) [TEQSA Act subsection 62F(8)].

Any refund must be in accordance with any requirements in the Up-front Payments Guidelines [TEQSA Act subsection 62F(9)].

Note: if the student made an up-front payment and accessed FEE-HELP or HECS-HELP assistance for the same affected unit then any elections made must be consistent for the HELP assistance received, and the up-front payment made for the unit [TEQSA Act subsection 62F(10)]. For example, if the student elects a refund for the up-front payment made for the affected unit, then if the student also accessed HECS-HELP or FEE-HELP assistance for the same affected unit, then the student must also elect to receive a re-credit for the HECS-HELP or FEE-HELP assistance accessed.

### **Provider fails to discharge its obligations**

If a provider does not discharge its obligations in relation to their affected students, then the Director will assist affected students to find a suitable replacement course or to receive a re-credit of their HELP balance, or a refund of their up-front payments [HESA section 166-26B; TEQSA Act section 62J].

However, if a provider fails to discharge their obligations to their affected students the provider may be subject to a civil penalty or offence of strict liability [HESA section 166-26; TEQSA Act section 62G].

## **46.5 – Tuition Protection Levies**

This section provides information on the HELP Tuition Protection levy and the Up-front Payments Tuition Protection Levy which are part of the higher education Tuition Protection arrangements. Both levies ensure the tuition protection arrangements are sustainable and can respond to trends in the higher education sector.

The levies only apply to leviable providers, which are private higher education providers unless an exemption applies [Higher Education Support (HELP Tuition Protection Levy) Act 2020 (HELP Levy Act) subsection 5(1); Higher Education (Up-front Payments Tuition Protection Levy Act 2020 (Up-front Payments Levy Act) subsection 5(1)]. The circumstances where an exemption will apply will be set out in the HEP Guidelines and the Up-front Payment Tuition Protection Guidelines.

### **HELP Tuition Protection Levy**

The HELP Tuition Protection Levy is part of the tuition protection arrangements to protect domestic higher education students who undertake a HELP loan in the event of a provider ceasing to deliver a course or closing. The levy is imposed under the HELP Levy Act and in accordance with the HEP Guidelines.

## Up-front Payments Tuition Protection Levy

The Up-front Payments Tuition Protection Levy is part of the new tuition protection arrangements to protect domestic higher education students who pay for their study costs upfront in the event of a provider ceasing to deliver a course or closing. The levy is imposed under the Up-front Payments Levy Act and in accordance with the Up-front Payment Guidelines.

### How much is payable under the levies?

Both levies are comprised of the same three components which are:

- an administrative component [HELP Levy Act section 8; Up-front Payments Levy Act section 8], determined by the Minister [HELP Levy Act section 9; Up-front Payments Levy Act section 9];
- a risk rated premium component [HELP Levy Act section 11; Up-front Payments Levy Act section 11] determined by the director; and
- a special tuition protection component [HELP Levy Act section 12; Up-front Payments Levy Act section 12], determined by the Director [HELP Levy Act section 13; Up-front Payments Levy Act section 13].

Thus, the amounts payable by private higher education providers for each levy in a year is the sum of the three components (administrative, risk rated premium and special tuition protection) [HELP Levy Act section 7; Up-front Payments Levy Act section 7]. The amounts payable for each component will be made for each leviable provider, commensurate with their size and risk. The Minister and the Director must determine the amounts for each component that are to apply to a leviable provider by 1 August each year [HELP Levy Act sections 9 and 13; Up-front Payments Levy Act sections 9 and 13]. The Director will issue leviable providers with a levy notice each year setting out the amounts determined for the levies, which providers will be required to pay by a specified timeframe.

Leviable providers may seek a review of the levy notice in relation to the determination of any components of the levies, as it is a reviewable decision. The HEP Guidelines sets out the requirements for review of a HELP Tuition Protection Levy decision, and the Tuition Protection (Up-front Payments Guidelines) 2020 set out the requirements for review of an Up-front Payments Tuition Protection Levy decision.

## 46.6 – Replacement providers

Higher education providers who provide a replacement unit and/or course to a domestic student affected by provider default are referred to as “replacement providers”.

This section provides information on the obligations that are imposed on replacement providers under HESA and the TEQSA Act.

If the Tuition Protection Director (the Director) issues a notice to a higher education provider requesting information about their replacement courses, then the provider must give the requested information to the Director [HESA section 166-27; TEQSA Act section 62N]. This is to enable the

Director to make a decision on suitable replacement courses for a domestic student whose provider has defaulted.

If an affected domestic student accepts an offer of a replacement unit and course with a replacement provider, then the replacement provider must meet the following obligations:

- Give a written notice that they are accepting the displaced student in a replacement unit or replacement course to the Director. This must occur within 14 days of the student accepting an offer of a place in a replacement unit or replacement course [HESA subsection 166-30(2); TEQSA Act subsection 62P(2)]
- Ensure that a student enrolled in a replacement course is granted course credits for the units of study of the original course successfully completed by the student [HESA paragraph 166-30(3)(a); TEQSA Act section 62P(3)(a)]
- Not charge a student contribution amount or tuition fee to students enrolled in a replacement unit or units of study of the replacement course where the student has already been charged or has paid a student contribution amount or a tuition fee for an affected unit of their original course with their default provider [HESA paragraph 166-30(3)(b); TEQSA Act paragraph 62P(3)(b)]
- Enrol affected students in the replacement unit and/or course as soon as practicable [HESA paragraph 166-30(3)(c); TEQSA Act paragraph 62P(3)(c)]
- Keep up to date enrolment records on any domestic student enrolled in a replacement unit and/or course [HESA section 166-32; TEQSA Act section 62Q], including:
  - the student's full name and contact details
  - the name of the replacement unit or the replacement course (and units of study) that the student is currently enrolled in
  - any student contribution amounts or tuition fees paid or incurred by the student for the replacement unit or for units of study of the replacement course
  - details of the replacement unit or units of study of the replacement course successfully completed by the student; and
  - details of the credits granted to the student for the replacement unit or units of study of original course successfully completed by the student.

#### **Replacement provider fails to discharge its obligations**

If a replacement provider fails to discharge their obligations the provider may be subject to a civil penalty or offence of strict liability [HESA sections 166-27 - 166-32; TEQSA Act sections 62N - 62Q].

## 47. Compliance requirements

Higher education providers must comply with their requirements under HESA and related legislation. The department may exercise its regulatory powers to monitor providers' compliance, or to actively investigate instances of non-compliance. Civil penalties may apply in instances where providers do not comply with their legislative obligations.

### 47.1 – Statements of general information

Providers must give to the department statistical or any other information requested in writing relating to:

- the provision of higher education by the provider; and
- compliance by the provider with its requirements under HESA

The information must be provided in the form requested and in accordance with any other stated requirements [HESA section 19-70].

### 47.2 – Cooperation with HESA and TEQSA investigators

Providers must co-operate with HESA and TEQSA investigators who are performing functions or exercising powers under HESA. Providers must not obstruct or hinder an investigation by a HESA or TEQSA investigator [HESA section 19-71].

### 47.3 – Notice of events

A provider must inform the department in writing of any events that:

- affect the provider's ability to meet the conditions of Commonwealth grants or the quality and accountability requirements [HESA section 19-75]
- affect the provider's self-accrediting authority or accreditation by TEQSA [HESA section 19-77]; or
- affect the provider's registration as a higher education provider by TEQSA [HESA section 19-78]

### 47.4 – Audit requirements

A provider may be audited in relation to compliance with any one or more of the following requirements:

- the financial viability requirements
- the fairness requirements
- the compliance requirements
- the contribution and fee requirements.

Providers must co-operate with any auditing body, which may include paying any charges relating to the audit [HESA section 19-80].

## 47.5 – Compliance notices

A provider may be given a written compliance notice if the department is satisfied or is aware of information that suggests the provider has not complied with any of its legislative requirements.

A provider must comply with any action requested of the provider in the compliance notice. Failure to comply with a compliance notice may lead to a provider's approval as a higher education provider being suspended or revoked or lead to the imposition of a civil penalty (of up to 60 penalty units) or the issue of an infringement notice. [HESA sections 19-82 and 215-20].

# 48. Appendices

## A. Contacts and useful links

Department of Education

Website: [Department of Education](https://www.education.gov.au)

Postal address:

Student Provider and Integrity Branch  
Higher Education Division  
Department of Education  
GPO Box 9839  
Canberra ACT 2601

Enquiries regarding the administration of HELP, including notifications to the Assistant Secretary may be submitted to [HEenquiries@education.gov.au](mailto:HEenquiries@education.gov.au) or the postal address listed above.

Enquiries regarding CGS, HECS-HELP, FEE-HELP, OS-HELP and STARTUP-HELP policy, and loading may be directed to [CGS@education.gov.au](mailto:CGS@education.gov.au) and [HELP.Policy@education.gov.au](mailto:HELP.Policy@education.gov.au)

Questions or concerns about the SA-HELP policy and student services and amenities fee may be directed to [SSAF@education.gov.au](mailto:ssaf@education.gov.au)

Questions or concerns about FEE-HELP at non-Table A Universities and private providers may be directed to [FEE-HELP@education.gov.au](mailto:FEE-HELP@education.gov.au)

Enquiries regarding Unipay and HELP advance payments and estimates for Table A and Table B providers may be directed to [FEP@education.gov.au](mailto:FEP@education.gov.au)

Enquiries regarding research students or RTP scholarships may be directed to [rbgrants@education.gov.au](mailto:rbgrants@education.gov.au)

Enquiries about Regional University Study Hubs and the Tertiary Access Payment can be directed to [regional@education.gov.au](mailto:regional@education.gov.au)

HELP information booklets and factsheets are available for download from the [Study Assist](#) website.

### **Australian Taxation Office**

Website: [Australian Taxation Office](#)

Phone: 13 28 61

Queries regarding compulsory and voluntary repayments or viewing a HELP debt using myGov may be directed to the phone line listed above.

### **Department of Home Affairs**

Website: [Department of Home Affairs](#)

Phone: 13 18 81

The *Privacy Act 1988* prevents the Department of Home Affairs from providing information about the visa status of individuals to the provider for the purpose of determining HELP eligibility without the applicant's consent. 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.

### **Administrative Review Tribunal (ART)**

Website: [Administrative Review Tribunal](#)

Phone 1800 228 333

## **Useful Links**

### **Websites**

- Transforming the Collection of Student Information (TCSI) – [www.tcsisupport.gov.au](http://www.tcsisupport.gov.au)
- Startup Year Program - [www.education.gov.au/higher-education-loan-program/startup-year](http://www.education.gov.au/higher-education-loan-program/startup-year)
- Study Assist - [www.StudyAssist.gov.au](http://www.StudyAssist.gov.au)
- Research Training Program (RTP) – [www.education.gov.au/research-block-grants/research-training-program](http://www.education.gov.au/research-block-grants/research-training-program)
- Unique Student Identifier (USI) - [www.USI.gov.au](http://www.USI.gov.au)

### **Higher Education Support Act 2003 and amendments**

- [Higher Education Support Act 2003](#)

- Amendments to the Higher Education Support Act 2003 can be found at [www.legislation.gov.au](http://www.legislation.gov.au)

### Other legislation

- [\*Administrative Review Tribunal Act 2024\*](#)
- [\*Archives Act 1983\*](#)
- [\*Australian Citizenship Act 2007\*](#)
- [\*Corporations Act 2001\*](#)
- [\*Education Services for Overseas Students Act 2000\*](#)
- [\*Electronic Transactions Act 1999\*](#)
- [\*Higher Education Support \(HELP Tuition Protection Levy\) Act 2020\*](#)
- [\*Higher Education \(Up-front Payments Tuition Protection Levy\) Act 2020\*](#)
- [\*Public Governance, Performance and Accountability Act 2013\*](#)
- [\*Freedom of Information Act 1982\*](#)
- [\*Income Tax Assessment Act 1997\*](#)
- [\*Migration Act 1958\*](#)
- [\*Privacy Act 1988\*](#)
- [\*Social Security Act 1991\*](#)
- [\*Student Identifiers Act 2014\*](#)
- [\*Tertiary Education Quality and Standards Agency Act 2011\*](#)

### Guidelines

- [\*Higher Education Support \(Administration\) Guidelines 2022\*](#)
- [\*Commonwealth Grant Scheme Guidelines 2020\*](#)
- [\*Commonwealth Scholarships Guidelines \(Research\) 2017\*](#)
- [\*FEE-HELP Guidelines 2017\*](#)
- [\*Higher Education Provider Guidelines 2023\*](#)
- [\*Higher Education Support \(Student Learning Entitlement\) Guidelines 2021\*](#)
- [\*Higher Education Support \(STARTUP-HELP\) Guidelines 2023\*](#)
- [\*Higher Education Support \(OS-HELP\) Guidelines 2023\*](#)
- [\*Higher Education Support \(Student Services, Amenities, Representation and Advocacy\) Guidelines 2022\*](#)
- [\*Privacy \(Tax File Number\) Rule 2015\*](#)

- [Tuition Protection \(Up-front Payments Guidelines\) 2020](#)

### Ministerial determinations

The following Ministerial determinations are available on the department's website at the [Higher Education Support Act 2003 and Guidelines](#) page:

- Ministerial determination under HESA subsection 36-15(2)

Determinations for courses which are not enabling courses can be found at: <https://www.education.gov.au/higher-education-loan-program/resources/courses-which-are-not-enabling-courses>

Determinations made for components of the HELP Tuition Protection Levy can be found at: <https://www.legislation.gov.au/F2020L00947/asmade/text>

Determinations made for components of the Up-Front Payments Tuition Protection Levy can be found at <https://www.legislation.gov.au/F2021L01004/asmade/text>

The Ministerial determination specifying the visas in a class or subclass of visas that an eligible former permanent humanitarian visa holder may hold and still be eligible for HELP is available at [legislation.gov.au](https://www.legislation.gov.au)

### Other

- [HITS User Guide](#)
- [Australian Privacy Principles](#)
- [Financial Viability Instructions: Applicants and Providers of FEE-HELP](#)



## B. Terminology used in the AIP

Term	Explanation
AAT	Administrative Appeals Tribunal
ANZSCO	Australian and New Zealand Standard Classification of Occupations
APP	Privacy Act 1988 Australian Privacy Principle, which came into effect on 12 March 2014
AQF	Australian Qualifications Framework
ATO	Australian Taxation Office
BOTPLS	Bridging for Overseas-Trained Professionals Loan Scheme (pre-2005)
business day	any day other than a Saturday, a Sunday or a public holiday
CAF	Commonwealth assistance form
CAN	Commonwealth Assistance Notice
CGS	Commonwealth Grant Scheme
CHESSN	Commonwealth Higher Education Student Support Number
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
CSOL	Consolidated Sponsored Occupation List
CSP	Commonwealth supported place
department	Commonwealth department responsible for the administration of HESA currently, Department of Education, Skills and Employment
Department of Home Affairs	Australian Government Department of Home Affairs
eCAF	Electronic Commonwealth assistance form
EFTSL	equivalent full-time student load
ESOS Act	<i>Education Services for Overseas Students Act 2000</i>
ETA	<i>Electronic Transactions Act 1999</i>

Term	Explanation
FVI	Financial Viability Instructions
Government	Australian Government
GRA	General Records Authority
HECS	Higher Education Contribution Scheme (pre-2005)
HEFA	<i>Higher Education Funding Act 1988</i>
HEIMS	Higher Education Information Management System (replaced by TCSI from 2020)
HELP	Higher Education Loan Program, a suite of income contingent loans consisting of FEE-HELP, HECS-HELP, OS-HELP and SA-HELP
HEP	Higher Education Provider Guidelines 2012
HEPCAT	Higher Education Provider Client Assistance Tool
HESA	<i>Higher Education Support Act 2003</i>
HITS	HELP Information and Technology System
ICL	income contingent loan
Minister	The Commonwealth Minister responsible for the administration of HESA
National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2017 Standard 3
OLDPS	Open Learning Deferred Payment Scheme (pre-2005)
OUA	Open Universities Australia
PELS	Postgraduate Education Loan Scheme (pre-2005)
RPL	Recognition for prior learning
RTP	Research Training Program
SCV	Special Category Visa
SLE	Student Learning Entitlement

Term	Explanation
SOL	Skilled Occupation List
special admissions test	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.
TAC	Tertiary Admissions Centre
TAP	Tertiary Access Payment
TCSI	Tertiary Collection of Student Information
TEQSA	Tertiary Education Quality and Standards Agency
TFN	tax file number
USI	Unique Student Identifier
VET	Vocational Education and Training
WEI	work experience in industry

## C. Permanent visas, permanent humanitarian visa subclasses and eligible former permanent humanitarian visa holders

For information about permanent visas and permanent humanitarian visa subclasses, visit the [Department of Home Affairs](#) website.

### **Former permanent humanitarian visa holders**

The Ministerial determination specifying the classes or subclasses of visas that an eligible former permanent humanitarian visa holder may hold and still be eligible for HELP is available at [legislation.gov.au](#).

This Ministerial determination is the Higher Education Support (Visa Specification for Eligible Former Permanent Humanitarian Visa Holders) Determination 2021. Under the Ministerial determination, visa subclasses 155 and 157 (Resident Return) provided for by the Migration Regulations 1994 are the specified visa types that a former permanent humanitarian visa holder may transition to while retaining their eligibility for HELP.

### **Resolution of Status visas**

On 13 February 2023, the Government announced that Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV) holders will be able to apply for a permanent Resolution of Status (RoS) Visa.

Resolution of Status visas are permanent humanitarian visas. As permanent humanitarian visa holders, holders of Resolution of Status visas may be eligible for Commonwealth assistance including HELP.

## D. New Zealand citizens

New Zealand citizens are generally 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 except in certain circumstances.

Following the 2001 changes to social security arrangements for New Zealanders, the Department of Home Affairs may have issued 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
- were 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
- have a certificate, issued under the Social Security Act 1991, stating that 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.

As the Department of Home Affairs no longer issues these certificates, New Zealand citizens should refer to the Department of Home Affairs for information on proving their visa and residency status in Australia.

### **New Zealand Special Category Visa holder eligibility**

From 1 January 2016, certain New Zealand Special Category Visa (SCV) holders have been eligible to access CSPs and HELP loans. On the test day, eligible New Zealand SCV holders:

- first began to be usually resident in Australia at least 10 years as a dependent minor (i.e. with no spouse or de facto partner) aged under 18 years
- have been physically present in Australia for a total of at least eight out of the past 10 years and 18 months out of the past two years; and
- meet the other eligibility criteria for a help loan under HESA.

The test day for assessing eligibility against the residency requirements is the day the student successfully applies for a HELP loan.

As with all existing HELP and CSP recipients, providers should confirm a person's citizenship or visa status.

### **SCV status**

A person must meet the eligibility criteria holder on the day that they apply for HELP. As an SCV is a temporary visa that automatically ceases when a person leaves Australia, a New Zealand citizen must be in Australia on the date that they apply for Commonwealth assistance.

## Former SCV holders

From 29 June 2023, certain former New Zealand SCV holders that have transitioned to a permanent resident visa on the pathway to Australian citizenship are eligible for HELP loans. To be eligible for HELP, former New Zealand SCV holders must meet the same residency requirements that New Zealand SCV holders must meet.

## Application forms

Ongoing students who have already completed and submitted a CAF and HECS-HELP form for their current course of study will only have to complete an Addendum for eligible New Zealand Special Category Visa Holders form (1300A) and not a new form.

For students commencing a new course, eligible SCV holders will need to fill out a CAF for the relevant HELP loan. This form will include a declaration that the applicant meets the eligibility criteria outlined above. The form will also require the student to provide evidence they have been living in Australia for the qualifying period.

## Proof of residency

Students will not be required to attach evidence of residency to their CAF; but will need to provide evidence to their provider on or before the census date for their unit/s of study. Providers will be required to store this information as a Government record subject to the *Archives Act 1983* and retain a copy (paper or electronic) for seven years in accordance with the requirements of that Act.

As a guide, proof of residency may include, but is not limited to, the following:

- Australian academic transcripts (including VET transcripts) dated when the applicant was a minor
- school reports or certificates
- enrolment papers from when the applicant was a minor
- Australian proof of age card from when the applicant was a minor
- Australian student ID card or concession card
- stamped passport
- payslips or payment summaries from when the applicant was a minor
- completed Certificate of application for a TFN, Tax File Number advice or notification of assessment of income tax dated from when the applicant was a minor.

If necessary, applicants can also obtain copies of their international movement records from the Department of Home Affairs by lodging a [Request for International Movement Records form](#).

A provider should be satisfied that the applicant meets the citizenship criteria and has provided evidence of the eligibility criteria. A provider will need to ensure that the student has provided relevant documents, but it will not be required to verify student documentation. However, where a

provider becomes aware of potentially fraudulent activity, it should contact the department to determine what action should be taken.

### **Test day**

‘Test day’ means the first day the student successfully requested Commonwealth assistance for a unit that formed part of the same course of study. Otherwise, the test day is the day the student submits their relevant Request for Commonwealth assistance form.

### **Definition of ‘usually resident’**

It is reasonable for a provider to request that the applicant supplies sufficient information that demonstrates that they were ‘usually resident’ in Australia as a dependent child. For periods of residency, the individual would have to demonstrate ‘usual residency’ in line with a common sense understanding of this term. Some considerations include whether they had a permanent residential address and had spent the overwhelming majority of their time in Australia. This definition also excludes periods spent in Australia that were temporary, e.g. holidays or short visits, while the person primarily resided in another country.

## E. 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. This form can be sent to [IncomeContingentLoanProduct@ato.gov.au](mailto:IncomeContingentLoanProduct@ato.gov.au) or [TCSIsupport@education.gov.au](mailto:TCSIsupport@education.gov.au)

Advice number			
Name			
Student ID			
Tax File Number			
Postal address			
Semester/year			
Date of birth			
Debt (circle)	HECS debt	PELS debt	BOTPLS debt
	Original \$	Revised \$	
Course code	Original	Revised	
Reason for variation			

The student named above 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:



## F. To the department – proforma for variation of debt due to administrative error

TO THE DEPARTMENT OF EDUCATION – VARIATION OF DEBT – PELS AND BOTPLS (incurred before 1 January 2005). This form can be sent to <a href="mailto:IncomeContingentLoanProduct@ato.gov.au">IncomeContingentLoanProduct@ato.gov.au</a> or <a href="mailto:TCSIsupport@education.gov.au">TCSIsupport@education.gov.au</a>						
Name of higher education provider: _____						
Year: _____ Payment Period: Jan – June or Jul – Dec (circle one)						
Case number – use the format YYYY- Sequential No. (e.g. 2002-001)	Semester/year (e.g. 1 / 2002)	Original PELS and BOTPLS debt reported \$	Revised PELS and BOTPLS debts \$	Reason for variation	Scheme (PELS or BOTPLS)	Date variation sent to ATO
	Totals	\$0.00	\$0.00			
		Difference	\$0.00			

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 the Department of Education, Skills and Employment of the institution's 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.

## G. Guide to special circumstances decision-making

This guide is intended to assist providers to assess an application for a re-credit of HELP balance, reversal of STARTUP-HELP assistance, remission of a person's HELP debt and/or repayment of any amounts the person paid towards their student contribution amount for a unit, and re-crediting of a person's SLE amount. The following text should be read in conjunction with the relevant provisions of HESA.

Under HESA, a person can make an application to:

- have their HELP balance re-credited in relation to a unit, resulting in remission of the person's HELP debt
- have their STARTUP-HELP assistance reversed
- have their debt remitted and/or their payments towards their student contribution amount for a unit repaid
- have their SLE amount re-credited in relation to a unit.

Decisions about whether a person is eligible to have their debt remitted and/or an amount repaid 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.

The table below sets out the HESA provisions that apply in deciding whether a person's HELP balance should be re-credited, their HECS-HELP debt should be remitted, their SLE amount re-credited and/or their student contribution amount should be repaid:

Re-credit/remission/repayment/reversal	Relevant section
Student contribution amount or HECS-HELP debt	Section 36-20
HECS-HELP	Subsections 97-25(2)
FEE-HELP – higher education providers	Subsection 104-25(1)
FEE-HELP – Open Universities Australia	Subsection 104-25(2)
Student Learning Entitlement	Section 79-1
STARTUP-HELP	Section 128E-1(1)

Regardless of which provision of HESA applies, when deciding whether a person is eligible to have their HELP balance re-credited, HECS-HELP debt remitted and/or their student contribution amount repaid, a decision-maker must consider the following:

- Have the threshold criteria been met? (see Step 1); and
- Do special circumstances apply? (see Step 2).

In the examples provided below, the relevant sections of HESA that apply to re-crediting a person's HELP balance in relation to their FEE-HELP debt have been used. When writing the reasons for a decision, providers must refer to the section(s) of HESA that apply to the actual decision e.g. the sections that relate to the remission or repayment of specific types of HELP debt, or the provisions relating to the recrediting of SLE amounts. Those sections are noted above.

The example may also broadly assist in applying the criteria in HECS-HELP matters, noting that the relevant HESA provisions will be different in relation to decisions for other HELP debts or the recrediting of SLE amounts. For actual cases, ensure that the relevant references from HESA and the Administration Guidelines are examined rather than substituted with the references provided in this Appendix.

### Step 1 – Have the threshold criteria been met?

For a person to have their HELP balance re-credited, the person must satisfy all the criteria in the relevant section of HESA.

The term 'threshold criteria' is used to describe the criteria listed in a particular section which must be satisfied before a consideration of whether a person satisfies special circumstances can be undertaken.

Example 1 below illustrates the threshold criteria for Re-crediting a person's HELP balance in relation to a person's FEE-HELP assistance, and is set out in paragraphs 104-25 (1)(a), (aa) (b), (d) and (e) and 104-25(2)(a), (b), (d) and (e) (for Open Universities Australia).

Before determining whether special circumstances apply to a person, the decision-maker needs to be satisfied that all of the threshold criteria have been met.

#### **Example 1 – HESA section 104-25 – Re-crediting a person's HELP balance**

Section 104-25 of HESA provides that:

*(1A) If section 104-42 applies to recredit a person's \*HELP balance with an amount equal to the amounts of \*FEE-HELP assistance that the person has received for a unit of study, then this section does not apply in relation to that unit.*

(1) A higher education provider must, on the \*Secretary's behalf, re-credit a person's \*HELP balance with an amount equal to the amounts of \*FEE-HELP assistance that the person received for a unit of study if:

1. the person has been enrolled in the unit with the provider; and

2. access to the unit was not provided by \*Open Universities Australia; and
3. 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
4. the provider is satisfied that special circumstances apply to the person (see section 104-30); and
5. the person applies in writing to the provider for recrediting of the HELP balance; and
6. either:
  1. the application is made before the end of the application period under section 104-35; or
  2. 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 \* HELP balance with an amount equal to the amounts of \*FEE-HELP assistance the person has received for a unit of study if:*

1. access to the unit was provided by Open Universities Australia; and
2. 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
3. Open Universities Australia is satisfied that special circumstances apply to the person (see section 104-30); and
4. the person applies in writing to Open Universities Australia for re-crediting of the HELP balance; and
5. either:
  1. the application is made before the end of the application period under section 104-35; or
  2. Open Universities Australia waives the requirement that 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 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 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.*

*(4) If \*Open Universities Australia is unable to act for one or more of the purposes of subsection (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 were a reference to the Secretary.*

Determining whether the person satisfies the threshold criteria can be done with a relatively simple factual analysis of the person's application and records (with the exception of paragraph (e)(ii) of the relevant subsections, which sets out the basis for waiver of the 12-month application period [part 44]). A high threshold must be met before a provider can waive the requirement that the application be made before the end of the application period [HESA subsection 104-25(1)(e)(ii)]. The high threshold is that it must not be, or was not, possible for the application to be made before the end of the application period [HESA subsection 104-25(1)(e)(ii)].

If a person does not satisfy all elements of the threshold criteria, the student does not meet the main case for re-credit/remission of their fees. Where a decision-maker refuses a person's application for re-credit/remission on the basis of a failure to meet one or more of the threshold criteria, the student must be provided with a statement of reasons as to why the application was refused. 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 application can be refused on that basis.

If a person meets the threshold criteria, the decision-maker can then go on to consider whether special circumstances apply to the person.

## Step 2 – Do special circumstances apply?

The special circumstances test is specified in the following sections of HESA for each type of Commonwealth assistance and in relation to a person's Student Learning Entitlement. 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/reversal	Special circumstances test
Student contribution amount or HECS-HELP debt	<ul style="list-style-type: none"> <li>• subsections 36-21(1) and (2)</li> <li>• paragraph 36-20(1)(d)</li> </ul>
HECS-HELP	<ul style="list-style-type: none"> <li>• subsections 97-30(1) and (2)</li> <li>• paragraph 97-25(2)(c)</li> </ul>
FEE-HELP – higher education providers	<ul style="list-style-type: none"> <li>• subsections 104-30(1) and (2)</li> <li>• paragraph 104-25(1)(c)</li> </ul>
FEE-HELP – Open Universities Australia	<ul style="list-style-type: none"> <li>• subsection 104-30(3)</li> <li>• paragraph 104-25(2)(c)</li> </ul>
Student Learning Entitlement	<ul style="list-style-type: none"> <li>• subsection 79-5 (1) and (2)</li> </ul>

Re-credit/ remission/repayment/reversal	Special circumstances test
	<ul style="list-style-type: none"> <li>paragraph 79-1(1)(f)</li> </ul>
STARTUP-HELP	<ul style="list-style-type: none"> <li>subsection 128E-5(1) and (2)</li> <li>paragraph 128E-1(1)(c)</li> </ul>

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 – HESA section 104-30 – Special circumstances

Section 104-30 of HESA provides that:

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:*
  1. *are beyond the person's control; and*
  2. *do not make their full impact on the person until on or after the \*census date for the unit of study in question; and*
  3. *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.*

*Note: The matters referred to in paragraphs 36-21(1)(a), (b) and (c) (which relate to special circumstances that apply to repaying an amount of student contribution or HECS-HELP) are identical to the matters referred to in paragraphs (1)(a), (b) and (c) of this section.*

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:*
  1. *are beyond the person's control; and*
  2. *do not make their full impact on the person until on or after the \* census date for the unit of study in question; and*

3. *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.*

In determining whether there are special circumstances, a decision of a higher education provider must be in accordance with Part 3 of the Administration Guidelines [HESA subsections 36-21(2) or 104-30(2), as applicable]. OUA are also required to make special circumstances assessments [HESA subsection 104- 30(3)].

### Step 2.1 – What are the relevant special circumstances?

The decision-maker needs to identify the relevant special 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 above were beyond the person's control.

The Administration Guidelines stipulate that a higher education provider will be satisfied that a person's circumstances are beyond that person's control if a situation occurs which the provider reasonably considers 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. [Administration Guidelines section 12]

The Administrative Appeals Tribunal (now the Administrative Review Tribunal) has considered the meaning of 'beyond a person's control' in the context of fee remission/re-credit applications based on special circumstances in a number of decisions.

### Step 2.3 – Did the circumstances make their full impact on the person on or after the census date for the unit in question?

In order to make an assessment about whether the special circumstances had their full impact after the census date, the decision-maker needs to:

- identify the relevant census date for the unit(s); then
- determine when the circumstances identified in Step 2.1 occurred and/or when they made their full impact on the person.

The Administration Guidelines [Part 3, section 13] provide that a higher education 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:

- before the census date, but worsen after that day
- 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.

This means that a person may be affected by their special circumstances prior to the census date, but because they worsen after the census date, the 'full impact' of those circumstances is said to have occurred after the census date.

The Administrative Appeals Tribunal (now the Administrative Review Tribunal) has considered the meaning of 'full impact' in the context of fee remission/re-credit applications based on special circumstances in a number of decisions.

### 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 that the circumstances identified in Step 2.1 made it impracticable, and not simply difficult, or challenging, 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' and the Administrative Appeals Tribunal (now the Administrative Review Tribunal) has previously interpreted the term impracticable to mean 'not capable of being done'. This presents a high threshold that needs to be met in order to satisfy the 'impracticability' element of the test. A decision-maker should keep this meaning in mind when deciding whether a person's circumstances made it impracticable for the person to complete the requirements of the unit of study.

The Administration Guidelines provide that a higher education provider will be satisfied that a person's circumstances make it impracticable for the person to complete the requirements for the unit of study if the person undertook, or was to undertake, the unit in the following circumstances [Part 3, subsection 14(1)]:

1. 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
2. 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
3. employment related circumstances – for example, where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control; or
4. 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 course.

In making its assessment, a higher education provider should also consider whether it is 'impracticable' for a person to complete the requirements of the unit, and the requirements of the unit are set out in subsection 14(2) of the Administration Guidelines:



*The requirements for a unit of study referred to in subsection (1) are that the person:*

- 1. undertakes the necessary private study required, or attends sufficient lectures or tutorials or meets other compulsory attendance requirements in order to meet their compulsory course requirements;*
- 2. completes the required assessable work;*
- 3. sits the required examinations;*
- 4. completes any other course requirements.*

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 within the relevant study period before the claimed special circumstances occurred. Consideration to this should be given because it may mean that it was not the 'special circumstances' that made it impracticable for the person to complete the requirements of the unit but rather the student was already disengaged and behind in the course such that it was already impracticable for them to complete the requirements of the unit.

### **Example**

The following is an example of what a provider may take into account in determining the 'impracticable' requirement for the special circumstances criteria:

- A person may have failed to sit the final examination and/or a special/supplementary examination on the basis of a special circumstance(s) that they claim 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. Therefore, their failure to sit the final examination, and/or the special examination, may not of itself make it impracticable for the person to complete the unit of study.
- The relevant circumstance that made it impracticable for the person to complete the unit of study would then be that the person did not meet the ongoing compulsory requirements of the unit unrelated to the special circumstances which they claim adversely impacted their ability to complete the unit(s) in question.

In the above example, depending on the person's circumstances, the provider may make a decision not to re-credit the person's HELP balance.

As is the case with the other elements of the special circumstances test, the Administrative Appeals Tribunal (now the Administrative Review Tribunal) has considered the meaning of 'impracticable' in the context of fee remission/re-credit applications based on special circumstances in a [number of decisions](#).

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 further evidence or information may assist the person's application.

The provider's decision to refuse to re-credit some or all of a student's HELP balance is a reviewable decision under HESA section 206-1. 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 [\[Appendix H\]](#).

## H. Code of Practice for Notification of Reviewable Decisions and Rights of Review by the Administrative Appeals Tribunal

Part 4 of the *Administrative Review Tribunal Rules 2024* (the Rules), sets out the requirements of notices of review of rights in Part 4.

The ART [Rules](#) are available to be viewed on the Federal Register of Legislation.

### Reviewable decisions

The following decisions are subject to review [HESA section 206-1]:

Item	Decision	Provision under which decision is made	Decision maker
1AA	A decision to impose a condition on the approval of a higher education provider	subsection 16-60(1)	the Minister
1AB	A decision to vary a condition imposed on the approval of a higher education provider	subsection 16-60(2)	the Minister
1ABA	A decision not to make a determination that a higher education provider:  (a) is not required to allocate an amount than would otherwise be required; or  (b) may allocate an amount lower than would otherwise be required.	19-40	the *Secretary
1AC	A decision that a person is not a genuine student in relation to a unit of study	subsection 36-5(5)	the *Secretary
1AD	A decision that undertaking a unit of study will impose an unreasonable study load on a student	subsection 36-12(2)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision—the Secretary

Item	Decision	Provision under which decision is made	Decision maker
1a	A decision that section 36-20 does not apply to a person	section 36-20	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision that the section does not apply—the Secretary
1AAA	If a person applies for a grant for the purposes specified in item 14 of the table in subsection 41-10(1) and the grant is not approved—the decision not to approve the grant	section 41-20	the Minister
1BA	Refusal to re-credit a person's *SLE amount with an amount equal to the *EFTSL value of a unit of study	subsection 79-1(1)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
1BB	Refusal to re-credit one or more of the amounts referred to in paragraphs 79-1(2)(a), (b) and (c) to take account of a re-credit of a person's *SLE amount under subsection 79-1(1)	subsection 79-1(2)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
1B	Refusal to re-credit a person's *HELP balance	subsection 97-25(2)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
1C	Refusal to re-credit a person's *HELP balance	subsection 97-45(1)	(a) the higher education provider with whom the student is enrolled in the unit; or

Item	Decision	Provision under which decision is made	Decision maker
			(b) if the *Secretary made the decision—the Secretary
1D	Refusal to re-credit a person's *HELP balance	subsection 97-50(1)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision—the Secretary
1E	A decision that a student is not a genuine student in relation to a unit of study	subsection 104-1(1AA)	the *Secretary
1F	A decision that undertaking a unit of study will impose an unreasonable study load on a student	subsection 104-1AA(2)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision—the Secretary
2	Refusal to re-credit a person's *HELP balance	subsection 104-25(1)	(a) the higher education provider with whom the student is enrolled in the unit; or  (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
2A	Refusal to re-credit a person's *HELP balance	subsection 104-25(2)	(a) *Open Universities Australia; or  (b) if the *Secretary made the decision to refuse the re-crediting—the Secretary
2AAA	A decision that a student is not a genuine student in relation to an *accelerator program course	section 128B-10	the *Secretary
2AAB	A decision that undertaking an *accelerator program course	subsection 128B-15(2)	(a) the higher education provider with whom the student is

Item	Decision	Provision under which decision is made	Decision maker
	will impose an unreasonable study load on a student		enrolled in the accelerator program course; or  (b) if the *Secretary made the decision—the Secretary
2AAC	A decision that section 128E-1 does not apply to a person	subsection 128E-1(1)	(a) the higher education provider with whom the student is enrolled in the *accelerator program course; or  (b) if the *Secretary made the decision that the section does not apply—the Secretary
2AA	A decision that the indexation of a person's *accumulated HELP debt is not to be reduced, or is to be reduced in respect of a particular number of days	section 142-10 or 144-5	the *Secretary
2AB	A decision that a person's accumulated HELP debt is not to be reduced, or is to be reduced by a particular amount	section 142-15 or 144-10	the *Secretary
3	Deferral of making an assessment or refusal to defer the making of an assessment	section 154-45	the *Commissioner
4	Amending the assessment or refusal to amend an assessment	section 154-50	the *Commissioner
5	A determination that Part 5-1A applies, or does not apply, to a specified higher education provider	subsection 166-5(2)	the Minister
6	A decision that the *Higher Education Tuition Protection Director is satisfied that there are one or more	paragraph 166-26B(2)(a)	the Higher Education Tuition Protection Director

Item	Decision	Provision under which decision is made	Decision maker
	suitable *replacement courses for a student		
7	A decision that the *Higher Education Tuition Protection Director is not satisfied that there is a suitable *replacement course for a student	paragraph 166-26B(2)(b)	the Higher Education Tuition Protection Director

*\* To find definitions of asterisked terms, see the Dictionary in Schedule 1 to HESA.*

The decisions referred to in items 1, 1AD 1A, 1BA, 1BB, 1B, 1C, 1D, 1F, 2, 2AAB and 2AAC 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 by OUA on the Secretary's behalf.

The provider must provide a person with a notice of the right to have the decision reviewed, including the right to apply to the ART for review of the decision, if they make a reviewable decision [ART Act section 266 ].

THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN A REVIEWABLE DECISION HAS BEEN MADE

An example of a notice is as follows:

"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; and
- 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 Review Tribunal (ART) for a Review of Decision. The

application must be lodged at the ART 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.

See the [Administrative Review Tribunal](#) website for further information on this process".

A provider's decision not to re-credit a person's HELP balance under HESA section 104-25 is an example of a 'reviewable decision'. The person has a right to have this decision reconsidered by the provider.

### **Reconsideration of a reviewable decision**

The Secretary has delegated the power to reconsider decisions made by providers 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, and senior to, the first decision-maker) to reconsider the decision and make a decision [HESA section 209-10] either confirming, varying or setting aside the reviewable decision, and substituting a new decision. The person requesting reconsideration has 28 days after the day on which they first received notice of the decision to make the request. However, the person reconsidering the matter can grant an extension of time [HESA subsection 209-10(2)].

A reconsideration of a reviewable decision occurs when:

- after the reviewable decision is made, the person seeks to have that decision reconsidered internally and that decision is confirmed, varied or set-aside [HESA section 209-10]. This is done by an officer of the provider other 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, and must be satisfied that there is sufficient reason to do so [HESA section 209-5].

\* 'Reviewer' is defined in section 209-1 and clause 94 of Schedule 1A of HESA.

Where a reviewable decision has been reconsidered, the person is able to apply to the ART for a further review of that decision. These cases are managed by the department [HESA section 212-1].

The provider must provide a person with a Notice of Review Rights if a decision has been reconsidered under the following sections of HESA:

- 209-5: Reviewer may reconsider reviewable decisions
- 209-10: Reconsideration of reviewable decisions on request.

THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN A REVIEWABLE DECISION HAS BEEN RECONSIDERED

An example of this notice is as follows:

"If you disagree with this decision, you may apply to the Administrative Review Tribunal (ART) for review. The application must be lodged at the ART within 28 days of receiving this notice.



This time limit may be extended in limited circumstances by order of the ART. The ART's address is: [INSERT POSTAL ADDRESS OF NEAREST ART REGISTRY LOCATION].

If you apply to the ART for review of a decision, you must pay an application fee of \$1,121 (as at February 2025). In certain circumstances a reduced fee of \$100 can be paid. These circumstances include where a person receives Youth Allowance, Austudy or ABSTUDY Centrelink payments or if the fee would cause the person financial hardship. You must provide the ART with evidence that you are eligible to pay a reduced fee.

To ask for a fee reduction due to financial hardship you must fill in the [Request for fee reduction form](#). You should send the ART this form when you lodge your application if you are seeking an application fee reduction.

This standard application fee is subject to change, and you should confirm the fee with the Tribunal Registry before you lodge an application. Your application cannot proceed until you pay the application fee. In certain limited circumstances you can receive a refund or partial refund of the application fee. The ART can provide you with further information about the basis on which you may qualify for a refund or partial refund of the application fee.

Visit the [ART](#) website for further information on this process".

### **Review by the ART**

A person may make an application to the ART for the review of a reviewable decision that has been confirmed, varied or set aside under section 209-5 or 209-10 of HESA. This means that a person may make an application to the ART for a review of a provider's decision to refuse to re-credit, remit and/or repay amounts (which has been confirmed, varied or set aside on reconsideration). In this process, the person will be given the opportunity to provide additional information to the ART that they did not previously supply to the provider or to the provider's reviewer. The ART has the capacity to consider the decision afresh and in light of any new evidence the person may wish to provide.

The Secretary of the department is the respondent for cases that are before the ART. When the department receives notification of an application to the ART, it may choose to review the original decision under HESA paragraph 209-5(2)(b).

Within 28 days after the Tribunal notifies the department of the application for a review of the decision, the department must give the Tribunal a statement of reasons for the decision, and a copy of every other document that is in the possession or under the control of the decision-maker and relevant to the Tribunal's review of the decision (ART Act section 23).

Upon receipt of a notification from the ART that a person has filed an application for review of decision, the department will notify the provider(s), in writing, that a request for review has been lodged. To enable the department to meet the statutory timeframe for lodging relevant documents with the ART, a provider must give the department copies of all the documents it holds that are relevant to the appeal within five business days of them being requested. The provider should keep any originals and copies of the documents in accordance with their normal record-keeping practices.

Subject to there being a current delegation of powers by the Secretary of the department to enable review officers of providers to review original decisions of providers, a provider may, in accordance with HESA paragraph 209-5(2)(b), reconsider a decision for which review is being sought by the ART. The provider must advise the department if a decision is made to re-credit, remit and/or repay following reconsideration. However, until a person withdraws their ART Application, or the Application is dismissed or otherwise finalised by the ART, the department must comply with section 23 of the ART Act (lodgement of material documents with Tribunal). Therefore, a provider must still provide all relevant documents to the department within the five business days, unless the department advises otherwise. The department will manage the progress of the proceedings before the ART and advise the provider of the outcome. The department may seek assistance from the provider throughout the course of the proceedings. For example, the department may request further information or evidence that is held by the provider if it may be relevant to the proceedings.

### **Review by review officer**

A person has the right to request a reconsideration of any of the reviewable decisions outlined in section 206-1, including decisions by the provider to not re-credit, remit, reverse and/or repay [HESA subsection 209-10(1)]. The time limit for a person requesting 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 up-front, 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 ART.

In deciding whether to grant an extension of the 28-day period, the review officer should take into consideration any matters they consider appropriate, such as explanations provided as to why the person has not applied for the review within 28 days.

After receiving the request, the review officer must:

- reconsider the decision and either:
  - confirm the decision
  - vary the decision; or
  - set the decision aside and substitute a new decision [HESA subsection 209-10(4)] and
- notify the person in writing of the decision [HESA subsection 209-10(5A)], and
- the notice must be given within a reasonable period after the decision was made and must contain the reasons for making the decision [HESA subsection 209-10(5B)]; and
- advise the person of their right to appeal to the ART for a review of the reviewer's decision if the person is unsatisfied with the outcome [ART Act section 266]; and
- advise the person of the timeframe to make any applications to the ART for review [ART Rules section 16]; and

- provide the applicant with the contact details and address of the nearest ART registry and the approximate costs of lodging an appeal.

If the reviewer does not give the person a notice of the decision within 45 days after receiving the person's request, it is taken that the reviewer has confirmed the original decision [HESA subsection 209-10(6).].

#### Publication of decision notices in certain circumstances

If any of the following circumstances apply, the person who made the reviewable decision must publish a decision notice in relation to the decision [ART Rules subsection 16(6)]:

- One or more of the affected persons in relation to the reviewable decision are not readily identifiable; or
- There are a large number of affected persons in relation to the reviewable decision; or
- The cost of giving a decision to each affected person would be substantial.

Publication of the decision notice may be on the internet or via any other means the decision maker considers appropriate, including via newspaper or magazine.

Even if one of the above circumstances applies and a decision notice is published, the decision-maker may still give a notice of the decision to any affected person, as set out in the note under subsection 16(6) of the ART Rules.

## I. Incidental fees

Examples	Why they can be charged as incidental fees
<ul style="list-style-type: none"> <li>• A set of tools for that occupation used during the course of study by the student.</li> <li>• Protective clothing determined as essential to the unit of study by the provider.</li> <li>• Textbooks.</li> </ul>	<p>The items become the property of the student. The items are essential, but they can be purchased by the student second hand, or from other supplier, and they become the property of the student.</p>
<ul style="list-style-type: none"> <li>• The accommodation and food component of a residential unit of study.</li> <li>• Flights for a unit of study available undertaken as part of a study tour.</li> </ul>	<p>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.</p>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>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.</p>
<ul style="list-style-type: none"> <li>• A fee for a review of grade if a student has already been deemed competent in competencies contained in the unit of study, but is seeking to improve their grade.</li> <li>• Fines or penalties for late enrolments or late variations to enrolments.</li> <li>• A fee set as a disincentive for students who repeatedly request administrative actions the provider provides for free. For example, a request for credit that has been already been assessed and rejected.</li> <li>• Charge for damages or non-return of equipment.</li> </ul>	<p>These are fines or penalties set as a disincentive and not to raise revenue or cover administrative costs.</p>

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.

Examples	Why they can be included in tuition fees
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>These goods are consumed during the course and do not meet the definition of an incidental fee, therefore, they can be included in the tuition fee.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Access is essential to the course of study therefore it can be included in the tuition fee.</p>
<ul style="list-style-type: none"> <li>A uniform for a placement that is part of the course of study, embroidered with the 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.</li> </ul>	<p>Wearing a uniform is compulsory to undertake placement, therefore, it 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.</p>
<ul style="list-style-type: none"> <li>A set of products used in the occupation that is consumed by the student during the course of study.</li> </ul>	<p>These goods are consumed during the course and do not meet the definition of an incidental fee, therefore, they can be included in the tuition fee.</p>

## J. Genuine student, academic suitability assessments and the completion rate requirements

Assessing students as genuine

### Provider requirements

A student is not entitled to Commonwealth assistance for a unit of study if the Secretary of the department determines that the student is not a genuine student in relation to the unit of study [HESA subsection 36-5(5) and subsection 104-1(1AA)].

If the Secretary is satisfied that a student is not a genuine student, a provider must re-credit the student's HELP balance with an amount equal to the HELP assistance that the student received for the unit of study concerned [HESA subsection 97-50 and subsection 104-43(1)].

If a provider believes a student is not a genuine student, they should provide this information to the department to assist the Secretary in making a determination for the student.

The department may also request information from a provider in order to make a determination in the relation to a student.

### Assessment Criteria

The following criteria may be used when making an assessment of whether a student is or is not a genuine student [HEP Guidelines Chapter 9]:

- whether the student is reasonably engaged in the course
- whether the student has been provided with information about the requirements for the course, and the cost and duration of the course
- whether the student has satisfied course requirements for the course or participated in assessment activities for the course
- if the course is an online course, the number of times a student has logged on
- whether the student has provided up-to-date contact details that would allow the department to verify their enrolment
- if the student is enrolled in another course, whether their concurrent enrolments would make successful completion of a course by the student impossible or highly improbable.

Assessing students as academically suitable

### Provider Requirements

Before enrolling a student in a unit of study, a provider must assess the student as academically suited to undertake the unit concerned [HESA subsection 19-42(1)]. This assessment must comply with the requirements of the HEP Guidelines [HESA subsection 19-42(2)].

A student is not entitled to Commonwealth assistance for a unit of study if they have not been assessed as academically suited for their study [HESA paragraph 36-10(1)(ba) and paragraph 104-1(1)(ac)].

### **Record keeping requirements**

A provider must keep a record of the assessment of a student's academic suitability [HESA subsection 19-72(1)].

In relation to assessments of academic suitability:

- a provider must keep records relating to how the provider assessed the student as academically suited to undertake a unit of study before they enrolled the student in the unit
- the records must be kept in a manner so that they can be readily produced in response to a request, such as from a student or the department; and
- the records must be kept for a period of seven years, starting from when the record was made by the provider [HEP Guidelines paragraph 36]