



TAFE NSW HIGHER EDUCATION TUITION FEES, PAYMENTS, HELP, REFUND AND REVIEW PROCEDURE

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1. Document history and details

Version 2: 2 December 2021

Commencement date: Semester 1 2022

2. Introduction

- 2.1 The purpose of this procedure is to outline requirements in relation to payment of tuition fees for TAFE NSW Higher Education courses.
- 2.2 TAFE NSW Higher Education students are charged a tuition fee for each subject (unit of study) in which they are enrolled.
- 2.3 TAFE NSW Higher Education students can choose to either pay tuition fees up front or, if they meet eligibility criteria, choose to defer the payment of tuition fees by taking out a FEE-HELP or HECS-HELP loan.
- 2.4 The implementation of FEE-HELP or HECS-HELP by TAFE NSW Higher Education complies with the provisions of the Higher Education Support Act 2003 and other related legislative instruments.
- 2.5 All TAFE NSW Higher Education tuition fees and charges are reviewed on a yearly basis and are subject to change.
- 2.6 Students pay the tuition fee applicable to the subject in the current year of enrolment in the subject, not the fee applicable at the time of original enrolment into the course.

3. Audience and applicability

- 3.1 This procedure covers payments, withdrawals, refunds and remittances associated with the delivery of higher education courses by TAFE NSW Higher Education.
- 3.2 This procedure applies to all students enrolled in a course of study with TAFE NSW Higher Education.
- 3.3 International students are covered by this procedure but are also subject to the terms and conditions outlined on the TAFE NSW Higher Education international students' application form which meet the ESOS Act (2000) and National Code of Practice (2007) requirements.

4. Definitions

Administration Date	As specified in the TAFE NSW Higher Education academic calendar. Refer 5.1 below.
Census Date	As specified in the TAFE NSW Higher Education academic calendar but no less than the 20% into the duration of a semester. Refer 5.1 below.
Department of Education, Skills and Employment	The Commonwealth government department responsible for administering FEE-HELP.
eCAF	Electronic Commonwealth Assistance Form. The online form to be completed by students when applying for HELP.
Eligible Student	A student who is entitled to HELP assistance in accordance with the citizenship and residency requirements.
End Date	As specified in the TAFE NSW Higher Education academic calendar. Refer 5.1 below.

FEE-HELP	A Commonwealth loan scheme to help eligible fee paying students pay all or part of their tuition fees.
HECS-HELP	A Commonwealth loan scheme to help eligible fee paying students pay all or part of their tuition fees.
HELP	Higher Education Loan Program – the Commonwealth government’s student loans schemes including FEE-HELP and HECS-HELP.
HELP Review Officer	The TAFE NSW manager with responsibility for reviewing applications to re-credit a HELP debt for a subject.
HESA	The Higher Education Support Act 2003. This is the Commonwealth legislation governing HELP.
Incidental Fees	A charge for a good or service additional to the tuition fee.
LMS	The Learning Management System, such as Moodle, is the online method of distributing learner resources, assessment information and teacher communications to students.
Non-genuine student	A person who has enrolled in a course but who has never engaged with the course, ie: has not attended classes and/or participated in assessment activities and/or has never logged in to the Learner Management System.
Student Management System	The digital system used by TAFE NSW to manage student records including student enrolment, academic progress and course completion documentation. Often referred to as SMS.
Special Circumstances	Special conditions, defined by the Commonwealth, which will entitle a HELP debt to be reversed, or tuition fees refunded, if a student withdraws after census date.
Start Date	As specified in the TAFE NSW Higher Education academic calendar. Refer 5.1 below.
TAFE NSW Higher Education	TAFE NSW Higher Education is the registered trading name of the Technical and Further Education Commission as a higher education provider.
Tuition Fee	The fee charged for each subject, not including any incidental fees.
TEQSA	Tertiary Education Quality Standards Agency. The national regulator of higher education in Australia.
Unit of Study	A single TAFE NSW Higher Education subject.

5. Key dates

5.1 The timing of tuition fee payments is structured around a series of key dates. These are the:

- 5.1.1 Start Date – the first date of the semester;
- 5.1.2 Administration Date – the date by which time a student must have:
 - a. paid their tuition fees up front; or
 - b. paid a proportion of their tuition fees up front and indicated that they intend to apply for HELP assistance to cover the balance; or
 - c. indicated that they intend to apply for HELP assistance to cover the full cost of the subject.

- 5.1.3 Census Date – the date by which:
- a. a student intending to access HELP assistance needs to submit a Request for a HELP Loan Form (eCAF);
 - b. the absolute deadline for a student who chooses to pay their tuition fees upfront;
 - c. a student must formally withdraw from a subject without incurring a HELP debt; or
 - d. a student who has paid their tuition fees up front must formally withdraw from a subject in order to be eligible to apply for a refund.
- 5.1.4 End Date – the last date of the semester, ie: the last day of the final assessment week.

5.2 Students who have not paid their tuition fees upfront, or who have not applied for a HELP loan by census date will be excluded from the subject/s for which tuition fees are payable, and are not permitted to attend class or submit assessments

5.3 Students with outstanding tuition fees will not be allowed to re-enrol and continue their studies until outstanding tuition fees have been paid in full.

6. Tuition fees

6.1 TAFE NSW Higher Education courses are offered on a full fee-paying basis.

6.2 The tuition fee is the charge levied on all students for each subject they enrol in.

6.3 Domestic students will be charged the same tuition fee irrespective of whether they pay up front or utilise HELP assistance.

6.4 Domestic students will only incur a liability for tuition fees after the Census Date.

6.5 TAFE NSW Higher Education will publish the tuition fees on its website in accordance with the requirements of the HESA Act.

7. Incidental fees

7.1 In accordance with the HESA Act, TAFE NSW Higher Education is able to charge for certain Incidental Fees.

8. Payments

8.1 TAFE NSW does not accept cash payments for any tuition or incidental fees.

8.2 Students not intending to seek HELP assistance are required to pay the tuition fee for the subjects in which they are enrolled, on or before the Administrative Date.

8.3 Students intending to apply for HELP assistance:

- a. must submit a Request for HELP Assistance (eCAF) on or before the Census Date; and
- b. will incur a debt on the day immediately following the Census Date.

8.4 Students who pay their tuition fees using HELP assistance will repay their HELP debt through the Australian taxation system once they reach the mandated income threshold.

9. Withdrawals

- 9.1 Students who withdraw from a subject must notify TAFE NSW Higher Education in writing of their decision to withdraw using the TAFE NSW Higher Education Withdrawal Form.
- 9.2 A person who is registered as a TAFE NSW Higher Education student but who has not ever attended a single class nor submitted a single assessment activity for any subject they are enrolled in in their first semester of enrolment will be considered to be a non-genuine student and will be withdrawn from the course by the Course Coordinator at the end of one full semester of inactivity and their enrolment in the course will be closed in the Student Management System. If the 'student' had registered for HELP assistance, the Course Coordinator must report the 'student' to the TAFE Student Loans Unit to ensure the 'student's' HELP loan status is adjusted as an admin error and relevant reporting to the Commonwealth is managed in accordance with Section 12.5.1.
- 9.3 Students who have attended classes, but who have not formally withdrawn in accordance with Section 9.1 will be liable for tuition fees or the HELP liability for the subject/s.

10. Refunds

- 10.1 Students who formally withdraw from a subject on or before Census Date (by advising TAFE NSW Higher Education in writing):
- will not incur a HELP debt for the subject; and
 - are eligible to request a refund for the subject if they paid their tuition fees up front.
- 10.2 Students who withdraw from a subject after the Census Date:
- will not be entitled to a refund of tuition fees for the subject if they have paid up front; or
 - will be liable for the HELP liability for the subject if they have applied for HELP assistance; or
 - will only be eligible for a refund of tuition fees for the subject or to have their HELP balance for the subject re-credited under special circumstances (see Sections 12.1 and 12.2).
- 10.3 Students who withdraw from a subject are not eligible for a refund of incidental fees.
- 10.4 A student cannot apply for a refund of tuition fees or re-credit of their HELP balance for a subject if they have successfully completed the subject.
- 10.5 A student cannot apply for a refund of tuition fees or a re-credit of their HELP balance for a subject if they have completed, but failed the subject.
- 10.6 Any refunds payable will only be made to the student or third party who made the original payment, and will be by electronic funds transfer or by refund to the original credit card number.

11. Refunds/Recredits after census date

11.1 Refunds after census date - tuition fees that have been paid up front

- 11.1.1 A student who paid their tuition fees up front, and who withdraws from a subject after the Census Date due to special circumstances may be eligible to have their tuition fees for the subject refunded.
- 11.1.2 Where TAFE NSW Higher Education is satisfied that special circumstances apply (see Sections 12.1 and 12.2), a refund of the student's tuition fees will be made.

- 11.1.3 A student withdrawing under special circumstance provisions must formally apply for a refund of their tuition fees balance using the Withdrawal Application Form for Higher Education Students, within 12 months of the last date of attendance, or within 12 months of the end of the period of study in which the subject was, or was to be, undertaken. TAFE NSW Higher Education has the discretion to waive the 12 months requirement if it is satisfied that the application to withdraw could not be made within the time limits because of the nature of the student's special circumstances.
- 11.1.4 The student's application for a refund of tuition fees should include independent supporting documentation
- 11.1.5 Each application for a refund of a student's tuition fees will be examined and determined on its merits. TAFE NSW Higher Education will consider the student's claim, together with any independent supporting documentary evidence that substantiates the claim.
- 11.1.6 Where a student's application for a refund of their tuition fees is declined, the student has the right to request a review of the decision.

11.2 Re-credits and remittances of HELP balance for a subjects after census date

- 11.2.1 A student who utilises HELP assistance and who withdraws from a subject after the Census Date due to special circumstances may be eligible to have their HELP balance for the subject re-credited.
- 11.2.2 Where TAFE NSW Higher Education is satisfied that special circumstances apply (see Sections 12.1 and 12.2), it must re-credit the student's HELP balance for the subject.
- 11.2.3 All requests to re-credit a HELP balance for a subject must be forwarded for approval to the relevant Manager at the campus the student is enrolled at.
- 11.2.4 If the decision results in the HELP debt being remitted, the campus must forward a request to the TAFE NSW Student Loans Unit to remove the student's HELP debt for the subject and follow TAFE NSW procedures to ensure the Australian Tax Office is advised of the remittance.
- 11.2.5 A student's HELP debt in relation to a subject is taken to be remitted if the student's HELP balance for a subject is re-credited.
- 11.2.6 A student withdrawing under special circumstance provisions must formally apply for a re-credit of their HELP balance for the subject using the TAFE NSW Application for Refund / Re-credit of Tuition Fees form within 12 months of the last date of attendance, or within 12 months of the end of the period of study in which the subject was, or was to be, undertaken. TAFE NSW Higher Education has the discretion to waive the 12 months requirement if it is satisfied that the application to withdraw could not be made within the time limits because of the nature of the student's special circumstances.
- 11.2.7 The student's application for a re-credit of their HELP balance for a subject should include independent supporting documentation,
- 11.2.8 Each application for a re-credit of a student's HELP balance for a subject will be examined and determined on its merits. TAFE NSW Higher Education will consider the student's claim, together with any independent supporting documentary evidence that substantiates the claim.

11.3 Refund and re-credit review procedures

- 11.3.1. Where a student's application for a refund re-credit of their HELP balance for a subject is declined, the student has the right to request a review of the decision.
- 11.3.2 The review will be conducted by the Region HELP Review Officer or their delegate who will not be the same officer who made the original decision declining the student's request to refund or re-credit a HELP balance for a subject and will hold a position at a more senior level.
- 11.3.3 The HELP Review Officer or delegate will:
 - 11.3.3.1 provide the student with the TAFE NSW Application to Review a Decision Not to Refund / Re-credit Tuition Fees form and explain the requirements involved in submitting a valid review request, including:
 - a. that the application for a review of a decision be made within 28 days of the day the student first received notice of the decision not to re-credit their HELP balance for a subject;
 - b. that the student provide reasons as to why they are applying for a review; and
 - c. the requirement to provide independent supporting documentation to substantiate the special circumstances outlined in the application.
 - 11.3.3.2 Acknowledge receipt of the application in writing and inform the applicant that a response will be provided within 45 days of receiving the application for review.
 - 11.3.3.3 Advise the applicant of the outcome of the review within 45 days of receiving the application for review. If the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision.
 - 11.3.3.4 The original decision can be reconsidered according to the following available options:
 - a. confirm the original decision;
 - b. vary the original decision; or
 - c. set the original decision aside and substitute a new decision.
 - 11.3.3.5 If the decision results in the HELP debt being re-credited, the HELP Review Officer must forward a request to the TAFE NSW Student Loans Unit to remove the student's HELP debt and follow TAFE NSW procedures to ensure the Australian Tax Office is advised of the remittance.
 - 11.3.3.6 Notify the applicant, in writing, of the outcome of the review process and provide reasons for making the decision within the available options.
 - 11.3.3.7 Advise unsuccessful applicants of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the outcome.
- 11.3.4 In relation to consideration of appeals by the AAT, the HELP Review Officer will be the contact person for the Commonwealth Department of Education, Skills and Employment for appeals through the Administrative Appeals Tribunal. The HELP Review Officer will:

- 11.3.4.1 Provide to the Commonwealth Department of Education, Skills and Employment, within five business days of being requested, copies of all the documents it holds that are relevant to the appeal. The Commonwealth Department of Education, Skills and Employment will deal with cases from that point and advise TAFE NSW Higher Education of the outcome.
- 11.3.4.2 Keep any originals and copies of the documents in accordance with normal record management procedures.
- 11.3.5 Students must be advised that further information about the review of HELP decisions can be found on the Commonwealth Study Assist website.

12. Additional information

12.1 HELP loan pass rate requirements

- 12.1.1 In accordance with Commonwealth student loan provisions, students who commenced their enrolment after 1 January 2018 and who have taken out a HELP loan to pay their tuition fees must comply with the 50% pass rate rule to continue to be eligible for HELP assistance.
- 12.1.2 Students enrolled in a sub-bachelor level course who have undertaken 4 or more subjects must maintain a pass level of at least 50% of those subjects to maintain eligibility for a HELP loan.
- 12.1.3 Students enrolled in a bachelor or higher level course who have undertaken 8 or more subjects must maintain a pass level of at least 50% of those subjects to maintain eligibility for a HELP loan.
- 12.1.4 Students who fail to meet the 50% pass rule can continue their studies, subject to meeting academic progression requirements, but will be required to pay their tuition fees up front and will not be eligible for a HELP loan until their pass rate returns to 50% of subjects completed.

12.21 Special circumstances for reconsidering decisions to refund a student's tuition fees or re-credit a student's HELP balance for a subject

The range of special circumstances which may apply are governed by the HESA Act 2003, and can include those that:

- 12.2.1 are beyond a student's control.

Circumstances could be considered beyond a student's control if a situation occurs that a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible. This situation would generally be expected to be unusual, uncommon or abnormal. A lack of knowledge of how payment of tuition fees or HELP works or the requirements regarding Census Dates would not be considered beyond a student's control.

- 12.2.2 do not make full impact until on or after the census date.

Circumstances could be considered not to make their full impact on the student until on or *after* the Census Date for the subject if the student'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 after that day; or

- on or after the Census Date.

12.2.3 make it impracticable for the student to complete the subject requirements.

Circumstances that make it impracticable for the student to complete the requirements for the subject may include:

- Medical circumstances. For example, where a student's medical condition has changed to such an extent that the student is unable to continue studying.
- Family/student circumstances. For example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies.
- Employment related circumstances. For example, where a student's employment status or arrangements have changed so that the student is unable to continue his or her studies and this change is beyond the student's control.

12.3 Special circumstances do not include:

12.3.1 lack of knowledge or understanding of tuition fee requirements or the requirements for HELP assistance; or

12.3.2 a student's incapacity to repay a HELP debt.

12.4 Requirements for making decisions

12.4.1 TAFE NSW Higher Education:

12.4.1.1 will consider the student's application as soon as practicable.

12.4.1.2 notify the student of its decision and the reasons for making the decision.

12.4.2 Decisions regarding refunding tuition fees or re-crediting a student's HELP balance for a subject are reviewable.

12.4.3 In addition to notifying a student of its decision and the reasons for making the decision, TAFE NSW Higher Education must also advise the student of their rights for a review of the decision if a student is unsatisfied with the outcome.

12.4.4 Students must be advised that the time limit for applying for a review of a decision is 28 days from the day the student first received notice of the decision.

12.5 Notifying the Commonwealth of the decision to re-credit a student's HELP balance for a subject

12.5.1 Where a decision results in the re-crediting of a student's HELP balance for a subject and/or the refund of a student's up-front payments, TAFE NSW will follow correct processes to ensure the Commonwealth is notified and that TAFE NSW repays to the Commonwealth any amounts of HELP assistance it has received from the Commonwealth on the student's behalf.

13. Roles and responsibilities

13.1 Key personnel with responsibility for implementing this procedure are:

- Manager Student Services at the campus the student is enrolled at;
- TAFE NSW HELP Review Officer;
- TAFE NSW Reporting and Accountability Officer, for reporting HELP take-up and remittances to the Commonwealth.

- 13.2 All TAFE NSW Higher Education students and staff need to be aware of their responsibility to comply with this procedure.
- 13.3 This procedure does not replace or modify any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

14. Related documents

TAFE NSW Higher Education Assessment Procedure

TAFE NSW Higher Education Qualifications Pathway and Credit Procedure

TAFE NSW Higher Education Student Grievance Procedure

TAFE NSW Higher Education Withdrawal form

TAFE NSW application for refund / re-credit of tuition fees form

TAFE NSW application to review a decision not to refund / re-credit tuition fees form

15. Monitoring and evaluation

This procedure will be reviewed and updated regularly in line with the TAFE NSW Higher Education Quality Assurance and Continuous Improvement Framework.

16. Publication of this procedure

The current version of this procedure is published on the TAFE NSW internet.

17. Approval

The TAFE NSW Higher Education Academic Council approved this version of this procedure on 2 December 2021.