



TAFE NSW HIGHER EDUCATION TUITION FEES, PAYMENTS, FEE-HELP, REFUND AND REVIEW PROCEDURES

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1. Document history and details

Version 9: 15 November 2018

Commencement date: Semester 1 2019

2. Introduction

- 2.1 The purpose of this procedure is to outline requirements for domestic students in relation to payment of tuition fees for TAFE NSW Higher Education courses. This procedure does not apply to tuition fees payable by international students.
- 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 loan.
- 2.4 The implementation of FEE-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 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 year of enrolment in the subject, not applicable at the time of original enrolment into the course.

3. Audience and applicability

- 3.1 These procedures cover payments, withdrawals, refunds and remittances associated with the delivery of higher education courses by TAFE NSW Higher Education.
- 3.2 These procedures apply to all eligible students enrolled in a course of study with TAFE NSW Higher Education. Eligible students are:
 - FEE-HELP assisted, through accessing assistance in the form of a loan from the Commonwealth, or
 - FEE-HELP eligible, meaning that they would be entitled to access this assistance if they applied.
- 3.3 Students who are not FEE-HELP eligible are not covered by these procedures. Temporary Visa Holders are subject to the terms and conditions under the Temporary Visa Holders (TVH) Policy and the Procedures governing TVH Mandatory Study Conditions.
- 3.4 International students are not covered by these procedures and are 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.
- 3.5 Fee exemptions are not covered by these procedures. Fee exemptions are governed by the terms and conditions of the TAFE NSW Fee for Service Policy.

4. Definitions

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| Administration Date | As specified in the TAFE NSW Higher Education academic calendar. Refer 5.2 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 5.2 below. |
| CAF | Commonwealth Assistance Form |
| DoE | Department of Education (Commonwealth) The department responsible for administering FEE-HELP. |
| eCAF | Electronic Commonwealth Assistance Form |
| Eligible Student | A student who is entitled to FEE-HELP assistance in accordance with the citizenship and residency requirements. |
| End Date | As specified in the TAFE NSW Higher Education academic calendar. Refer 5.2 below. |
| FEE-HELP | A Commonwealth loan scheme to help eligible fee paying students pay all or part of their tuition fees. |
| HESA | The Higher Education Support Act 2003. |
| Incidental Fees | A charge for a good or service additional to the tuition fee. |
| Learning Business Systems (LBS) | Learning Business Systems (LBS) is a collection of systems which, broadly, manage student learning systems, administration and finance and are managed by the TAFE NSW. |
| Special Circumstances | Special conditions, defined by the Commonwealth, which will entitle a FEE-HELP debt to be reversed, or tuition fees refunded, if a student withdraws after census date. |
| Start Date | The first date of the semester. |
| 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 cost charged for each subject. |
| 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. Managing fees and refunds

5.1 Definition of the term subject

5.1.1 In this procedure the term 'subject' is used and is equivalent in meaning to a 'Unit of Study' as defined in the HESA Act.

5.2 Key dates

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

- 5.2.1.1 Start Date – the first date of the semester;
- 5.2.1.2 Administration Date – the date by which time a student must have:
- paid their tuition fees up front; or
 - paid a proportion of their tuition fees up front and indicated that they intend to apply for FEE-HELP assistance to cover the balance; or
 - indicated that they intend to apply for FEE-HELP assistance to cover the full cost of the subject.
- 5.2.1.3 Census Date – the date by which:
- a student intending to access FEE-HELP assistance needs to submit a Request for a FEE-HELP Loan Form (CAF / eCAF);
 - a student must formally withdraw from a subject without incurring a FEE-HELP debt; or
 - 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.
- 5.2.1.4 End Date – the last date of the semester.
- 5.2.2 Students who have not paid their tuition fees upfront, or who have not applied for a FEE-HELP loan by census date will be excluded from the subject/s for which tuition fees are payable.

5.3 Tuition fees

- 5.3.1 TAFE NSW Higher Education courses are offered on a full fee-paying basis.
- 5.3.2 The tuition fee is the charge levied on all students for each subject they enrol in.
- 5.3.3 Students will be charged the same tuition fee irrespective of whether they pay up front or utilise FEE-HELP assistance.
- 5.3.4 Students will only incur a liability for tuition fees after the Census Date.
- 5.3.5 TAFE NSW Higher Education will publish the tuition fees on its website in accordance with the requirements of the HESA Act.

5.4 Incidental fees

- 5.4.1 Provided that payment is in accordance with the HESA Act, TAFE NSW Higher Education is able to charge for certain Incidental Fees. The criteria for deciding if a fee is incidental to studies are if the fee is:
- 5.4.1.1 A charge for a good or service that is not essential to the course of study. For example:
- access to internet and computer facilities (except where these are required as part of a course);
 - printing of notes from the internet or disks; and
 - graduation ceremonies in cases where students are not required to attend the ceremony in order to obtain their award.
- 5.4.1.2 A charge for an alternative form or alternative forms of access to a good or service that is an essential component of a course of study, but is otherwise made readily available at no additional fee by TAFE NSW Higher Education. For example:

- lecture notes or tapes, provided that lectures are made readily available to students free of charge;
 - electronic provision of essential information if the information is also made readily available free of charge in another form (eg. in the campus library);
 - reading material, such as anthologies of required readings, provided that these texts are also made readily available free of charge.
- 5.4.1.3 A charge for an essential good or service that the student has the choice of acquiring from a supplier other than TAFE NSW Higher Education and is for:
- equipment or items that become the physical property of the student and that are not consumed during the course of study such as artwork supplies, fabric for sewing class, musical instruments, protective clothing or footwear, stethoscopes, dance shoes and reference texts; or
 - food, transport and accommodation costs associated with the provision of field trips that form part of the course of study.
- 5.4.1.4 A fine or a penalty provided it is imposed principally as a disincentive and not in order to raise revenue or cover administrative costs. For example:
- fines or penalties for late enrolments, late variations to enrolments, late withdrawals from a course, and late payment of charges, student contribution amounts and tuition fees;
 - review of grade if a student has already passed the subject, but is seeking to improve their grade; and
 - a charge for an assessment of prior learning in circumstances where a person has not applied for entry to TAFE NSW Higher Education.

5.5 Payments

- 5.5.1 TAFE NSW does not accept cash payments for any tuition or incidental fees.
- 5.5.2 Students not intending to seek FEE-HELP assistance are required to pay the tuition fee for the subjects in which they are enrolled, on or before the Administrative Date.
- 5.5.3 Students intending to apply for FEE-HELP assistance:
- a. must submit a Request for FEE-HELP Assistance on or before the Census Date; and
 - b. will incur a debt on the day immediately following the Census Date.
- 5.5.4 Students who pay their tuition fees using FEE-HELP assistance will repay their FEE-HELP debt through the Australian taxation system once they reach the mandated income threshold.

5.6 Withdrawals

- 5.6.1 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 which can be accessed on the TAFE NSW Higher Education website at: www.tafensw.edu.au/degrees

5.7 Refunds

- 5.7.1 Students who formally withdraw from a subject on or before Census Date (by advising TAFE NSW Higher Education in writing):
- will not incur a FEE-HELP debt; and
 - are eligible to request a refund if they paid their tuition fees up front.
- 5.7.2 Students who withdraw from a subject after the Census Date:
- will not be entitled to a refund of tuition fees if they have paid up front; or
 - will be liable for the full debt if they have applied for FEE-HELP assistance; or
 - will only be eligible for a refund of tuition fees or to have their FEE-HELP balance re-credited under special circumstances (see Sections 7.1 and 7.2).
- 5.7.3 Students who withdraw from a subject are not eligible for a refund of incidental fees.
- 5.7.4 A student cannot apply for a refund of tuition fees or re-credit of their FEE-HELP balance if they have successfully completed the subject.
- 5.7.5 A student cannot apply for a refund of tuition fees or a re-credit of their FEE-HELP balance if they have completed, but failed the subject.
- 5.7.6 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.

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

- 5.8.1 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 refunded.
- 5.8.2 Where TAFE NSW Higher Education is satisfied that special circumstances apply (see Sections 7.1 and 7.2), a refund of the student's tuition fees will be made.
- 5.8.3 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.
- 5.8.4 Where a student defers completion of their studies, the 12 month period applies from the end of the period of deferral. TAFE NSW Higher Education has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limits because special circumstances apply.
- 5.8.5 The student's application for a refund of tuition fees should include any independent supporting documentation, for example, a letter from the student's doctor or counsellor, to support the student's claims.
- 5.8.6 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.

- 5.8.7 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.

5.9 Re-credits and remittances of FEE-HELP balances after census date

- 5.9.1 A student who utilises FEE-HELP assistance and who withdraws from a subject after the Census Date due to special circumstances may be eligible to have their FEE-HELP balance re-credited.
- 5.9.2 Where TAFE NSW Higher Education is satisfied that special circumstances apply (see Sections 7.1 and 7.2), it must re-credit the student's FEE-HELP balance.
- 5.9.3 All requests to re-credit a FEE-HELP balance must be forwarded for approval to the relevant Manager at the campus the student is enrolled at.
- 5.9.4 If the decision results in the FEE-HELP debt being remitted, the campus must forward a request to the LBS Support Desk to remove the student's FEE-HELP debt and follow TAFE NSW procedures to ensure the Australian Tax Office is advised of the remittance.
- 5.9.5 A student's FEE-HELP debt in relation to a subject is taken to be remitted if the student's FEE-HELP balance is re-credited.
- 5.9.6 A student withdrawing under special circumstance provisions must formally apply for a re-credit of their FEE-HELP balance using the TAFE NSW FEE-HELP - Application to re-credit a FEE-HELP balance 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.
- 5.9.7 Where a student defers completion of their studies, the 12 month period applies from the end of the period of deferral. TAFE NSW Higher Education has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limits because special circumstances apply.
- 5.9.8 The student's application for a re-credit of their FEE-HELP balance should include any independent supporting documentation, for example, a letter from the student's doctor or counsellor, to support the student's claims.
- 5.9.9 Each application for a re-credit of a student's FEE-HELP balance 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.

6. Refund and re-credit review procedures

- 6.1. Where a student's application for a re-credit of their FEE-HELP balance is declined, the student has the right to request a review of the decision.
- 6.2 The review will be conducted by the Region FEE-HELP Review Officer or their delegate who will not be the same officer who made the original decision declining the student's request to re-credit a FEE-HELP balance and will hold a position at a more senior level.

- 6.3 The FEE-HELP Review Officer or delegate will:
- 6.3.1 provide the student with the FEE-HELP - Application to review a decision not to re-credit a FEE-HELP balance 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 FEE-HELP balance;
 - 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.
 - 6.3.2 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.
 - 6.3.3 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.
 - 6.3.4 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.
 - 6.3.5 If the decision results in the FEE-HELP debt being re-credited, the FEE-HELP Review Officer must forward a request to the LBS Support Desk to remove the student's FEE-HELP debt and follow TAFE NSW procedures to ensure the Australian Tax Office is advised of the remittance.
 - 6.3.6 Notify the applicant, in writing, of the outcome of the review process and provide reasons for making the decision within the available options.
 - 6.3.7 Advise unsuccessful applicants of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the outcome, noting that applications to appeal to the AAT must be received by the AAT no later than 28 days from the day the student received notice of the review decision.
 - 6.3.8 Provide unsuccessful applicants with the contact details and address of the nearest AAT registry.
- 6.4 In relation to consideration of appeals by the AAT, the FEE-HELP Review Officer will be the contact person for the Commonwealth Department of Education for appeals through the Administrative Appeals Tribunal. The FEE-HELP Review Officer will:
- 6.4.1 Provide to the Commonwealth Department of Education, 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 will deal with cases from that point and advise TAFE NSW Higher Education of the outcome.
 - 6.4.2 Keep any originals and copies of the documents in accordance with normal record management procedures.
- 6.5 Students must be advised that further information about the review of FEE-HELP decisions can be found on the Commonwealth Study Assist website.

7. Additional information

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

The range of special circumstances which may apply, include those that:

7.1.1 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 FEE-HELP works or the requirements regarding Census Dates would not be considered beyond a student's control.

7.1.2 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.

7.1.3 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.

7.2 Special circumstances do not include:

7.2.1 lack of knowledge or understanding of tuition fee requirements or the requirements for FEE-HELP assistance; or

7.2.2 a student's incapacity to repay a FEE-HELP debt.

7.3 Requirements for making decisions

7.3.1 TAFE NSW Higher Education:

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

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

7.3.2 Decisions regarding refunding tuition fees or re-crediting a student's FEE-HELP balance are reviewable.

7.3.3 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.

7.3.4 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.

7.4 Notifying the Commonwealth of the decision to re-credit a student's FEE-HELP balance

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

8. Roles and responsibilities

8.1 Key personnel with responsibility for implementing these procedures are:

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

8.2 All TAFE NSW Higher Education students and staff need to be aware of their responsibility to comply with this procedure.

8.3 The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

9. Related documents

TAFE NSW Higher Education Student Grievance Procedures

TAFE NSW Higher Education Withdrawal form

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

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

10. Monitoring and evaluation

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

11. Publication of this procedure

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

Where appropriate it will be quoted, paraphrased or cited in Subject Guides and on the TAFE NSW Higher Education Learning Management System.

12. Approval

The TAFE NSW Higher Education Academic Board approved this version of this procedure on 15 November 2018.