

JANSEN NEWMAN INSTITUTE (JNI) IMPORTANT INFORMATION FOR FEE-HELP STUDENTS

FEE-HELP Application Process

Included below is some information regarding FEE-HELP. It is recommended that you read this information very carefully.

What is FEE-HELP?

FEE-HELP provides a loan to eligible fee-paying students for part or all of their tuition fees for units of study undertaken with a institution which is approved as a Higher Education Provider (HEP) under HESA (the Higher Education Support Act 2003). Students can borrow up to the limit of the tuition fee charged by their provider for that unit of study. However, over their lifetime, students will only be able to borrow up to the amount of the FEE-HELP limit, which is \$80,000 in 2007.

Students repay their loan through the taxation system once their income is above the minimum threshold for compulsory repayment. Repayments do not reset the maximum that can be borrowed. A Loan Fee of 20% applies to FEE-HELP debts on undergraduate but not post-graduate courses. There is no application fee for FEE-HELP and no interest charged on the FEE-Help debt. Any FEE-HELP debt that has existed for 11 months or more is indexed by the Tax Office in line with the Consumer Price Index (CPI)

What can FEE-HELP cover?

FEE-HELP provides a loan for tuition fees only for an eligible unit of study provided by a HEP.

Eligibility requirements

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

1. Submit a “Request for FEE-HELP Assistance” form

Applications are made by completing the Australian Government “Request for FEE-HELP assistance” form (1292(A)). These forms and the FEE-HELP information booklet are available from the “Admissions and Course Information Coordinator” at JNI. The “Request for FEE-HELP assistance” form must be returned to JNI on or before the census date. **Applications will not be accepted after this census date.**

If a person changes courses, a new “Request for FEE-HELP Assistance” form needs to be submitted.

2. Meet Citizenship and residency requirements

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

- be an Australian citizen. Students must have become an Australian citizen (that is, they have taken their pledge and are in possession of their certificate of citizenship)

or

- be the holder of a permanent humanitarian visa who will be resident in Australia for the duration of the unit.

Holders of other permanent visas and New Zealand citizens who do not meet these criteria are not eligible for FEE-HELP. The only exception to this rule is where the student is a pre-2005 Postgraduate Education Loan Scheme (PELS) student.

3. Not have exceeded his/her FEE-HELP limit

Over their lifetime, students are able to use FEE-HELP to pay tuition fees only to the amount of the FEE-HELP limit. That is, repayments do not reset the maximum that can be borrowed. This amount is indexed each year.

A person's FEE-HELP balance is the amount of the FEE-HELP limit they have not used. Any loan fee amounts or indexation of outstanding debts do not affect a student's lifetime FEE-HELP limit.

A student can borrow up to the amount of the tuition fee being charged by their provider, so long as this amount does not result in the student exceeding their FEE-HELP limit. Students have the option of paying part of their tuition fee for the unit up-front to their provider on or before the census date and obtaining FEE-HELP assistance for the remainder. The amount of FEE-HELP assistance 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. A student's FEE-HELP balance will be reduced by this amount. Students may access their FEE-HELP balance through the *Going to Uni* website at: www.goingtouni.gov.au by using their CHESSN identification number (**See Section: CHESSN Allocation**).

Providers report a student's FEE-HELP assistance through the *Higher Education Student Collection* and the Commonwealth will pay the FEE-HELP assistance amount to the provider.

4. Be enrolled in a Unit of Study before or on the Census Date

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

Students who withdraw from a unit of study or course of study after the census date will incur a FEE-HELP debt for those studies. Students may apply to their provider to have their FEE-HELP balance re-credited (and thus their FEE-HELP debt remitted) in special circumstances (**See Section: Re-crediting and Remission**).

A \$250 charge will, however, be invoiced by JNI to FEE-HELP recipients if they withdraw after the census date.

If extenuating circumstances prevail such that a unit becomes unavailable after the census date, wherever possible, the provider should attempt to make suitable arrangements for the affected students to complete the unit or a comparable unit. In making these arrangements, the provider must treat students fairly. If arrangements cannot be made for a student with which the student is satisfied, the provider should advise the student of their entitlements under the provisions for re-crediting and remission (**See Section: Re-Crediting and Remission**), and also any entitlements

under Tuition Assurance Arrangements (**See Section: Statement of Course Assurance**).

5. Meet the Tax File Number (TFN) requirements

Students are required to provide their TFN, or a certificate from the Commissioner of Taxation stating that they have applied for one, on or before the census date for the unit of study for which they wish to obtain a FEE-HELP loan. Students should provide their TFN on the "Request for FEE-HELP assistance" form.

Students who do not have, or cannot remember, their TFN, or who have applied to the Tax Office but have not yet received a TFN, must contact the Tax Office to acquire their TFN or to obtain a *Certificate of Application for a TFN*. As a TFN is usually provided within 28 days of application, it is essential for students to apply early to ensure they have their TFN on or before the census date.

If a student has not received their TFN within 10 days before the census date, the student should provide this certificate to their provider as proof of having applied. The student must quote their TFN within 21 days from the day the Tax Office issues the student a *Tax File Number Advice*.

For a student who does not provide a TFN or a *Certificate of Application for a TFN* on or before the census date, the Australian Government will not be liable to provide a FEE-HELP loan to that student for the tuition fees. The provider will reduce the student's debt for that unit of study to zero and repay that amount to the Commonwealth. A provider may make alternative arrangements for the student to pay their tuition fees, or may cancel the student's enrolment in the unit for which the student was seeking FEE-HELP assistance.

Repayment of FEE-HELP Loans

A person becomes liable to make a compulsory repayment towards their FEE-HELP debt when his or her repayment income is above the minimum repayment income for the income year (see the "FEE-HELP information 2007 booklet" for details). These repayments are made to the Tax Office.

A person's repayment income for an income year is the sum of:

- the person's taxable income; plus
- the amount of any net rental property losses; plus
- total reportable fringe benefits; plus
- exempt foreign employment income.

CHESN Allocation

The Department of Education, Science and Training (DEST) allocates Commonwealth Higher Education Student Support Numbers (CHESNs) to all students who request FEE-HELP assistance. The CHESN is a unique identifier that a provider must use in communications with the Australian Government.

This CHESN will remain linked to the student for the remainder of their academic life for the purposes of managing their Student Learning Entitlement (SLE) and Higher Education Loan Programme (HELP) entitlements.

The CHESSN is limited in its use to monitoring Commonwealth assistance to eligible higher education students, including the provision of data to the Tax Office regarding HELP debts. Students also use their CHESSN to access information on their use of Commonwealth assistance through the *Going to Uni* website at: www.goingtouni.gov.au.

Commonwealth Assistance Notice

Providers are required to issue each student who has **requested** FEE-HELP assistance with a Commonwealth Assistance Notice (CAN). The CAN must be issued to students within 28 days of the census date, even if the students have made a full up-front payment of their tuition fees and therefore have not incurred a FEE-HELP debt on that census date.

Re-Crediting and Remission

People who withdraw from a unit of study after the census date or who fail to complete the requirements of that unit can apply to JNI to have their Student Learning Entitlement (SLE) and their FEE-HELP balance re-credited and their FEE-HELP debt remitted if **Special Circumstances** apply. It is at JNI's discretion whether any up-front payments the person has made in respect of that unit are refunded. A person cannot apply for a re-credit or a remission if they have successfully completed the unit.

The person's application should include any independent supporting documentation, for example, a letter from the person's doctor or counsellor, to support the person's claims. Each application, together with any independent supporting documentary evidence, will be examined and determined on its merits by JNI.

Special circumstances

The circumstances in which JNI will be satisfied that special circumstances apply to the person are as follows:

- **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. This situation must be unusual, uncommon or abnormal. For example, a lack of knowledge of how FEE-HELP works is not considered beyond a person's control.
- **Do not make full impact until on or after the census date**—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 after that day; or
 - on or after the census date.
- **Impracticable for the person to complete the unit of study requirements**—Circumstances that make it impracticable for the person to complete the requirements for their unit may include:
 - 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 that the person is unable

to continue his or her studies, and this change is beyond the person's control;
or

- course related circumstances. For example, where the provider has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses. A person is unable to complete the requirements for a unit, for example, if the person is unable to:
 - undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
 - complete the required assessable work; or
 - sit the required examinations; or
 - complete any other course requirements because of their inability to meet the above.

Special circumstances do not include, for example:

- lack of knowledge or understanding of 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

Timeframe for making decisions

Students withdrawing after the census date will be advised that they may apply to JNl for a re-credit or remission. JNl will accept an application for a re-credit or a remission of a person's Student Learning Entitlement (SLE) or FEE-HELP balance 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 person has deferred completion of their studies, the twelve-month period applies from the end of the extended period. This application must be made in writing.

JNl will consider the person's application as soon as practicable, and will notify the applicant of its decision within 2 months of receiving the application.

JNl's FEE-HELP Review Arrangements

1. Notifying students of the decision

The person responsible for making initial decisions about the re-crediting of a student's SLE or FEE-HELP balance and the remission of FEE-HELP debts will be JNl's Academic Director. JNl will notify the person of its decision and the reasons for making the decision, in writing within 2 months of receiving the application. JNl will also advise the applicant of their rights for a review of the decision if the applicant is unsatisfied with the outcome. The applicant will be advised that the time limit for applying for a review of a decision is 28 days from the day the applicant first received notice of the decision.

2. Provider review of decision

A person has the right to apply for a review of a decision to not re-credit or remit. The time limit for applying for a review 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.

The person responsible for reviewing decisions about the re-crediting of a student's SLE or FEE-HELP balance and the remission of FEE-HELP debts will be the Chairperson of the Academic Board (who will be known as the review officer, and is independent of JNI).

The applicant must state the reasons why they are applying for a review.

JNI will:

- acknowledge receipt of an application for review of a decision in writing
- within a reasonable time, notify the applicant, 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);
- inform the applicant that, 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;
- advise the applicant of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome; and
- provide the applicant with the contact details and address of the nearest AAT registry.

3. Reconsideration of the reviewable decision by the AAT

A person may make an application to the AAT for a reconsideration of a JNI decision to refuse to re-credit or remit, and may supply additional information to the AAT that they did not previously supply to the provider (including the provider's reviewer).

The Secretary of DEST, or his or her delegate, will be the respondent for cases that are before the AAT. Once DEST has received notification from the AAT that the person has applied for the reconsideration under section 37 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), the Secretary must, within 28 days, lodge the following documents with the AAT:

- a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the AAT.

Upon receipt of notifications from the AAT, DEST will notify JNI, in writing, that appeals have been lodged.

To enable DEST to meet the 28-day timeframe, JNI **MUST, within a further 5 business days**, provide DEST with copies of all the documents it holds that are relevant to the appeal. Under section 209-5(2)(b) of HESA, JNI may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise DEST if a decision is made to re-credit or remit. However, until a person withdraws their AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DEST is still required to comply with the requirement under section 37 of the *AAT Act* to lodge the statement, and relevant documents described in the two dot points above, with the AAT. Therefore, JNI must still forward all relevant documents to DEST within the 5 business

days, unless advised not to do so by DEST. DEST will deal with cases from that point and advise JNI of the outcome.

(Reference: Administrative Information for Providers: Student Support. Issued by: Funding and Student Support Branch Higher Education Group Last updated: April 2006)

http://www.dest.gov.au/sectors/higher_education/publications_resources/summaries_brochures/resources_for_student_administrators.htm