



**Australian Government**

**Department of Education, Employment and Workplace Relations**

Mr Alan Hohne  
Dean of Quality and Planning  
Moore Theological College  
1 King Street  
NEWTOWN NSW 2042

Dear Mr Hohne

During routine compliance checking of information published on higher education providers' websites the department has noted several instances where higher education providers' tuition fee refund policies may not be consistent with the requirements of the *Higher Education Support Act 2003* (the Act). I am taking this opportunity to remind all higher education providers of those requirements.

Under section 169-15 of the Act **students who enrol in a unit of study but withdraw on or before the census date are not liable to pay their tuition fees for that unit.** If the student has made up-front payments in relation to that unit, the provider must repay those amounts to the student, and, if the student has requested a FEE-HELP loan, the student cannot incur a debt for that unit.

A higher education provider can require **students who do not wish to access FEE-HELP to pay part of their tuition fee upfront as an enrolment/acceptance of offer fee.** If a student withdraws on or before the census date, they **must be provided with a full refund of the enrolment/acceptance of offer fee.**

**The provisions of section 169-15(3) of the Act apply to all higher education students enrolled with a provider, irrespective of whether a student chooses to access FEE-HELP to pay their tuition fees. A provider may not have a refund policy that differs for students who pay their tuition fees upfront.**

A higher education provider may set an earlier 'administrative' date that is earlier than the census date by which students are required to pay their tuition fees upfront or lodge a FEE-HELP form. **A provider can also set a 'withdrawal' date before the census date and charge students who withdraw from units of study after that date a fine or penalty.**

Section 8.5.1(d) of the *Higher Education Provider Guidelines* states that **a provider may charge a student a fine or a penalty if "it is a fine or a penalty imposed principally as a disincentive and not in order to raise revenue or cover administration costs".**

However, under section 169-15(3) of the Act, higher education providers cannot impose a penalty for withdrawal from a course by withholding a partial or full amount of any upfront payment of tuition fees. Any penalty must be charged separately, and the upfront payment must be refunded in full.

I would be grateful if you could ensure that the institution's policy relating to the refund of tuition fees meets the requirements of the Act and that all published information reflects this policy.

If you require clarification on matters relating to requirements for refunding tuition fees, please contact Lorna Cuneo (Fees Unit) on (02) 6240 4561 or email [aip@deewr.gov.au](mailto:aip@deewr.gov.au).

Yours sincerely



Dr Lyndal Groom  
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Funding and Student Support Branch  
Higher Education Group

 July 2009