Welcome

Welcome to the December 2016 edition of the HELP Newsletter. The Student Information and Learning Branch would like to wish all of our HELP providers a Merry Christmas and a Happy New Year. We hope you have a safe holiday break and look forward to working with you in 2017.

If you have questions about the information contained in this newsletter, please email HEenquiries@education.gov.au.

It is important to note that people who receive this newsletter are listed as contacts in the HELP IT System (HITS). If an employee in your organisation would like to receive this newsletter they must be listed as a contact in HITS. HITS users can update the contact for their organisation by logging into HITS and navigating to the 'contact' tab. For instructions on how to add a contact in HITS, please refer to the HITS user guide.

The following is applicable to both higher education and VET providers

HELP loan eligibility of New Zealand (NZ) Special Category Visa holders (SCV)

Concerns have been raised that some NZ SCV holders may incorrectly assume that they are eligible to access a Commonwealth Supported Place (CSP) and a HECS-HELP loan if they meet the stated requirement to be "*studying at least part of their course in Australia*". The 2017 form was updated to reflect the NZ SCV holder cohort's new access to HELP loans, and as such has to reflect the revised HELP loan requirements in legislation.

The department appreciates that there is some complexity arising from the difference between the eligibility requirements for a NZ citizen's access to a CSP, and a NZ SCV holder's access to a HELP loan. To clarify:

- NZ SCV holders are still **NZ citizens**;
- the SCV is a visa that only remains valid whilst the person is physically in Australia; and
- the HECS-HELP loan component for SCV holders is optional, as not all SCV holders may choose to access a loan.

NZ eligibility for a CSP

It is important to note that the citizenship and residency requirements to access a CSP for New Zealanders have not changed. Under section 36.10(2B) of the *Higher Education Support Act 2003* (HESA), a person meets the citizenship and residency requirements to access a CSP if the person is "*a New Zealand citizen who will be resident in Australia for the duration of the unit*".

In assessing a student's residency, HESA states that 'In determining … whether a person will be resident within Australia for the duration of the unit of study, disregard any period of residence outside Australia if:

(a) it cannot be reasonably regarded as indicating an intention to reside outside Australia for the duration of the unit; or

(b) it is required for the purpose of completing the requirements of that unit.' (36-10[2A]).

If a NZ SCV student is not going to meet this requirement then they are not eligible for a CSP, and are deemed automatically ineligible for a HECS-HELP loan. Although the form does not currently contain a tick box for the SCV holder to declare that they will be a resident in Australia for the duration of their study, it is expected that their eligibility will be assessed in the same way as it is for all New Zealand citizens.

NZ SCV eligibility for a HELP loan

When a student is filling out the *Request for Commonwealth Assistance* form, they must declare that they have read the 2017 booklet before completing the form. The booklet clearly states under section 1.2, that for a NZ citizen to be eligible for a CSP, **they have to be resident in Australia for the duration of their unit.**

Furthermore, part of the eligibility requirements for NZ SCV holders to access any of the types of HELP loans, is that they **hold a current SCV**. An SCV is a *temporary visa* that a person only holds while they are resident in Australia. The Department of Immigration and Border Protection advises that as soon as the person leaves Australia, for any length of time, they automatically lose their SCV status. Therefore, upon leaving Australia, an otherwise eligible student would lose their SCV status and would be ineligible for a HELP loan. What this means is the student would need to be a resident in Australia for the duration of their unit(s) of study in order to hold a SCV and be eligible for a HELP loan.

The department is working towards improving section C(8) of the *Request for a Commonwealth supported place and a HECS-HELP loan* form for 2018, and will take feedback into consideration during the developmental process. If you have comments, please email them to HEenquiries@education.gov.au.

Government electronic Commonwealth Assistance Form (eCAF)

eCAF production environment

The Government eCAF is now available to providers to establish system access and test the Application Programming Interface (API) links with their own student management systems.

Providers that have received advice indicating they are considered suitable to be an approved VET Student Loans course provider during the provider transition period will have received information about accessing the Government eCAF in their email from the department. If you have any questions relating to the transition approval process, please submit an online enquiry at www.education.gov.au/vet-student-loans/vet-student-loans-applicants. For further information about VET Student Loans, see the **VET Student Loans** section in this newsletter.

Higher education providers that wish to have access to the Government eCAF may contact the department at HEenquiries@education.gov.au.

Please note that the 2017 eCAFs **will not be made available in the live environment until 1 January 2017** but final eCAFs are available for viewing and testing in the training environment.

eCAF training environment

If you require access to the eCAF training site, you can register via the Education Portal training environment at https://eduportal.npr.education.gov.au/Portal.WebUI.

Education Portal update – Single Sign-On

As you may be aware, the department released the Education Portal in March 2016. The Education Portal provides stakeholders with a secure, single point of access to some departmental data collections and applications, including HEIMS applications, Program Funding System, Institution Payment Information, access to the Datamart (HE only), and in the future will include the Government eCAF.

The second release of the Education Portal is scheduled to be released in early 2017 and will streamline the registration process for system access. The release will include fully automated online registration and password management, and each organisation will be required to nominate one or more 'portal administrators'. Further information about the release date of the Education Portal online registration functionality will be made available in early 2017. Please note that this will not affect the release of the Government eCAF, which will still go live on 1 January 2017.

Education Portal training environment

The Education Portal training environment is now available at https://eduportal.npr.education.gov.au/Portal.WebUI for all users that currently have access to the Government eCAF training environment. This set-up will simulate the live environment of the Education Portal online registration functionality for eCAF users. If you wish to provide feedback or be part of user experience testing, please email HEenquiries@education.gov.au.

The following is applicable to higher education providers

Higher education reform

On 3 May 2016, the Government released a policy options paper *Driving Innovation, Fairness and Excellence in Australian Higher Education* to facilitate discussion on how best to meet the challenge of funding a world-class higher education system, with fair access for students. The paper sets out potential reforms that support the Government's vision of a stronger, more innovative and responsive system of higher education that preserves equity of access while meeting the financial sustainability savings outlined in the budget.

In October 2016, the Government appointed an expert advisory panel to provide advice on the content and implementation of the final higher education reform package. The panel consists of Ms Michelle Allan, Professor Peter Noonan, Mr Andrew Norton and Professor Sally Walker.

The Government is working with the panel and the sector to develop a revised higher education reform package to be legislated by mid-2017 for commencement from 2018.

Update on tertiary legislation

On 23 November 2016 the *Higher Education Support Legislation Amendment (2016 Measures No. 1) Act 2016* was passed.

The Act amends the *Higher Education Support Act 2003* (HESA):

- to provide grants to higher education providers to assist Indigenous students;
- to enable the Secretary of the Department of Education and Training to be notified of HELP debtor TFNs for the purpose of administering student assistance under VET FEE-HELP;
- so that a HELP debtor TFN not previously provided to the Secretary can be provided to the Secretary; and
- to enable the Secretary of the Department of Education and Training and the Commissioner of Taxation to use and disclose information related to the administration of HELP debts, including TFNs, for the purposes specified in legislation. The Act also enables HELP program Commonwealth officers to use and disclose information related to the administration of HELP debts, excluding TFNs. Both of these administrative changes will assist in improved data analysis and future administration of the HELP scheme.

The Act also amends the *Income Tax Assessment Act 1936* to ensure that Commonwealth officers are able to use and disclose TFNs under HESA for the purposes of administering VET FEE-HELP loans.

The changes will remedy inconsistencies in how TFNs are notified to the Secretary across the five HELP schemes. Providing the Secretary with TFNs will enable more efficient, accurate and secure administration of HELP loans. This will allow, for example, the more efficient removal of a HELP debt in cases where it has been attributed to an incorrect TFN. This is a necessary student protection, as it will enable the Secretary to remove any HELP debts that have been incorrectly or unfairly incurred. As these HELP debts may have been incurred prior to the commencement of this provision, it is also important that the Secretary be given access to previously disclosed TFNs in order for HELP debt management to be effective and efficient.

Development of 2017 provider eCAFs requirements

As you are aware, only eCAFs developed in accordance with the *Higher Education Support Act 2003* (HESA) are considered to be valid forms. This means that provider eCAFs must meet strict requirements as set out in HESA, including being in a form approved by the Minister.

Previously, the department advised that higher education provider eCAFs must be an *exact replica* of the 2017 paper Commonwealth assistance form (CAF), including all fields and supportive text. In recognition that this would require

time to make changes, providers were given until March 2017 to ensure their 2017 eCAFs were updated and compliant, and advised that they may use their 2016 eCAFs in the interim**.**

Provider eCAF development requirements

The term *exact replica*, in this context, has raised some questions, which have been considered by the department. The following information describes how a provider eCAF will now be compliant and valid, and supersedes the previous obligation to be an exact replica.

Minimum requirements: Under HESA, the Minister's delegate determines the approved form for a CAF or an eCAF. The Minister's delegate has determined that a provider's eCAF is valid if it comprises all of the information contained in the Government eCAF.

The Department will provide the approved Government eCAF as the point of reference that providers must use to develop their provider eCAFs. The Government eCAF is an approved version of the paper CAF, that has been digitally contextualised (e.g. there are no references to the 'back page' or retaining a 'student copy' etc.).

The information contained in the Government eCAF represents the minimum mandatory information required for a provider eCAF to be valid. This will allow providers to "personalise" the form as they require, provided the minimum requirements are met. Omitting to incorporate these minimum requirements will invalidate the form as it will not be the form approved by the Minister for the purposes of HESA (with the exception of the optional fields described below).

Optional fields: The Government eCAF has two additional fields that are not in the paper CAF – 'personal email address' and 'CHESSN'. These fields are optional for providers to include in their provider eCAF.

Additional fields: Other fields that providers may wish to include in their provider eCAF will be minimal and must be kept discrete from the prescribed minimum requirements. This is to avoid confusion among students as to what information is being collected for the purposes of establishing their eligibility for assistance under HESA and what information is being collected for the provider's own internal purposes.

In accordance with previous advice, higher education providers have until 31 March 2017 to ensure their 2017 eCAFs are updated and compliant.

FEE-HELP approved providers - financial reporting obligations

Those providers that utilise a financial year reporting cycle should now have finalised their audited financial statements for the year ended 30 June 2016. These statements need to be uploaded into the HITS system **prior to** 31 December 2016 in line with the conditions of approval as a HELP provider. Providers who have an annual financial reporting period, which concluded on 31 December 2016, are reminded that their annual financial information submissions are due by 30 June 2017.

In addition to the provision of audited financial statements, providers are reminded that there is a suite of supporting information that must also be submitted in order to satisfy your reporting obligations. This includes the completion of a Financial Performance in HITS and confirmation of organisations' compliance with statutory obligations. Failure to submit all required information in line with the specified time frames constitutes a breach of approval conditions and may lead to compliance action including potential suspension or revocation of approved provider status.

Once you have met all of your financial reporting obligations, please ensure that you also action the milestone confirming this in HITS. If you do not action the financial reporting milestone, you will continue to receive emails about overdue reporting obligations, and will not receive automated reminders about future reporting requirements.

For complete information regarding the information you are required to submit in HITS please refer to the Financial Viability Instructions. Detailed instructions on how to create and complete Financial Performances in HITS and action milestones can be found at pages 104 and 156 of the HITS user guide.

The department takes provider compliance very seriously and will be focusing strongly on FEE-HELP provider financial reporting obligations as well as general program compliance matters during 2017.

FEE-HELP approved providers - new email inbox

Approved FEE-HELP providers are reminded that the FEE-HELP program has a new email inbox dedicated to FEE-HELP provider issues. It is FEE-HELP@education.gov.au.

FEE-HELP approved providers - variation requests for 2017

Approved FEE-HELP providers are advised that for 2017, FEE-HELP variation requests can be submitted to the department at any time between 1 January 2017 and 30 September 2017 via the new FEE-HELP provider email inbox, FEE-HELP@education.gov.au. However, these variations will be batch processed commencing on 31 March 2017, 30 June 2017 and 1 October 2017. Approved FEE-HELP providers are reminded that variations will not be accepted after 30 September 2017 to allow for processing of 2018 estimates.

The following is applicable to VET providers

VET Student Loans

From 1 January 2017, VET Student Loans will be introduced – replacing the VET FEE-HELP scheme. The department's website will be updated as information is made available, and providers are encouraged to check the site regularly.

The Department of Education and Training has now contacted all current VET FEE-HELP providers with instructions on how to seek approval to access VET Student Loans. The application process for providers to apply to offer loans during the transition period of 1 January 2017 to 30 June 2017 closed on 30 November 2016. It is intended that applications to offer VET Student Loans in the full program from 1 July 2017 will be invited before the end of 2016 and will be open to all RTOs who meet the relevant criteria, not just currently approved VET FEE-HELP providers.

New students wanting to access a VET Student Loan will be able to apply through the online Government electronic Commonwealth Assistance Form (eCAF) from 1 January 2017. The department will consider VET Student Loans providers to use an alternative to the Government eCAF in exceptional circumstances and on a case by case basis. To apply to use the paper Commonwealth Assistance Form (CAF), providers need to write to the department at www.education.gov.au/vet-student-loans/vet-student-loans-applicants outlining their business case. In any application, providers should estimate the number of paper forms they require.

All current VET FEE-HELP providers have been sent instructions on data reporting for VET FEE-HELP for 2016 and 2017. VET FEE-HELP reporting for 2017 has changed significantly from previous requirements, with reporting to be required monthly. The notice for VET Student Loans reporting will be issued shortly. The reporting requirements for 2017 for VET Student Loans will be similar to the 2017 reporting requirements for VET FEE-HELP. VET FEE-HELP reporting details can be found on the HEIMSHELP website.

For further information about VET Student Loans, please visit www.education.gov.au/vet-student-loans.

VET FEE-HELP – Current VET FEE-HELP students (grandfathering) opt-in process

Existing students who are enrolled in VET courses prior to 1 January 2017, have already received VET FEE-HELP assistance for units of those courses and remain enrolled with their original provider will be provided with the opportunity to continue their studies under the existing VET FEE-HELP arrangements for units with census dates to 31 December 2017. In certain circumstances, some students may be eligible to extend assistance beyond 1 January 2018. A revised 'Information for current VET FEE-HELP approved providers' is available on the website.

Please visit www.education.gov.au/vet-student-loans/vfh-opt-in for further information. All student enquiries should be directed to the department at www.education.gov.au/vet-student-loans/vet-fee-help-opt-in.

Stakeholder enquiries via the new online enquiry forms

The department is improving service delivery through a dedicated *Online Enquiry Form*. This form is designed for VET Student Loans, existing VET providers, existing VET FEE-HELP students and individuals considering study.

Providers and students can use the forms to easily and quickly find information which will be grouped according to topics and themes.

The department has now launched two new online contact forms:

1. Complaints and feedback online form at www.education.gov.au/vet-student-loans/vet-fee-help-complaints; and

2. VET FEE-HELP grandfathering students online form at www.education.gov.au/vet-student-loans/vet-fee-help-opt-in.

The online forms feature some gate keeper questions that may change from time to time based on the types of enquiries being received by the department. Students and providers can then read through these questions and answers before submitting their enquiry.

Over time, several email addresses currently used by the department to answer enquiries will be transitioned to "no reply", and enquirers directed by auto response to the online forms.