

Guideline for assessing Temporary Residents Admissions fee waiver applications

Application for the assessment of a fee waiver

This assessment of fee waiver applies to temporary visa holders who wish to enrol or have enrolled their school-aged dependants in a Queensland state school; and are subject to fees imposed by the Director-General or delegate under section 51 of the *Education (General Provisions) Act 2006* (Qld) (EGPA).

If a temporary visa holder is experiencing financial difficulties, a fee waiver assessment will only be considered if submitted evidence meets the criteria for [significant financial hardship](#). Submissions from temporary visa holders that do not meet the criteria for significant financial hardship may meet the criteria for financial hardship as outlined in the [Temporary Resident Admissions payment plan fact sheet](#). Please refer to the [Fee waiver procedure](#) for information regarding the processes in place to assess financial hardship.

A dependant student is a school-age (family member or child) who is currently enrolled in a Queensland state school and is listed as a dependant of the primary visa holder.

This assessment of fee waiver does not apply to all temporary visa holders as outlined in the department's [Fee exemptions policy](#).

Fee waivers are generally not considered for tourist visa holders, as school attendance is not compulsory on this visa type. However, fee waivers may be considered under particular circumstances, as determined by the Director-General or delegate.

Exercise of discretion by Director-General or delegate

Section 51(3) of the EGPA provides that the Director-General or delegate may charge a fee for the education of a person at a state school or the registration of a pre-preparatory age child in the pre-preparatory learning program at a state school where that person or pre-preparatory age child is not:

- an Australian citizen or permanent resident; or
- a child of an Australian citizen or [permanent resident](#).

Section 51(6) (b) of the EGPA gives the Director-General or delegate the power to waive payment of a fee that the Director-General or delegate may charge a person pursuant to section 51(3) of the EGPA.

This assessment of fee waiver provides guidance to the Director-General or delegate in respect of how to exercise their discretion to waive the fee. It does not limit in any way the power of the Director-General or delegate to waive payment of the fee under section 51(6)(b) of the EGPA.

Assessment of fee waiver applications

When exercising their discretion and deciding whether a dependant student of a temporary visa holder may be eligible for a fee waiver under section 51(6)(b) of the EGPA, the Director-General or delegate will consider:

- the objects of the EGPA in section 5 of the EGPA;
- section 51 of the EGPA and any other provisions of the EGPA that the Director-General or delegate deems relevant;
- Department of Education International (DEi) policy [Temporary residents admission](#);
- DEi procedure [Temporary residents admission fee waiver](#) and attachments thereto; and
- provisions of the *Migration Act 1958* (Cwth) and the *Migration Regulations 1994* (Cwth);
- information and guidelines published on the Department of Home Affairs (DHA) website; and
- the particular circumstances and merits of the application.

Circumstantial requirements for a fee waiver

The circumstances the Director-General or delegate may consider when exercising their discretion whether a dependant student of a temporary visa holder may be eligible for a full or partial fee waiver include (but are not limited to):

1. Significant financial hardship; or
2. Other circumstances at the absolute discretion of the Director-General or delegate.

1. Significant financial hardship

You are considered to be in significant financial hardship when you are unable to provide reasonable living costs for yourself, your family or other dependants such as food, accommodation, clothing or medical treatment.

Documentary evidence of significant financial hardship must be provided to support the claim. Evidence requirements for the fee waiver application can include (but is not limited to):

- (i) where an immediate family member and/or the Australian sponsor of the dependant student and/or temporary visa holder has been independently assessed for income support and receives any of the following:
 - pensions or allowances paid by Centrelink; or

- pensions or allowances under a reciprocal agreement between the home country and the Australian government; or
 - a pension or benefit from another federal agency which is equivalent to a Centrelink benefit; and
- (ii) where there is no independent documentary assessment of hardship by a federal agency, any other documentary evidence which the Director-General or delegate reasonably considers to be evidence that supports the claim of significant financial hardship. These documents must be verifiable by an independent third party.

2. Other circumstances at the absolute discretion of the Director-General or delegate.

Other circumstances at the absolute discretion of the Director-General or delegate may include, but are not limited to:

- one or both parents of the dependant student are participating in a visiting scholar program with DEi; or
- one or both parents of the dependant student are employed in an occupation considered vital and necessary to good government and welfare of the State of Queensland and they have indicated that they are unable to stay in Queensland because of the fees; or
- a child protection order made under the *Child Protection Act 1999* (Qld) in respect of the dependant student.

Other circumstances at the absolute discretion of the Director-General or delegate does not include the granting of a bridging visa to a temporary visa holder of a dependant student.

Circumstances that will not be considered for fee waiver applications

As the primary visa holder financial requirements that are to be met as determined by the [Department of Home Affairs](#) related to the visa application requirements.

Time limits

Generally, fee waivers are granted for *no more than four (4) consecutive terms* of schooling at a time.

Conditions on visas may mean that a fee waiver cannot be granted for a full school year or four (4) terms. If there are conditions on a visa that limit access to study (e.g. 'must not engage, for more than three months, in any studies or training') they will be applied to the terms of the fee waiver.

Applications and evidence for a waiver of tuition fees

The following documentation must be submitted as outlined on the application form.

- the passports of any dependant students enrolled at a Queensland state school and of their parents/legal custodians to confirm names, dates of birth, nationality, date of entry to Australia and county of origin;
- all visas issued to the dependant students enrolled at a Queensland state school

and their parents/legal custodians to confirm visa type, study and work conditions, and validity/expiry;

- if a bridging visa has been issued, copies of previous visas are required to determine the type of tuition fees payable (e.g. dependant fees, full fees), as fees payable are determined according to the visa held by the applicant immediately preceding the bridging visa.

Where applicable, **copies of financial documentation** must include:

- evidence that supports the application for a fee waiver for parents/legal custodians or persons accepting financial responsibility for the dependant of the parent/legal custodian:
 - employment contracts (includes any type of full time, part time, casual or seasonal employment)
 - pay slips from all employers for the *past three (3) months*
 - all financial statements showing all income and expenditure for the *past three (3) months* for all Australian and Overseas banks and financial institutions (all overseas statements must be translated into English)
 - a letter from any registered charity, sponsor, employer, government agency e.g. Centrelink, church, a family member or non-family member detailing all current financial, accommodation or rental assistance being received
 - original signed agreement/s and financial statement/s between you and a creditor/s showing the current amount of debt that you owe as at the date of the signed Fee Waiver Application submitted to DEi
 - details of any other assistance, financial support or income (including business income, director fees, share dividends, child support or rental income) not already mentioned above.
- if parents/legal custodians or persons accepting financial responsibility for the dependant of the parent/legal custodian are self-employed, have a share in a business or operate a business as a sole trader, partnership or company (inside or outside) Australia provide the following information:
 - business name, business ABN number and address of where the business is operated from
 - date the business commenced
 - copy of the Profit & Loss Statement for the last 12 months of trading
 - a full copy of the last individual or company tax return lodged for the business
 - a copy of the last four (4) quarterly or last yearly Business Activity Statements for the business
- a Financial Declaration that documents the parent's/legal custodian's monthly income and expenditure statement.
- all other information reasonably requested by DEi in order for DEi to make an assessment.