



Amendment No. 1 to the VET Guidelines 2015

Higher Education Support Act 2003

I, SIMON BIRMINGHAM, Assistant Minister for Education and Training, make the attached Amendment No. 1 to the VET Guidelines 2015 under subclause 99(1) of Schedule 1A to the *Higher Education Support Act 2003*.

Dated this 18th day of June 2015

Signed

SIMON BIRMINGHAM
Assistant Minister for Education and Training

Higher Education Support Act 2003

Amendment No. 1 to the VET Guidelines 2015

(i) Citation

This legislative instrument may be cited as
Amendment No. 1 to the VET Guidelines 2015.

(ii) Authority

This legislative instrument is made pursuant to subclause 99(1) of Schedule 1A to the *Higher Education Support Act 2003* (the Act).

(iii) Commencement

This legislative instrument commences on:

For items 1, 5-11, 14-16, 18	1 July 2015; and
For items 2-4, 12-13, 17, 19	1 January 2016.

(iv) Amendment to the VET Guidelines 2015

The VET Guidelines 2015 (F2015L00430), registered on 31 March 2015 are amended as set out in Schedule 1.

(v) Purpose

The purpose of this legislative instrument is to strengthen the parameters around marketing VET courses to students and the recruitment of students (who are eligible for VET FEE-HELP) to such courses.

This instrument is also intended to clarify the operation of VET FEE-HELP, the rights and obligations of students and ensure that student debt is incurred in line with course delivery and continued student participation.

Schedule 1 – Amendments to the VET Guidelines 2015

[1] Chapter 1 paragraph 1.3, after the definition of *affected unit*

insert

agent has the meaning given in paragraph 4.6.2 of these VET Guidelines and includes but is not limited to brokers, marketing agents, contractors, sub-contractors and third parties.

[2] Chapter 1, paragraph 1.3, after the definition of *census date*

insert

Commonwealth Assistance Notice means the notice described in section 9.4 of these VET Guidelines.

[3] Chapter 1, paragraph 1.3, after the definition of *exempt provider*

insert

fee-period has the meaning given in section 7.8 of these VET Guidelines

[4] Chapter 1, paragraph 1.3, after the definition of *VET course assurance TAS operator*

insert

VET FEE-HELP Invoice Notice means the Invoice Notice described in section 9.2 of these VET Guidelines.

[5] Chapter 1, paragraph 1.3, the definition of *Prohibited inducement*

substitute

'Prohibited inducement' with **'Prohibited Inducement'**

[6] Chapter 4, paragraph 4.4.3, paragraph d

Repeal and replace

d) the provision of information or advice about Commonwealth assistance being available in respect of the VET unit of study or VET course of study.

[7] Chapter 4, paragraph 4.4.4

Repeal the subparagraph references set out in Column A below and replace with the corresponding paragraph references in Column B:

Column A	Column B
i.	a.
ii.	b.
iii.	c.
iv.	d.
v.	e.
vi.	f.
vii.	g.

[8] Chapter 4, paragraph 4.4.3 b

Substitute

‘4.4.4(i)’ with ‘4.4.4(a)’.

[9] Chapter 4, paragraphs 4.4.1 and 4.4.1.1

Omit

subsections 4.4.1 and 4.4.1.1

[10] Chapter 4, after paragraph 4.4

Insert

- 4.4.1. The purpose of these VET quality and accountability requirements is to enable prospective students to select a VET provider based on considerations of quality and price of training offered by the VET provider.

[11] Chapter 4, after paragraph 4.4

Insert

4.5 REQUIREMENTS FOR VET QUALITY AND ACCOUNTABILITY – MARKETING OF VET FEE HELP

- 4.5.1 The purpose of these VET quality and accountability requirements is to ensure that advice and information about the availability of VET FEE-HELP assistance for a VET course of study or VET unit/s of study is marketed accurately and fairly, allowing a student to make enrolment and payment decisions with clear understanding of their rights and obligations.
- 4.5.2 A VET provider or its agents must not at any time including at the time of initial contact with a prospective student:
- a) market a VET course of study or VET unit/s of study as:
 - i. free; or
 - ii. without obligation to repay; or
 - iii. in any other way which would mislead a person into believing that VET FEE-HELP assistance is not a loan to be repaid by the person to the Commonwealth; and

- b) market the availability of a VET FEE-HELP loan for a VET course of study or VET unit/s of study, the VET FEE-HELP scheme, or VET FEE-HELP as government funded.
- 4.5.3 A VET provider or its agents must not advise a person about the likelihood of their future repayments of VET FEE-HELP loans (for example, that the person will never reach the salary threshold to pay back the loan to the Commonwealth).
- 4.5.4 A VET provider or its agents must ensure that any information they provide about VET FEE-HELP is accurate and up-to-date.
- 4.5.5 For the purpose of these VET Guidelines, any conduct or acts undertaken by an agent are taken to have been undertaken by the VET provider.

4.6 REQUIREMENTS FOR VET QUALITY AND ACCOUNTABILITY – AGENTS

- 4.6.1 The purpose of these VET quality and accountability requirements is to ensure that VET providers are responsible for the actions of their agents.
- 4.6.2 For the purpose of these VET Guidelines an agent is any person who acts for financial gain or other benefit on behalf of the VET provider to:
- a) market or promote the VET provider's VET courses of study;
 - b) recruit persons to apply to enrol in the VET provider's VET courses of study;
 - c) provide information and/or advice on the VET provider's VET courses of study;
 - d) provide information and/or advice on the VET FEE-HELP scheme;
 - e) accept an application to enrol from, or enrolls, any person on the VET provider's behalf;
 - f) refer a person to a VET provider for the purposes of enrolling in a VET course of study or VET unit/s of study; or
 - g) provide career counselling to a person on the VET provider's behalf.
- 4.6.3 A VET provider must enter into a written agreement with its agents.
- 4.6.4 A VET provider must ensure that its written agreement with each agent specifies the following:
- a) responsibilities and requirements the agent must meet and comply with in carrying out activities for, or on behalf of, the VET provider. These responsibilities and requirements must include, but are not limited to, requiring that the agent:
 - i. acts in a manner that is consistent with the VET provider's obligations under the Act, the VET Guidelines and other applicable legislation, and that the agent gives an undertaking to that effect;
 - ii. does not sub-contract to any person, the agent's role as set out in the written agreement;
 - iii. identifies himself or herself as an agent to each and every person the agent approaches on behalf of the VET provider;
 - iv. provides to each and every person approached, on behalf of the VET provider:
 - A. the name of the VET provider that the prospective student's name would be referred to;
 - B. the VET course of study to which the referral relates;
 - C. disclosure that the agent will receive a fee or commission if the person were to enrol with the VET provider; and
 - v. provides full, accurate and up-to-date information about VET FEE-HELP.

- b) processes the VET provider will use for monitoring the activities of the agent;
 - c) termination conditions; and
 - d) remuneration and/or fees to be paid to the agent by the VET provider.
- 4.6.5 A VET provider must publish a list of all agents with which it has, or has had, a written agreement, in a readily accessible location on its website including periods of currency of the written agreement with the agent in accordance with paragraph 4.6.6.
- 4.6.6 A VET provider must maintain a record of all agreements with its agent(s) for a minimum of five years.
- 4.6.7 A VET provider must retain all documentation required by this paragraph 4.6 including full details of the names, contact details and arrangements in place with its agent/s and must make these records available to the Minister in the time, form and manner as directed by the Minister.

4.7 REQUIREMENTS FOR VET QUALITY AND ACCOUNTABILITY – PROVISION OF INFORMATION

- 4.7.1 The purpose of these VET quality and accountability requirements is to ensure that persons seeking to enrol in a VET course of study are fully informed of the fees that apply to any VET course of study and to ensure clarity of the responsibilities, obligations and rights of a student who requests a VET FEE-HELP loan so as not to mislead students as to the availability or nature of VET FEE-HELP.
- 4.7.2 Prior to enrolment a VET provider must give each prospective student the following information:
 - a) all information required to be provided under Standard 5 of the Standards for Registered Training Organisations (RTOs) 2015;
 - b) the person's options for paying their tuition fees including the following payment options:
 - i. up-front payment; or
 - ii. Government loan through the VET FEE-HELP scheme including eligibility criteria; or
 - iii. any other options;
 - c) the tuition fees that are covered by a VET FEE-HELP loan, including whether a loan fee will apply and if so the amount, and any other fees that may be incurred that will not be covered by a VET FEE-HELP loan;
 - d) the location of the published tuition fees, published census dates, and published withdrawal policy and procedures;
 - e) information on the VET-FEE HELP scheme including that:
 - i. VET FEE-HELP assistance is a loan from the Commonwealth;
 - ii. the loan will remain as a personal debt obligation until it is repaid to the Commonwealth;
 - iii. the loan may affect (by reducing) the person's take-home (after-tax) wage or salary until the debt is repaid, and may affect the borrowing capacity of the person until the debt is repaid to the Commonwealth;
 - iv. the signed *Request for Commonwealth Assistance* form applies to a loan for the entire VET course of study, charged on a unit by unit basis, unless the student pays some of the tuition fees;

- v. census date(s) will apply to each of the VET units of study in which the person enrolls, with the student taking out a loan for any tuition fees that remain unpaid at the end of each census date;
- vi. a student may cancel their enrolment by:
 - A. withdrawing from each VET unit of study on or before the census date; and
 - B. in accordance with the provider's withdrawal policy;
- vii. withdrawal will result in the student:
 - A. not incurring a VET FEE-HELP debt; and/or
 - B. receiving a refund for any up-front tuition fee payments made on or before the census date; and
- viii. a student may wish to seek independent financial advice prior to applying for a VET FEE-HELP loan.

4.7.3 A VET provider must:

- a) retain, for a period of not less than five years, a record of all information provided to the person seeking to enrol and access a VET FEE-HELP loan including the information referred to in paragraph 4.7.2; and
- b) must make these records available to the Minister in the time, form and manner directed by the Minister.

4.8 VET QUALITY AND ACCOUNTABILITY – BARRIERS TO WITHDRAWAL

- 4.8.1 The purpose of these VET quality and accountability requirements is to allow students to withdraw from a VET unit of study on or before the census date.
- 4.8.2 A VET provider must not have financial, administrative or other barriers that would result in a student not being able to withdraw from a VET unit of study on or before the census date.
- 4.8.3 If, on or before a census date, a student gives notice to the VET Provider that he or she wishes to withdraw from a VET unit of study or cancel his or her enrolment in the VET unit of study or VET course of study or cancel their request for Commonwealth assistance, the VET provider must ensure the student is not enrolled in that VET unit of study or VET course of study from the time of notification.
- 4.8.4 If a student withdraws from a VET unit of study, the provider must not enrol that student in subsequent unit/s of study without written instructions from the student and the provider must have a process in place for the student to select, initiate or request enrolment in subsequent VET unit/s of study.
- 4.8.5 A VET provider must publish on its website and make readily available its withdrawal procedures.
- 4.8.6 A VET provider must not charge a student any fine, penalty or fee to allow the student to withdraw from a VET unit of study as set out in paragraph 8.2.1 (d) of these VET Guidelines.

[12] Chapter 4, after paragraph 4.8

Insert

4.9 VET QUALITY AND ACCOUNTABILITY - REQUEST FOR COMMONWEALTH ASSISTANCE FORM

4.9.1 The purpose of these VET quality and accountability requirements is to ensure that students are allowed time to fully consider the implications and responsibilities associated with applying for VET FEE-HELP assistance.

4.9.2 A VET provider must not accept a *Request for Commonwealth Assistance* form (VET FEE-HELP loan form) from a person either electronically or in paper form unless:

- a) two business days have passed from the date and time the person enrolled; and
- b) the VET provider is satisfied that prior to or at the time of the person's enrolment the person had received the information referred to in paragraph 4.7.2.

NB: to avoid any doubt if a person enrolls at 4:00 pm on a Friday, the period referred to in subparagraph 4.9.2 a) concludes at 4:00 pm on the following Tuesday.

4.9.3 A VET provider must document and maintain accurate records of enrolments and applications for VET FEE-HELP including:

- a) the date and time the person enrolled in the VET course of study; and
- b) the date and time the completed and signed *Request for Commonwealth assistance* form was accepted by the VET provider.

4.9.4 A VET provider must retain, for a period of not less than five years, all documentation referred to in paragraph 4.9.3 and must make these records available to the Minister in the time, form and manner as directed by the Minister.

[13] Chapter 7, paragraph 7.1.1 after paragraph (h)

Insert

- i) requirements relating to fees for VET courses of study for the purposes of clause 27A of Schedule 1A to the Act, including fee-periods.

[14] Chapter 7, paragraph 7.6.1

Omit

'study.' on the last line and replace with 'study; and'

[15] Chapter 7, after paragraph 7.6.1

Insert

- 7.6.2 The published census dates must be published at a readily accessible location on the VET provider's website that does not require a person to provide log-in information to the VET provider or its agent/s.

[16] Chapter 7, paragraph 7.7.1

Repeal paragraph 7.7.1

Insert

- 7.7.1 For the purposes of paragraph 28(1)(a) and paragraph 28(1)(b) of Schedule 1A to the *Act* a VET provider gives the Minister a schedule of VET tuition fees by publishing the schedule at a readily accessible location on the VET provider's website that does not require a person to provide log-in information to the VET provider or its agent/s.

[17] Chapter 7, after paragraph 7.7

Insert

7.8 FEE-PERIODS FOR THE CHARGING OF TUITION FEES FOR A VET COURSE OF STUDY

- 7.8.1 The purpose of the fee-period requirements is to ensure that students do not incur a VET FEE-HELP debt for the whole course upfront.
- 7.8.2 Paragraph 7.8 sets out requirements relating to fees for VET courses of study for the purposes of clause 27A of Schedule 1A to the *Act*, including fee-periods.
- 7.8.3 A fee-period is equivalent to 25 per cent of the total VET course of study duration as advised to a person at the time of enrolment.
- 7.8.4 For the purpose of the charging of tuition fees for a VET course of study, a VET course of study must have four sequential fee-periods.
- 7.8.5 A fee-period must include at least one VET unit of study with one census date.
- 7.8.6 A VET provider must only charge a student 25 per cent of the total VET course of study tuition fees in any one fee-period.

[18] Chapter 8, paragraph 8.2.1 (d)

After 'cost', insert:

“and it is not imposed as a fine or penalty to withdraw from a VET unit of study.”

[19] Chapter 9 – Commonwealth Assistance Notice to Students

Repeal and Substitute:

CHAPTER 9 NOTICES TO STUDENTS

9.1 PURPOSE

- 9.1.1 This chapter specifies the requirements for two notices under clause 64 of Schedule 1A to the *Act*. The *VET FEE-HELP Invoice Notice (Invoice Notice)*, to be provided to students prior to census dates, provides notification including unit of study tuition fees to be incurred, and the *Commonwealth Assistance Notice (notice)*, to be provided after census dates, provides information including VET FEE-HELP debts incurred, acting like a receipt.

9.2 INFORMATION THAT A VET FEE-HELP INVOICE NOTICE MUST CONTAIN

- 9.2.1 A *VET FEE-HELP Invoice Notice (Invoice Notice)* must include the wording: “This Invoice Notice meets the *VET FEE-HELP Invoice Notice* requirements prescribed by the VET Guidelines 2015”.
- 9.2.2 For each VET unit of study, the *Invoice Notice* must include the following information for each person’s enrolment:
- a) the person’s name;
 - b) the name of the VET provider;
 - c) the VET provider’s registered training organisation registration code as referred to on the National Register pursuant to the *National Vocational Education and Training Regulator Act 2011*;
 - d) the date of the *Invoice Notice*;
 - e) the person’s student identification as issued by the VET provider;
 - f) the person’s Commonwealth Higher Education Student Support Number (CHESSN);
 - g) the VET unit(s) and VET course(s) of study in which the person is enrolled with the VET provider;
 - h) the VET unit(s) of study identification code(s);
 - i) the *census date(s)* of the VET unit(s) of study to which the *Invoice Notice* applies;
 - j) the VET tuition fees for the individual VET unit(s) of study to which the *Invoice Notice* applies;
 - k) the amount(s) of up-front VET tuition fee payment, as applicable;
 - l) the amount(s) of VET FEE-HELP assistance to be incurred at the end of the census date, noting this amount is subject to any tuition fees paid upfront prior to the census date;

- l) the amount(s) of any VET FEE-HELP loan fee applicable to the VET unit(s) of study to which the *Invoice Notice* applies;
- m) that withdrawal of enrolment from a VET unit of study prior to the end of the census date must be in accordance with the provider's withdrawal policy, and that withdrawal will result in the student not incurring a VET FEE-HELP debt and/or receiving a refund for any up-front payments;
- n) information on the method of withdrawal including withdrawal policy and procedures involved and location of this information; and
- o) information that advises that:
 - i. the *Request for Commonwealth Assistance Form*) (Request for a VET FEE-HELP loan) requests a loan for the whole VET course of study in which the student is enrolled unless the student cancels their request for VET FEE-HELP with their VET provider on or before the census date for the units of study;
 - ii. the VET FEE-HELP debt for this course of study will be incurred on a unit of study basis;
 - iii. by signing and submitting the form the person accepts that the VET provider will automatically use VET FEE-HELP as the person's method of payment for those VET units of study on this *Invoice Notice*, and on subsequent *Invoice Notices* issued in relation to units that contribute to the course, unless the student advises the provider in writing that he or she does not wish to use VET FEE-HELP as his or her method of paying their tuition fees for any unit of study;
 - iv. on the census date the student will incur a VET FEE-HELP debt for the VET unit(s) of study contained in this *Invoice Notice* if the student has not withdrawn from the VET unit(s) of study prior to the census date or dates indicated on this *Invoice Notice* or has paid upfront some or all the amounts due for the VET unit(s) of study;
 - v. any debts to the Commonwealth arising from his or her VET FEE-HELP loan remain with the student until they have been repaid by the student; and that
 - vi. it is the student's responsibility to ensure they have sufficient FEE-HELP balance to cover the VET FEE-HELP assistance amounts indicated in this *Invoice Notice*;

9.2.3 An *Invoice Notice* must include information on the person's right, under subclauses 65(2) to 65(4) of Schedule 1A to the *Act*, to request the correction of information contained in the *Invoice Notice*.

9.2.4 Where the VET units of study to be provided have identical census date(s) the information specified in paragraph 9.2.2 may be provided for in one *Invoice Notice*.

9.2.5 In addition to any delivery to the VET provider's internal student portal arrangement, the VET provider must give the *Invoice Notice* to a student's nominated:

- a) personal email address as advised by the person to the VET provider at the time of enrolment; or
- b) personal mail address as advised by the person to the VET provider at the time of enrolment;

9.3 PERIOD WITHIN WHICH A VET FEE-HELP INVOICE NOTICE MUST BE GIVEN

- 9.3.1 The *Invoice Notice* must be given not less than 14 days prior to the census date determined for the unit(s) of study indicated in the *Invoice Notice*.

9.4 INFORMATION THAT A COMMONWEALTH ASSISTANCE NOTICE MUST CONTAIN

- 9.4.1 The *notice* must include the title 'Commonwealth Assistance Notice'.
- 9.4.2 For each VET unit of study, the *notice* must include the following information for each person's enrolment:
- a) the person's name;
 - b) the name of the VET provider;
 - c) the person's student identification number as issued by the VET provider;
 - d) the person's Commonwealth Higher Education Student Support Number (CHESSN);
 - e) the VET unit(s) and VET course(s) of study in which the person is enrolled with the VET provider;
 - f) the VET unit(s) of study identification code(s);
 - g) the *census date(s)* of the VET unit(s) of study;
 - h) the VET tuition fee amount(s) of the VET unit(s) of study;
 - i) the amount(s) of up-front VET tuition fee payment, as applicable;
 - j) the amount(s) of VET FEE-HELP assistance;
 - k) the amount(s) of the *VET FEE-HELP loan fee*; and
 - l) the amount(s) of VET FEE-HELP debt.
- 9.4.3 Where the information required under subparagraph 9.2.2(g) is identical in respect of all of the VET units of study to which the *notice* applies, that information may be provided for once in the *notice*.
- 9.4.4 A *notice* must prominently display the following statements:

"It is your responsibility to ensure that you have sufficient FEE-HELP balance to cover the VET FEE-HELP amounts indicated in this notice. You are eligible for the amounts of VET FEE-HELP assistance contained in this notice only if you have sufficient FEE-HELP balance to cover those amounts."

and

"The information regarding Commonwealth assistance contained in this notice is correct only insofar as you have correctly advised this VET provider of your entitlement to that assistance under the *Higher Education Support Act 2003*."

- 9.4.5 A *notice* must include information on the person's right, under subclauses 65(2) to 65(4) of Schedule 1A to the *Act*, to request the correction of information contained in the *notice*.
- 9.4.6 In addition to any delivery to the VET provider's internal student portal arrangement, the VET provider must give the *Commonwealth Assistance Notice* to a VET student's nominated:
- a) personal email address as advised by the VET student at the time of enrolment; or
 - b) personal mail address as advised by the VET student at the time of enrolment.

9.5 PERIOD WITHIN WHICH A COMMONWEALTH ASSISTANCE NOTICE MUST BE GIVEN

- 9.5.1 A Commonwealth Assistance Notice must be given within 28 days of the *census date* indicated in the *notice* under subparagraph 9.4.2(g).