



Australian Government
Department of Education and Training

VET Administrative Information for Providers

Addendum

**Incorporating the VET FEE-HELP reforms
2015/2016**

(Updated October 2015)



Change Control

Version	Date	Summary of Changes
1	1 July 2015	Initial document published for VET Guidelines 2015 amendments commenced 1 July 2015.
2	3 August 2015	Measure 2, FAQs added, Measure 3 FAQ added, Measure 6 FAQs and sample added.
3	12 October 2015	Recent Policy Refinements section added (pages 5-6), Bill name added (page 7), FAQ re agents added (page 14), FAQ re two day cooling off period added (page 15), proposed definition of parent and guardian added (page 16), barriers to withdrawal FAQs updated (page 25), fee-periods content adjusted (pages 27-34).



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VET Administrative Information for Providers

VET FEE-HELP reforms 2015/2016

On 12 March 2015, the Australian Government announced reforms to the VET FEE-HELP loan scheme. The government is streamlining the scheme's design to ensure it protects vulnerable students, taxpayers, and the reputation of Australia's high quality VET system, whilst also ensuring that students can still access this important scheme.

This administrative information is designed to help providers ensure ongoing compliance with the *Higher Education Support Act 2003* (the Act) and the VET Guidelines 2015 (the Guidelines) in their day-to-day operations. Providers should note that compliance will be measured against the requirements of Act and the Guidelines, not against the administrative information.

The reforms will be implemented over the course of 2015 and 2016 and include eight priority areas for action. The following administrative information covers reforms introduced in measures: 1, 2, 3 and 6. Administrative information for the other reforms measures will be introduced as the implementation detail is finalised.

Transition arrangements for VET FEE-HELP reforms

The transition arrangements include:

1 A phased implementation for provisions requiring administrative and system changes

Following consultation with representatives including VET providers, students, consumer law experts and the broader sector, it was identified that some new requirements require a phased implementation. The phased implementation of some measures allows VET providers time to alter systems, processes and publications to comply with the new requirements. For example, the detail about the requirement for fee-periods was made publicly available on 1 July 2015, however its implementation date is 1 January 2016, allowing providers time to adjust their processes and systems.

2 Comprehensive administrative support information

The department has developed this addendum to the existing *VET Administrative Information for Providers* (AIP) document. The addendum has been developed as an explanatory guide for the new requirements.

The changes are explained and each requirement description ends with scenarios couched in a simple question and answer format. This guide is intended to be comprehensive and seeks to ensure a consistent source of advice and assistance to VET providers. It is designed to help VET providers apply the guidelines in their day to day operations, and will be progressively updated as circumstances arise and additional guidance information is to hand. Providers will be advised of updates to this document via our electronic newsletter mailing list.

Recent policy refinements

The department is aware of some issues involved with implementing the VET Guidelines amendments scheduled for 1 January 2016. Whilst it has been difficult to balance policy settings aimed at the protection of students with workable and flexible solutions for VET FEE-HELP providers, the government has reviewed the policies and proposes some minor refinements.

The purpose of this information is to provide you with early advice about the proposed amendments. The amendments will need to be settled and approved by the Minister through amendments to the VET Guidelines to be registered on the Federal Register of Legislative Instruments (FRLI), and your organisation should refer to the VET Guidelines (once the proposed amendments have been made) for compliance purposes. This guide will be updated when the revised VET Guidelines are released.

Refinement 1: Inducements (restriction of the advertising of loaned items)

It has come to the government's attention that some providers and their agents are advertising loaned items (which are allowable under the VET Guidelines while students are participating in their course) as an inducement. The VET Guidelines will be amended to prohibit the prominent advertising of items which are loaned or used by students to ensure these items are not marketed in a way which would have a similar effect to a prohibited inducement.

Refinement 2: Fee-periods requirement

The government has reviewed the four fee-period requirement following feedback from a range of stakeholders. In response to this review we will introduce some flexibility into the fee-periods requirement. Amendments will be made to Clause 7.8 of the VET Guidelines 2015 which currently sets out the fee-period requirement for the charging of tuition fees.

The proposed amendments will include:

1. Altering the requirement to a **minimum** of **three** fee-periods over the total VET course of study duration. The fee-periods must be sequential and proportionate to the total VET course of study duration. The previously published requirement of four fee-periods will still be compliant, and would be preferable. Providers can have more than three fee-periods, three is simply the minimum.

In line with feedback, adjusting to three fee-periods may, however, be more in line with existing delivery patterns for courses offered over a three trimester year as well as for delivery of 18 month diploma and advanced diploma courses.

2. A requirement that the **maximum** tuition fees charged in each fee-period must not be more than the percentage amount of the total VET course of study tuition fees that are equivalent to the proportion each fee-period represents in a VET course of study.
3. The 'total VET course of study tuition fees' may relate to the provider's estimate of the student's course fees where:
 - a. actual fees are not available (this will include limited circumstances e.g. some subsidised students may not know course fees in advance, due in part to state subsidy arrangements);
 - b. the provider cannot know the total course duration on commencement; or
 - c. course fees reduce after the commencement such as for recognition of prior learning (RPL), part-time study or where students are transitioning from a superseded qualification to the replacement qualification; and

d. the estimate does not exceed the **advertised maximum course price**; and where course costs are estimated and there are remaining course tuition fees due, these may be charged in the final fee period.

4. Following consultation with the States and Territories regarding complexities with subsidy funding arrangements, Ministerial discretion may apply in some instances to enable providers to apply to vary the fee-period and maximum tuition fee charging requirements in cases where the provider is compliant with and meets State and Territory funding arrangements for subsidised students and where the state or territory subsidy requirements prevent strict compliance with these requirements.
5. Altered requirements may apply to **Table A** providers. Table A providers are set out in Division 16 of the *Higher Education Support Act 2003*.

Refinement 3: Invoice notices

The Invoice Notice requirements set out in the VET Guidelines at clause 9.2 will be amended to include:

1. indication that the inclusion of a CHESN is optional (the CHESN **must** be provided in the Commonwealth Assistance Notice following census dates);
2. provide that invoice notices must be issued no earlier than 42 days before the commencement date and no less than 14 days before the earliest census date included in the invoice;
3. altered requirements may apply for **Table A** providers. Table A providers are set out in Division 16 of the *Higher Education Support Act 2003*.

Refinement 4: Maximum course fees

The VET Guidelines will be amended to require that the maximum course fees be included in any marketing material that references or names specific courses or qualifications for which VET FEE-HELP is available.

Providers will also be required to report and publish maximum course costs. To give effect to this requirement the government will issue a clause 24 notice under Schedule 1A to the *Higher Education Support Act 2003*. In 2016, this reporting will occur through the *MySkills* website, with providers required to upload directly to *MySkills*, and for later years this reporting will occur as directed by the delegate under the *Higher Education Support Act 2003* as part of the reporting requirements.

Implementation Timeframe

The first measure was the ban on inducements in VET enrolments from 1 April 2015.

The amended Guidelines include new measures that will commence in two tranches on 1 July 2015 and on 1 January 2016.

From 1 July 2015, VET providers will:

- not be able to charge a student a fee to withdraw, or impede a student's withdrawal, from a unit of study
- ensure all marketing of VET courses and VFH is not misleading

- require written agreements with any agent they use to market VET courses supported by VET FEE-HELP
- be responsible for their agents' actions
- require their agents to identify the VET provider that a prospective student will be referred to, and the name of the course, and disclose that the agent will receive a commission if the person enrolls in the course
- disclose the names of all agents in easily-accessible form on their websites;
- provide information about their courses and a student's rights and obligations to each student prior to enrolment; and
- provide easily accessible tuition fee and census date information on their websites.

From 1 January 2016, VET providers will:

- not be allowed to charge a student the total course tuition fees in one up-front hit - this will result in students only incurring a debt as they progress through a course
- have to issue a student with a VET FEE-HELP Invoice Notice at least 14 days prior to each census date for a VET unit study - this will ensure students are fully aware of the debts they may incur after the census date; and
- not accept a VET FEE-HELP loan request from a student until a two-day 'cooling off' period has elapsed after enrolment.

The Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015 has been included in the list of legislation proposed for introduction in the 2015 Spring Sittings. The Parliamentary sittings calendar for 2015 is available at www.aph.gov.au/About_Parliament/Sitting_Calendar/2015_Sitting_Calendar. Once the Bill is introduced you will be able to track its progress on the Parliament of Australia website (refer www.aph.gov.au/Parliamentary_Business/Bills_Legislation).

Further requirements will be communicated once the Bill is introduced into Parliament.

The most recent amendment to the VET Guidelines can be found at www.comlaw.gov.au/Series/F2015L00430.

Measure 1: The banning of prohibited inducements to entice students to enrol under the VET FEE-HELP scheme.

BANNING OF PROHIBITED INDUCEMENTS (1 April 2015)

Purpose:

VET FEE-HELP approved providers (VET providers) and their brokers must market their education and training services in a professional manner. This means that marketing activities must be accurate and fair to prospective students. This will assist to maintain the integrity and reputation of the VET industry and providers.

Marketing and recruitment practices should enable prospective students to select a VET provider based on considerations of quality and price of training offered by the VET provider, rather than the offer of an inducement or through misleading information or promises.

This requirement offers a safeguard against unethical practices by ensuring students are genuinely interested in studying their selected course and not simply signing up for the inducement.

- 4.4.2** A VET provider must not:
- a) offer, provide or publicise any Prohibited Inducements;
 - b) engage or encourage any other person to offer, provide or publicise any Prohibited Inducements; or
 - c) enrol a person in a VET unit or VET course of study, unless the VET provider is satisfied on reasonable grounds that the person was not offered a Prohibited Inducement in respect of that VET unit or VET course of study.

What it means?

Examples of the offer, provision and publicising of a prohibited inducement include where a VET provider, or a third party on behalf of the VET provider, offers a prospective student a free (or well below market value) laptop in return for enrolment into a VET course of study. Where a provider is referred a prospective student for enrolment by a third party, the provider must be satisfied the prospective student was not offered a prohibited inducement.

What is a prohibited inducement?

- 4.4.3** For the purpose of clause 4.4, a Prohibited Inducement means anything that acts as an incentive to attract a person to enrol in a VET unit or VET course of study for which Commonwealth assistance is available, other than:
- a) the content and quality of the VET unit or VET course of study;
 - b) the cost of the VET unit of study, subject to clause 4.4.4(i);
 - c) allowing a student the use of an item, but only while the student is participating in the VET unit of study, provided:
 - i. having regard to the learning objectives and outcomes of the VET unit of study, use of the item is required or necessary to enable completion of the VET unit of study; and
 - ii. all students participating in the VET unit of study are allowed use of such items;
 - d) Commonwealth assistance available in respect of the VET unit or VET course
- 4.4.4** For the purpose of clause 4.4, a Prohibited Inducement includes, but is not limited to, the offer or the provision of (whether to the student or to a third party) any of the following:
- i. any discount or reduction in the cost of the VET unit or VET course is conditional upon the person identifying other prospective students;
 - ii. an electronic device (e.g. tablets, iPads, mobile phones, Wi-Fi, computers and including associated software licences) before or after unit/course completion;
 - iii. services such as travel, entertainment, hospitality or accommodation;
 - iv. vouchers redeemable for food, goods or services;
 - v. cash payments, payment of points and premiums, including prizes, bonuses or awards given for free or at reduced price;
 - vi. the opportunity to win items such as computers, including when nominal eligibility conditions are attached; and
 - vii. any item not required for educational delivery.

Frequently asked questions:

Q *Will offering the use or loan of a laptop for the duration of the unit of study or course to people who do not have access to computer and internet be considered a prohibited inducement?*

A See clause 4.4.3 (c) about allowing a student the use of an item, while the student is participating in the VET unit of study.

Q *What should a provider do if they suspect their broker is offering inducements to recruit prospective VET students?*

A Where an inducement is offered by an agent, the provider is responsible for the actions of its agent. If claims are substantiated, the provider must take appropriate action to rectify the situation. Where a provider or their agent is found to be offering inducements to potential students, compliance action will be taken.

Measure 2: Tightening VET marketing and recruitment practices

MARKETING OF VET FEE-HELP (1 July 2015)

Purpose:

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.

What does this mean?

It is the responsibility of the VET provider to ensure that its agent/s behave ethically and consistently with the VET Guidelines. At all times the VET provider and/or its agent/s must ensure that correct information is given including that VET FEE-HELP is a loan and must be paid back when a person's income is above the repayment threshold regardless of the person's financial circumstances.

Providers will need to review their marketing materials, including electronic and hard copy publications, web-based materials, enrolment materials, etc to ensure they are compliant.

Frequently asked questions:

Q *We have a number of agents. How will we keep track of what they do on the ground?*

A It is the responsibility of the provider to ensure information about VET FEE-HELP provided by their agent is accurate and up-to-date and also to monitor the activities of any agencies that represent them.

Q *Are VET providers able to continue to market VET FEE-HELP using “study now pay later” concepts?*

A Yes. However, marketing must meet clause 4.5.3 and 4.5.4, and must not imply the course is free, Government funded, make any comment about a person’s likelihood of repayment, or infer or include any other inaccurate description. It must be clear to the student that when their income reaches the payment threshold they will commence making payments, even if they are still studying.

AGENTS (1 July 2015)

1. What is an agent?

Chapter 1 Interpretation: 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.

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.

What does this mean?

Any person (which includes individuals, companies, related companies, organisations, institutions, businesses, etc) that conducts the activities listed above on the VET provider’s behalf, for financial or other benefit, for courses for which VET FEE-HELP is available, is an agent for the purposes of the Guidelines.

Frequently asked questions:

Q *We engage our related entity for marketing. Are they included in the definition of agent?*

A Yes. Any organisation, business or person acting on behalf of the approved VET Provider is an agent.

Q *We subscribe to a website to advertise our courses. The website business offers a course advisor service in relation to our VET courses. Are they an agent?*

A Yes.

2. Written agreement with agents

Purpose:

To make sure that VET providers are responsible for the actions of their agents, avert the engagement of irresponsible agents, and to provide transparency regarding the provider's marketing activities.

What does this mean?

All agents must enter into a formal agreement with the VET provider. This is consistent with Standard 2 of the Standards for Registered Training Organisations (RTOs) 2015, which requires the RTO to ensure that where services are provided on its behalf by a third party the provision of those services is the subject of a written agreement. Providers should note that the newly included requirement in the VET Guidelines 2015 stipulates certain matters which must be specified in the written agreements with agents (see paragraph 4.6.4).

Ensuring compliance with the agreement is the responsibility of the VET provider.

- 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.

Frequently asked questions:

Q *Some of our students do our marketing as a way of earning extra money. Do we need to have a written agreement with them?*

A Yes.

3. Publishing and recordkeeping

Purpose:

To ensure a record of provider marketing activity.

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|-------|---|
| 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. |

What does this mean?

The VET provider must publish on its website a list of its agents, including the period over which the relationship existed. All agreements with agents must be thoroughly documented, maintained and readily available to the Department on request.

Frequently asked questions:

Q *Can we maintain the records electronically?*

A Yes, provided all original signed documents are scanned and kept.

Q *When do we have to publish the list agents?*

A As soon as practicable. It is acknowledged that providers would not be expected to be immediately compliant with provisions that came into effect on 1 July 2015. However, it is expected that providers take immediate steps to bring their operations into compliance with the new arrangements, such as immediately ceasing to charge withdrawal fees.

The department will take a fair and reasonable approach in its compliance, monitoring and complaint investigation activities. The department acknowledges there will be delays in providers updating communications content, checking and updating processes, varying or establishing written agreements. Providers will be given an opportunity to advise of the steps planned and taken to establish compliance.

Q *Are there any implications if we don't list agents who work for our organisation straight away?*

A Providers must comply with all the ongoing VET quality and accountability requirements under HESA (more detail is available in HESA, Schedule 1A, Part 1, Division 4 (A-E)) This includes compliance with the VET Guidelines.

Where a provider has not complied with the VET Guidelines, there are a number of compliance related actions the Minister (or his delegate) may take. These include:

- a) issuing a compliance notice
- b) placing conditions on the provider's approval
- c) suspension of approval, and
- d) revocation of approval.

Whether such a breach of the VET Guidelines warrants revocation will be a matter for the Minister to determine in accordance with clause 33(2) of Schedule 1A of HESA.
<https://www.comlaw.gov.au/Series/C2004A01234>

Q *With the requirement to list agents on the website, must we list the name of every individual person who is an agent or the business name of the agency?*

A The intent of this requirement is to enable intending students to check information that has been provided to them by agents purporting to act on a provider's behalf. This will benefit students, particularly where a person is making representations for a VET provider, however they do not have a formal written agreement with that VET provider. This requirement also strengthens the ability of regulators to identify those providers using agents that have been engaging in inappropriate activity.

If the agent is a business, a VET provider would generally have an agreement with the agent, not the employee of the agent. Therefore, it would be appropriate for VET providers to list the name of the agents (listed by business name) for which it has a written agreement. This approach is easier to administer and keep up-to-date, as employees of agents are likely to move from time to time. The employees would need to identify themselves to each and every person approached on behalf of the VET provider by identifying themselves and the agent business with whom they are employed, as well as the other requirements of paragraph 4.6.4 of the VET Guidelines 2015.

In the case that an agent is an individual person conducting business under their own name, the provider would need to have an agreement with that person and they should be listed as an agent under that name.

According to the VET Guidelines an agent includes but is not limited to brokers, marketing agents, contractors, sub-contractors and third parties. For more information on who is an agent see paragraph 4.6.2 of the VET Guidelines 2015.

REQUEST FOR COMMONWEALTH ASSISTANCE FORM (1 January 2016)

Purpose:

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:
 two business days have passed from the date and time the person enrolled; and
 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.

What does this mean?

A student cannot submit a *Request for VET FEE-HELP assistance* form to a provider at the same time as enrolment.

Frequently asked questions:

Q *This will mean an additional step in our enrolment process. Can we ask the student to sign the form at enrolment if they are really sure they want to take out a loan?*

A No.

Q *Does this apply to enrolments in 2015 where the census date is in 2016?*

A This provision is effective from 1 January 2016, and therefore applies to acceptance of a *Request for VET FEE-HELP assistance* form after that date.

Q *How are the two business days rule calculated?*

A A business day means a day that is not a Saturday, a Sunday or a public holiday in the relevant region. Paragraph 4.9.2 provides an example of how to apply the two business day rule. Students enrolling from interstate locations are enrolling at the VET provider so the business day rule applies to VET provider's state or territory's timezone. Enrolment means the date the student is enrolled in the course.

Q *Can the two days be calculated after information sessions or contact with students?*

A No. The two day rule applies following the enrolment of the student with the provider in the course.

Q *With the requirement to allow a 2 business day gap or 'cooling off period' from enrolment, what constitutes an enrolment? Is it a letter of offer?*

A The intent of the two day gap or 'cooling off period' following enrolment is to ensure students have time to make separate study (enrolment) and payment decisions and to reduce the likelihood of students making impulsive decisions to sign up for VET FEE-HELP loans. The Government does not want a VET FEE-HELP loan application to be confused with course enrolment.

Enrolment in the course commences on a person's acceptance of an offer for a course when a student provides to the provider a range of personal and other enrolment information and makes the decision to commit to an enrolment in study of a particular qualification. The

Higher Education Support Act 2003 (the Act)¹ will require, from 1 January 2016, that students have two days after enrolment before they are allowed to submit a *Request for Commonwealth Assistance* form (the VET FEE-HELP loan application form). Providers will need to maintain (for five years) adequate records of enrolment and applications for VET FEE-HELP to show compliance with the requirements.

Maintaining compliance

VET providers must ensure that 'enrolment' allows the institution to meet its obligations under the VET Guidelines 2015 and the *Higher Education Support Act 2003*. For example, from 1 January 2016 a VET provider must issue an Invoice Notice to a student no less than 14 days prior to the census date. A student would need to be enrolled in the course to be invoiced for units of study. Therefore course enrolment would need to occur at least 14 days prior to the census date.

Similarly, as mentioned above, from 1 January 2016 a VET provider cannot accept a *Request for Commonwealth Assistance* form (Request for a VET FEE-HELP loan) from a student until two days after enrolment. Therefore the acceptance of payment option cannot be the trigger for course enrolment.

Q In terms of the parent or guardian signing the 'Request for a VET FEE-HELP loan form', what is the definition of a parent/guardian?

A A parent or guardian is the responsible parent of the person requesting the VET FEE-HELP loan. The form must be signed by the responsible parent (in addition to being signed by the person). A responsible parent has the same meaning as in the *Australian Citizenship Act 2007*¹.

To give effect to this requirement the Government intends on introducing a Bill to parliament to amend the *Higher Education Support Act 2003*. Further detail will be provided on passage of the Bill.

¹ Subject to the passage of legislative amendments.

NOTICES TO STUDENTS (1 January 2016)

Purpose:

To require providers to give a student a **VFH Invoice Notice** at least 14 days prior to census dates, and to specify the requirements for the VFH Invoice Notice (Invoice Notice). The Invoice Notice provides notice to students of course information including the unit of study tuition fees to be incurred, and must be delivered to a student's personal email or mailing address nominated by the student.

Information that a VET FEE-HELP 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;
- m) the amount(s) of any VET FEE-HELP loan fee applicable to the VET unit(s) of study to which the Invoice Notice applies;
- n) 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;
- o) information on the method of withdrawal including withdrawal policy and procedures involved and location of this information; and
- p) 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.

- 9.4** INFORMATION THAT A **COMMONWEALTH ASSISTANCE NOTICE** MUST CONTAIN
 [NB: paragraph numbering associated with Commonwealth Assistance Notices altered, but otherwise provisions remain unchanged, with the exception of the new requirement in paragraph 9.4.6, detailed below]
- 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.

What does this mean?

Providers must issue an **Invoice Notice**, not less than 14 days prior to the census date, to students who are requesting VET FEE-HELP assistance. The Invoice Notice must contain information about the course, student identification number, costs of VET units of study, census dates and withdrawal rights and obligations. The invoice will add transparency by ensuring students are aware of the loan commitment should they continue with their enrolment past the census date. The invoice notice must be delivered to a personal email or mail address nominated by the student.

Providers continue to be required to issue a **Commonwealth Assistance Notice** within 28 days of the census date. Delivery requirements for these Notices are the same as for an Invoice Notice, i.e. to be delivered to a personal email or mail address nominated by the student.

Frequently asked questions:

Q *Can we issue one invoice at the start of the student's course showing each unit, loan amount and census date clearly itemised?*

A No. Separate invoices are required for different census dates – see 9.2.4.

Q *We have two units with the same census dates. Can we issue one invoice including the information about both units?*

A Yes – see paragraph 9.2.4.

Q *There are new requirements to issue an Invoice Notice before the census date. Are we still required to issue a Commonwealth Assistance Notice (CAN) to students after the census date?*

A Yes – see Section 9.3 of the VET Guidelines. New delivery arrangements apply to the CAN – see paragraph 9.4.6.

Q *Do we have to ensure students receive the invoice?*

A Providers must take all reasonable steps to ensure students have received the invoice.

If a provider receives an undeliverable email advice after emailing a notice, or receives a return to sender letter advice, and does not ensure the student has received the invoice the provider would not be compliant with paragraph 9.2.2.

Q *Is a student email address issued by the provider or its agent considered as ‘personal’?*

A No. A personal email address should be independent from the business process of the provider or its agent and one that the student has easy access to.

Q *When should we issue Invoice notices for subsequent fee-periods?*

A Invoices notices should be issued as the student progresses through the course. Invoice Notices must accurately reflect enrolment decisions made by continuing students each fee-period.

Measure 3: Improving the understanding of how VET FEE-HELP operates, and student's rights and obligations.

PROVISION OF INFORMATION (1 July 2015)

1. Giving of information

Purpose:

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 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.

What does this mean?

A provider and its agent/s must market VET FEE-HELP accurately and fairly, allowing students to select payment options with a clear understanding of their rights and the implications of taking out a VET FEE-HELP loan.

Frequently asked questions:

Q *Isn't giving the person a VET FEE-HELP Information booklet enough?*

A No. Some of the information required to be given is not published in the booklet (such as the location of published fees, information required under Standard 5 of the Standards for Registered Training Organisations, census dates that will apply). A provider/agent must ensure that the person has sufficient information to understand the requirements and obligations of taking out a VET FEE-HELP loan before they make a decision about enrolling or applying for VFH assistance.

2. Recordkeeping

Purpose:

To ensure that a provider maintains an accurate record of a person's enrolment, marketing, recruiting activity and VET FEE-HELP assistance request.

- 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.

What does this mean?

All information for enrolment and marketing and recruitment activities must be thoroughly documented, maintained and be readily available to the Department.

Frequently asked questions:

Q *Can we maintain these records electronically?*

A Yes, provided all original signed documents are scanned and maintained as required.

PUBLISHED CENSUS DATES AND TUITION FEES (1 July 2015)

Purpose:

To ensure information on tuition fees and census dates is easily accessible to students.

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.

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.

What does this mean?

Providers are required to ensure census date schedules and schedules of VET tuition fees are published on their website in an easily accessible location available for students without them having to provide information to the provider or an agent.

REQUEST FOR A VET FEE-HELP LOAN FORM (CAF) – 1 June 2015

Purpose:

Eligible students apply for a VET FEE-HELP loan by completing and signing a Request for a VET FEE-HELP loan form (approved form). The approved form was updated on 1 June 2015 to ensure that students are fully aware of the estimated cost and the estimated duration of a course. The approved form now also includes a requirement that students under 18 years should have a parent or guardian co-sign the form and also now includes a Unique Student Identifier (USI) field.

The Minister has approved that providers who use electronic versions of the approved form (eCAFs) can continue to use their current eCAFs until 31 August 2015. From 1 September 2015 all VET FEE-HELP approved providers must update their current eCAFs to include the new fields. If providers are unable to update their eCAFs by 1 September 2015 they will be required to use the paper version of the approved form (available to order from HITS).

Frequently asked questions:

Q ***Does a student have to complete the USI field?***

A From 1 January 2015 all students doing nationally recognised training need to have a Unique Student Identifier (USI), therefore students applying for VET FEE-HELP should have a USI. The USI is currently not an eligibility requirement for VET FEE-HELP, however this field is required on the approved form.

Q ***How do I complete the estimated course cost field?***

A The purpose of this field is to give students an estimate of the debt they will be incurring to complete the whole course. The approved form must be filled out to reflect the cost of the course not individual units of study. The estimated course cost field should not include the loan fee. The approved form indicates that a loan fee applies to certain students.

Q What information is required in the Volume of Learning field (8b) on the form?

A The purpose of this field is to provide the student with an indication of the time they will need to invest to complete the course. The Australian Qualifications Framework (AQF) information is as published in the AQF (www.aqf.edu.au) and provides a comparison for students. The field should be completed according to the course duration promoted by your organisation. There is currently no restriction on the unit of measure providers use to indicate the course duration (for example hours, weeks, months, or years) as long as it is an accurate reflection of the time required by the student to complete the course of study.

Q With regard to a parent/ guardian signature on the eCAF, how does the approved provider ensure their eCAF is compliant?

A When collecting a parental/guardian signature on the electronic form, it is important that providers are satisfied with the identification provided by the parent or guardian who signs the form just as they are required to verify the identity of the student in accordance with the VET Guidelines 2015. When collecting any signature you must also ensure you do so in accordance with the *Electronic Transactions Act 1999*.

Q If the estimated course cost entered into the CAF changes, which can occur due to a variety of circumstances, does the student have to submit a new form?

A No. The estimated course cost provided on the form would be the estimated cost relevant as at the date the student signed the form..

However, students must be informed prior to any changes being made to any costs for services which they have agreed to (see section 7.5 of the VET Guidelines 2015). In accordance with section 7.5, providers cannot increase the VET unit of study fees for students already enrolled in units of study without approval from the Minister.

The department undertakes analysis on provider reported data for compliance purposes, including evaluation of total debts incurred by students against course cost information made available to students at enrolment.

Measure 6: Ensuring student debt is incurred in line with course delivery and continued student participation.

BARRIERS TO WITHDRAWAL (1 July 2015)

Purpose:

Allow students to withdraw from a VET unit of study on or before the census date.

- 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.

What does it mean?

VET FEE-HELP providers must provide clear information on how to withdraw from a unit of study, including information on the census date for each VET unit of study in their course. VET FEE-HELP providers must not charge any fees or impose any barriers which would prevent a student being able to withdraw from a VET unit of study on or before the census date. A barrier may include requiring the student to contact a particular person within the provider organisation or attending in person at a particular location or time. Enrolment in subsequent VET unit/s of study must be initiated by the student.

Frequently asked questions:

Q *What is an administrative barrier to withdrawal?*

A Paragraph 4.8.2 of the VET Guidelines 2015 stipulates a 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”.

Q *What constitutes an administrative barrier?*

A Before answering that question, the content of paragraph 4.8.3 of the VET Guidelines 2015 should be noted:

“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.”

Whilst it is expected that providers will have withdrawal procedures in place – and these must be published on the provider’s website and be readily available to students – if a student gives notice to the provider that he or she wishes to withdraw or cancel their enrolment in the unit or course, the provider must ensure the student is not enrolled from that date. Refusal to accept that notification because the student has not completed the correct specified procedural form would be imposing an administrative barrier to withdrawal.

Providers must also ensure that their staff are aware of the correct procedures in order to encourage students to comply with any administrative process in place. Students must be aware as to whether chatting with or emailing their tutor constitutes adequate notification of withdrawal. With many providers, particularly with online or distance students, the tutor is the preferred contact for all student interactions. Where the tutor receives written (email) notification of a student’s request to withdraw, delays then incurred in requiring the student to complete a specific form should not adversely impact the student’s withdrawal prior to the census date.

Q *Why do the reforms include a provision that we can no longer impose withdrawal fees for VET courses?*

A The legislation provides that students incur a debt for their units of study at the census date. Therefore, if they do not wish to continue with their studies and they cancel their enrolment on or before the census date, they will not incur the debt for the unit (and /or will be refunded any tuition fees paid upfront).

Some provider withdrawal processes have inhibited the ability of a student to withdraw from a unit of study or an entire course prior to the census date, including charging of multiple withdrawal fees for concurrent units. As a student is only entitled to VFH for tuition fees, any fines or penalties imposed on students to withdraw would have had to be paid out of pocket by the student. This is a financial cost on the student that may have acted as a barrier to the student’s withdrawal, and consequently led to unfair debts being incurred.

Q *If a student withdraws on or before the census date and has paid some of his/her tuition fees upfront, do I need to refund this payment?*

A Yes. There have been no changes to these existing provisions. The provider must refund to the student any tuition fees paid upfront where a student withdraws from the unit on or before the census date.

Q *If a student was enrolled in several VET units of study before 1 July 2015, and withdraws from one, how do clauses 4.8.3 and 4.8.4 apply?*

A Clauses 4.8.3 and 4.8.4 apply to the student requesting re-enrolment in that unit. However, where a student is enrolled in multiple units and withdraws from only one of those units, it would be prudent for the provider to ensure the student is aware of their concurrent unit enrolment, particularly if the student elects to enrol in all units at enrolment.

VET providers enrolling students in units without their knowledge may be undertaking fraudulent or criminal behaviour, and the department will pass on any information of this nature to the correct authorities for investigation.

Q *Can we cancel students' enrolments in VET courses or VET units of study if we cannot contact the student?*

A Yes. There are no barriers in HESA to VET providers cancelling enrolments. VET providers should advise students of the circumstances that will lead to cancellations. It would be expected that if students could not be contacted and/or they had not participated in the unit before the census date, a provider would cancel the enrolment to avoid the student incurring the debt.

Q *We have been previously able to charge a withdrawal fee under subparagraph 8.2.1(d) of the VET Guidelines 2015. Has this changed?*

A Yes. Under paragraphs 4.8.2, 4.8.6 and 8.2.1(d) of the VET Guidelines 2015, VET providers cannot charge a withdrawal fee.

Q *Can we use mobile phone texts and emails as a form of written confirmation that a student wishes to enrol in a VET unit of study?*

A Providers are responsible for business decisions on how written instructions can be lodged by students.

Providers must maintain records of enrolment events. The department may request records of all instructions from students to providers, requesting enrolment in VET units of study, to confirm compliance by providers with paragraph 4.8.4. Absence of a reply from a student to an email or letter does not constitute an instruction to enrol in a VET unit of study. VET providers enrolling students in VET units of study without their knowledge may be undertaking fraudulent or criminal behaviour, and the department will pass on any information of this nature to the relevant authorities for investigation.

FEE-PERIODS FOR THE CHARGING OF TUITION FEES FOR A VET COURSE OF STUDY (1 January 2016)

Purpose:

Approved VET FEE-HELP providers must levy fees proportionately over sequential fee periods over the course. This ensures that providers do not charge a student the whole course fee on the first census date of the course and that students will incur a VET FEE-HELP debt for VET units of study proportionally over the duration of the course. There must be a minimum of one census date and one VET unit of study in each fee-period, ensuring that student debt is only incurred in line with course delivery and continued student participation.

As mentioned in the 'Recent policy refinements' section above, a number of refinements are to be made to the previously published provisions. These changes will be incorporated into guidelines changes to commence 1 January 2016. Further detail of these requirements will be available in the revised VET Guidelines due to be released in November 2015. The proposed guidelines will be circulated as soon as possible.

Frequently asked questions:

Q What are the Australian Qualifications Framework requirements?

A The Australian Qualifications Framework (AQF) underpins the national system of qualifications in Australia and provides an indication of the volume of learning (i.e. timeframe) typically required to complete each qualification. In a competency-based training environment, learners are not required to study for a specified number of weeks or months; however, an RTO must still be able to identify and explain any significant variations from the time periods described in the AQF.

The *National Vocational Education and Training Regulator Act 2011* requires that RTOs comply with the AQF as a condition of their registration. Providers should therefore be mindful of volume of learning requirements, which are included in the AQF, when marketing, designing and delivering their courses.

The AQF indicates the volume of learning (i.e. timeframe) required to complete each qualification as listed below:

Name	Volume of Learning
Certificate IV	0.5 - 2 years
Diploma	1 - 2 years
Advanced Diploma	1.5 - 2 years
Bachelor Degree	3 - 4 years
Bachelor Honours Degree	1 year
Graduate Certificate	0.5 - 1 year
Graduate Diploma	1 - 2 years
Masters Degree	1.5 - 2 years
Doctoral Degree	3 - 4 years

Q Do we have to publish fee-periods?

A There is no requirement to publish fee-periods.

Q Is a student's progression through a fee-period based on time and student engagement or is it based on their completion of the units of competency in the unit of study?

A The fee-period requirement ensures that a student incurs a VET FEE-HELP debt as the student progresses through their course. The fee-period is a structure whereby the tuition fees for the course are distributed evenly across the course delivery. It is not a mechanism for assessing academic progress.

It is expected that units of study in each fee period contain tuition costs and student engagement proportional to each fee-period. It is up to the provider to consider delivery and assessment strategies and to structure units of competency to units of study accordingly.

Q If a student completes the requirements of the units of study in a fee-period prior to the expected end date, can they commence the next fee-period earlier?

A Providers structure VET units of study with a commencement date (as determined by the provider), completion date (as determined by the provider), and a census date which must not occur less than 20% of the way between the two. While it is acknowledged that some students have different progress rates through their training, it is up to the provider to accommodate student needs through design of course and VET units of study with census dates that fall within each fee period.

Providers may choose to allow students to progress to VET units of study that have census dates falling in the next fee period, but cannot charge the students for that tuition until the census dates for the VET units of study have passed. Providers are reminded that the census date rule is a minimum and that census dates can be set later than 20% of the way through a VET unit of study.

Q If a student does not complete the requirements of the units of study in a fee-period prior to the expected end date, can we still commence them in the next fee-period?

A It is up to the provider to determine what allowances and considerations are made available to students to allow them to complete requirements after the end date of a VET unit of study.

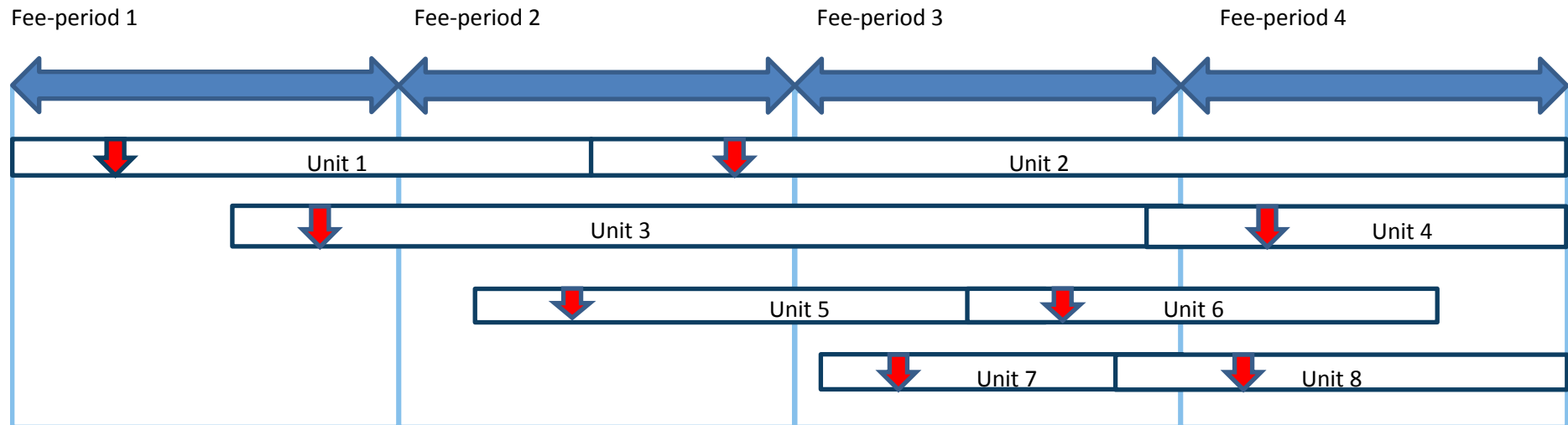
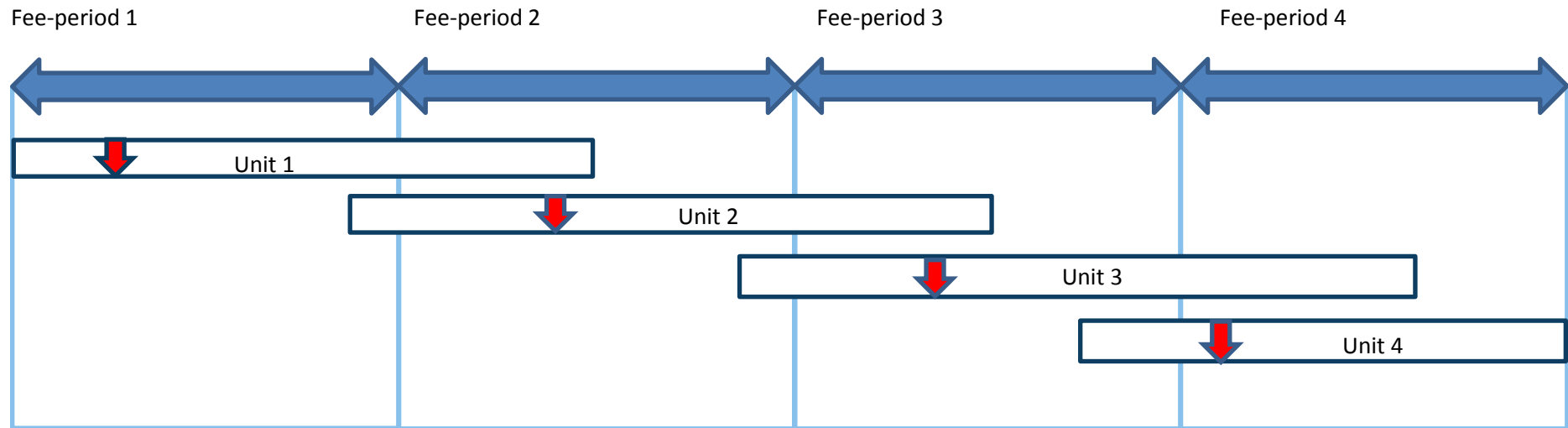
Q Is there a minimum length of a fee-period or VET unit of study?

A The length of a fee-period depends on the duration of the course. Providers should structure their courses so that there is sufficient time between enrolment and the start of a course to accommodate cooling off periods and issuing of invoices. The department may refer information to ASQA regarding the delivery of courses that do not appear to align with expected volume of learning as published in the AQF.

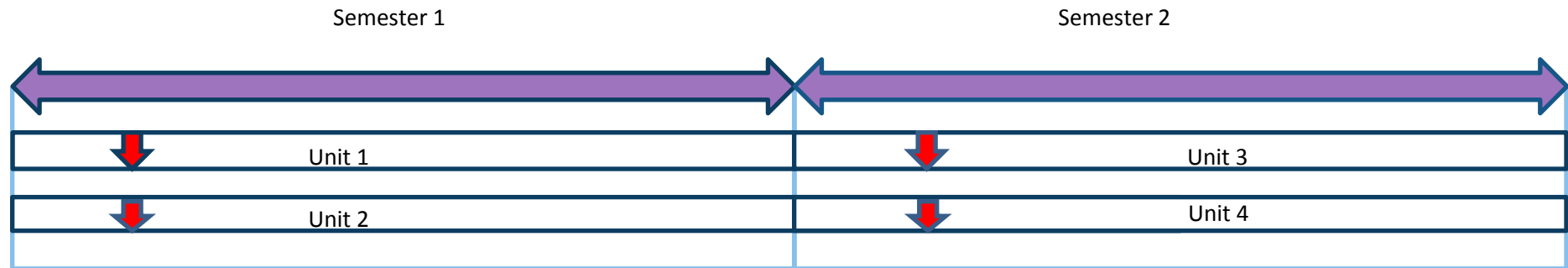
Q How do the fee-periods apply to courses starting in 2015 or earlier, that continue into 2016?

A Fee-periods only apply to courses starting in 2016.

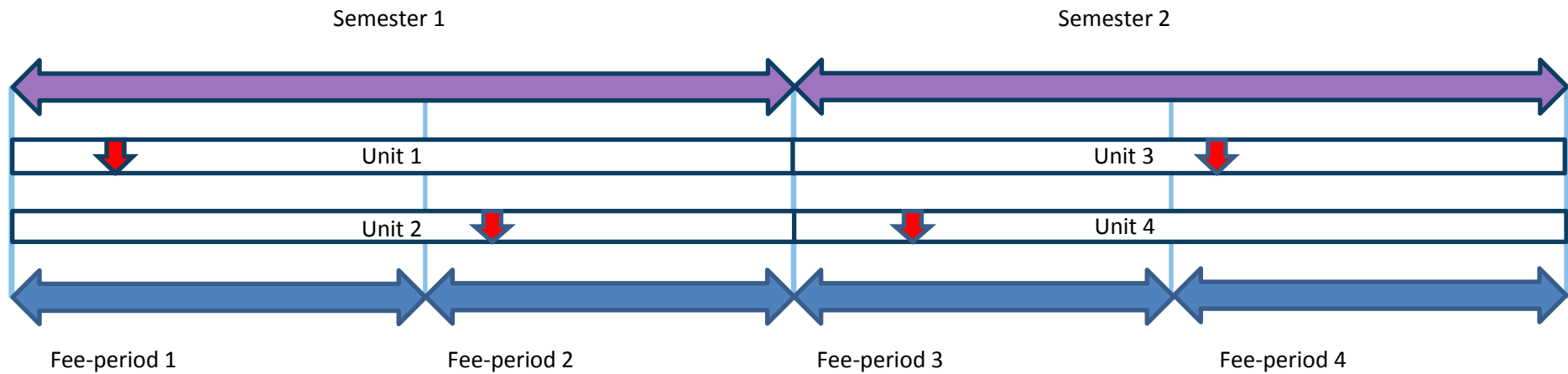
Sample 1 – Fee-period and VET units of study: Provider has VET units of study delivered across fee-periods.



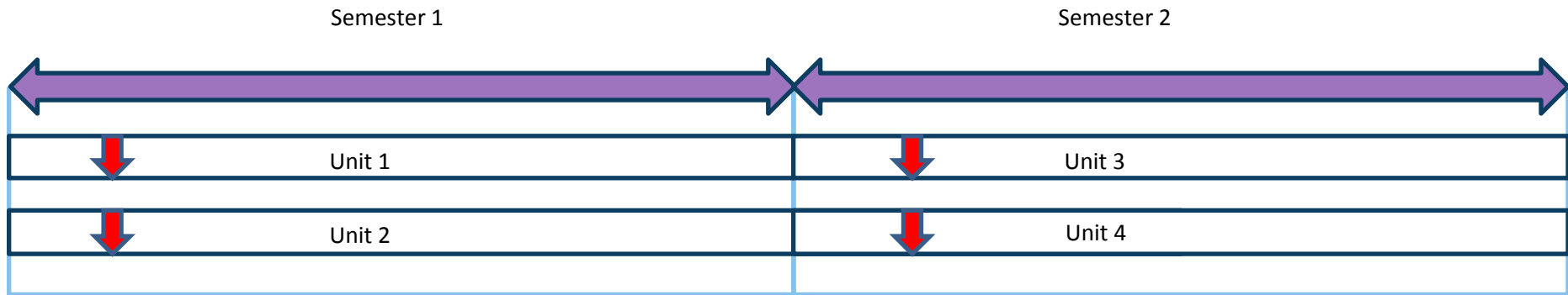
Sample 2 – Current system: Provider currently delivers across two semesters each year with four VET units of study.



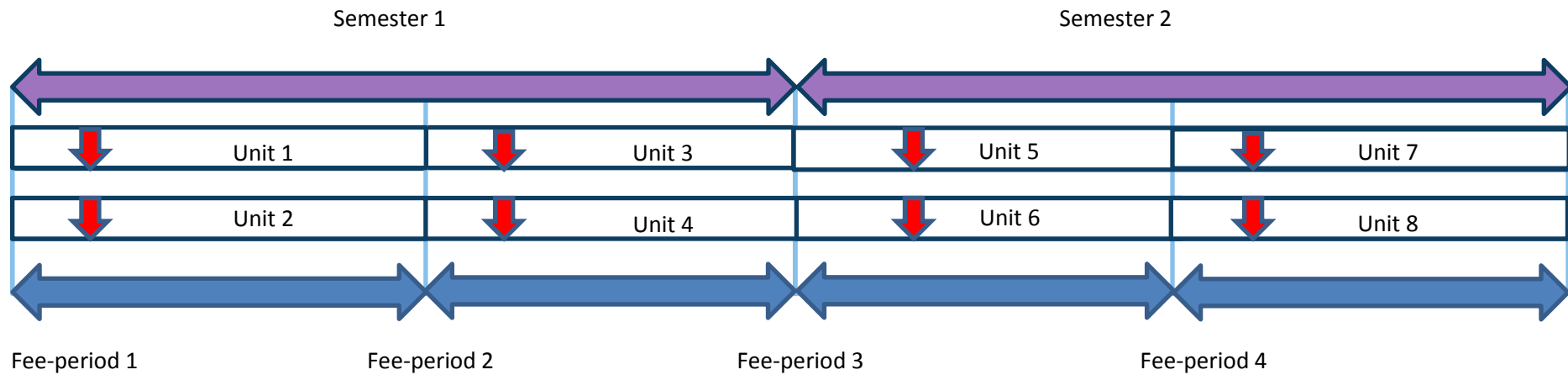
Sample 2 – Four fee-period option – Move some census dates to more than 20%.



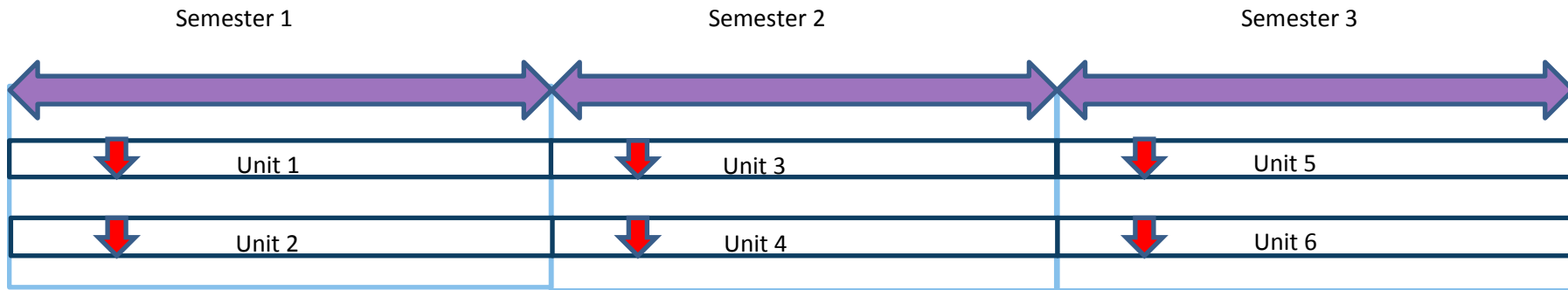
Sample 3 – Current system: Provider delivers across two semesters in the year with four VET units of study.



Sample 3 – Four fee-period option – Split each VET unit of study in half.



Sample 4 – Three fee-period option: Provider delivers across three semesters each year with six VET units of study.



Provided fees charged in each fee period are a maximum of one-third of the total course fees, this would be compliant with the proposed revised arrangements.