Issued by the authority of the Minister for Education, Skills, Jobs and Workplace Relations

Disallowable instrument

made under the

Higher Education Support Act 2003

Subject: VET Provider Guidelines

EXPLANATORY STATEMENT

Authority

Schedule 1A to the Higher Education Support Act 2003 (the Act) provides for loans, called VET FEE-HELP assistance, to be made available to students enrolled in certain vocational education and training (VET) courses.

Clause 99 of Schedule 1A to the Act provides that the Minister may make Guidelines for the purpose of the Act. In particular, Item 1 of the table in subclause 99(1) of Schedule 1A specifies that the Minister may make VET Provider Guidelines (the Guidelines) to give effect to matters set out in Part 1 of Schedule 1A to the Act.

Purpose

Part 1 of Schedule 1A to the Act provides for a body corporate to be approved as a VET provider and sets out the application and approval process and the VET quality and accountability requirements.

The Guidelines set out additional requirements relating to VET credit transfer arrangements and VET tuition assurance requirements that bodies corporate must comply with when seeking approval by the Minister as VET providers and to maintain approval as VET providers.

This instrument revokes and remakes the previous VET Provider Guidelines. The previous provisions have been revised to provide clarity, ease of reading and reflect changes due to the Higher Education Support Amendments (No.1) Act 2011 and the National Vocational Education and Training Regulator (Consequential Amendments) Act 2011. The Instrument has been reformatteed to reduce complexity and the numbering sequence has been amended from rising in multiples of five to rising sequentially by one unit. The amendments do not change existing obligations or responsibilities for VET providers.

Amendments have also been made to terminology to reflect a change in the Administrative Arrangements Order.

Consultation

Consultation was not undertaken and was not considered necessary or appropriate as the instrument contains amendments that are technical in nature and do not alter existing arrangements for VET providers or policy intent, in accordance with section 18 of the Legislative Instruments Act 2003.
**Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**VET Provider Guidelines**

This Legislative Instrument (the Instrument) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

Part 1 of Schedule 1A of the Act provides for a body corporate to be approved as a VET provider and sets out the application and approval process and the VET quality and accountability requirements.

The Guidelines set out additional requirements relating to VET credit transfer arrangements, VET tuition assurance requirements and VET quality and accountability requirements that bodies corporate must comply with when seeking approval by the Minister as VET providers and to maintain approval as VET providers.

This instrument revokes and remakes the previous VET Provider Guidelines. The previous provisions have been revised to provide clarity, ease of reading and reflect changes due to the *Higher Education Support Amendments (No.1) Act 2011* and the *National Vocational Education and Training Regulator (Consequential Amendments) Act 2011*. The Instrument has been reformatted to reduce complexity and the numbering sequence has been amended from rising in multiples of five to rising sequentially by one unit. The amendments do not change existing obligation or responsibilities for VET providers.

Amendments have also been made to terminology to reflect a change in Departmental Administration Order Arrangements.

**Human rights implications**

**Right to education**

The Guidelines engage the right to education contained in Article 13 of the International Covenant on Economic, Social and Cultural Rights. In particular, the Guidelines have an effect on the regulation of VET institutions as it specifies requirements which a body corporate must comply with in order to be approved as a VET provider and to retain their status as a provider.

The requirements contained in the Guidelines all aim at ensuring integrity in the VET sector. For example, the tuition assurance requirements ensure that VET providers must have arrangements in place to ensure their students are guaranteed to be able to complete their VET course of study and, if necessary, to obtain a refund for any incomplete portion of their course, in the event that the VET provider is no longer able to deliver the course.

To the extent that the right to education is engaged, this right is promoted by the Instrument as the Instrument aims to improve the integrity of VET sectors by ensuring that systems are in place.
Rights of equality and non-discrimination

The rights of equality and discrimination are contained in all of the seven core international human rights treaties.

The Guidelines advance the rights of equality and non-discrimination by specifically providing that VET providers must adhere to the VET Fairness Requirements contained in the Guidelines. The VET Fairness Requirements require providers to treat equally and fairly all individuals seeking to enrol in a VET unit of study with the VET Provider. This includes the requirement that a VET provider must publish and make available its procedures.

Consistent with the rights of equality and non-discrimination, the VET Fairness Requirements recognises that it may be necessary to treat people differently to achieve equality. Specifically, the VET Fairness Requirements do not prevent a VET provider from taking into account education disadvantages and VET restricted access arrangements in the selection and treatment of students.

The Guidelines promote the rights of equality and non-discrimination.

Rights of people with disability

The rights of people with disability is contained in the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD recognises the barriers that people with a disability may face in realising their rights.

As above, the VET Fairness Requirements contained in the instrument requires VET providers to treat equally and fairly all individuals seeking to enrol in a VET unit of study with the VET Provider.

The exception to the fairness arrangements, consistent with other arrangements contained in Schedule 1A, allows advantages to be given to students with certain disadvantages including disabilities.

Making these allowances for people with disadvantages is consistent with the CRPD as it recognises the barriers that some people may face and allows advantages to be given to these people in realising their rights, specifically in this case, their right to education.

Conclusion

This Instrument is compatible with human rights because it advances the protection of human rights.

Detailed explanation of the VET Provider Guidelines

Table of contents

The table of contents lists the number, title and page number of the chapters contained within the Guidelines.

The table of contents in the new instrument has been updated to reflect amendments made to chapter numbers and titles.

Chapter 1 Interpretation

Chapter 1 provides interpretation of the terms within the Guidelines.
1.1.1 Specifies that unless the contrary intention appears, terms have the same meaning as in the Act.

1.1.2 Specifies that terms in italics are those defined in paragraph 1.1.3.

1.1.3 Defines the terms used in the Guidelines.

The specific amendments to the previous Guidelines are as follows:

Previous paragraph 1.1.5 has been renumbered to 1.1.2 and the reference contained within to 1.1.10 has been amended to 1.1.3. Previous paragraph 1.1.10 has been renumbered to 1.1.3.

The terms defined in Chapter 1 Interpretation have been amended to reflect terms used throughout the Guidelines for which a definition and clarity is required. New definitions have also been inserted to give effect to the *National Vocational Education and Training Regulator (Consequential Amendments) Act 2011*. References to the Department of Education, Employment, and Workplace Relations have been replaced by the Department of Industry, Innovation, Science, Research and Tertiary Education as have the terminology for Branch Manager to General Manager, to reflect a change in the Administrative Arrangements Order.

**Chapter 2 Requirements for the purposes of subclause 6(1)(g) of Schedule 1A to the Act**

Chapter 2 sets out the requirements for the purposes of subclause 6(1)(g) of Schedule 1A to the Act, in particular the requirements relating to VET credit transfer arrangements that a body corporate must comply with to be approved as a VET provider.

2.1 Sets out the *Purpose* of the chapter.

2.1.1 Details the purpose of the chapter.

2.2 Sets out the *Requirements relating to VET Credit Transfer Arrangements*.

2.2.1 Specifies which courses a body corporate must have a VET credit transfer arrangement in place.

2.2.2 Specifies the exception to the requirements contained in 2.2.1.

2.2.3 Lists the credit levels that will be used as a guide for approving VET credit transfer arrangements.

2.2.4 Details what must be contained in a VET credit transfer arrangement.

2.2.5 Specifies that all VET credit transfer arrangements must be approved by the Secretary.

The specific amendments to the previous Guidelines are as follows:

As a consequence of the *Higher Education Support Amendment (No. 1) Act 2011*, the title of Chapter 2 has been amended to reflect a change in clause numbering as a result of those amendments. The chapter has been retitled “Requirements for the purposes of subclause 6(1)(g) of Schedule 1A of the Act”.

Previous paragraphs 2.5, 2.5.1, 2.5.5, 2.5.10 and 2.5.15 have been renumbered to 2.2, 2.2.1, 2.2.2, 2.2.3 and 2.2.4 respectively.
Existing paragraph 2.1.1, has been amended to correctly reflect the wording of subclause 6(1)(g) of Schedule 1A to the Act. The reference to clause 6(g) has been amended to clause 6(1)(g) and is a consequential amendment effected by the *Higher Education Support Amendment (No. 1) Act 2011*.

Previous paragraph 2.5.1, now paragraph 2.2.1, has been amended to make it clear that the provision for credit transfer arrangements only applies to the registered training organisation as an applicant for approval of VET FEE-HELP.

Previous paragraph 2.5.5(b) provided for registration managed by the National Audit and Registration Agency of Technical and Vocational Education and Training (TVET) Australia Limited. The *National Vocational Education and Training Regulator (Consequential Amendments) Act 2011* has removed this requirement. New paragraph 2.2.2 has consolidated previous paragraph 2.5.5 and now clearly reflects that the credit transfer arrangements do not apply to a body corporate that is listed on the National Register and offers that course in a Reform State or Territory.

New paragraph 2.2.3 and 2.2.5, previously 2.5.10 and 2.5.15 respectively, have been amended to provide that the Secretary may approve credit transfer arrangements. The change in delegated power from the Group Manager to the Secretary is consistent with subclause 98(1) of Schedule 1A to the Act and will enable those powers to be appropriately delegated by an Instrument of Delegation.

**Chapter 3 VET Tuition Assurance Requirements**

Chapter 3 sets out the VET course assurance and VET tuition fee repayment arrangements, which together make up the VET tuition assurance requirements that a body corporate must fulfil to be approved as a VET provider and to maintain approval. VET providers must have these arrangements in place to ensure their students are guaranteed to be able to complete their VET course of study and, if necessary, to obtain a refund for any incomplete portion of their course, in the event that the VET provider is no longer able to deliver the course.

3.1 Sets out the *Purpose* of the chapter.

3.1.1 Details the purpose of the chapter.

3.2 Sets out the VET tuition assurance arrangements.

3.2.1 Lists the four parts of the VET tuition assurance requirements.

3.2.2 Requires a VET provider to comply with all four parts of the VET tuition assurance requirements.

3.2.3 Describes a VET student’s right to choose one of the two parts of the VET tuition assurance requirements (either Part 1: *VET Course Assurance* or Part 2: *VET Tuition Fee Repayment*).

3.3 Sets out *Part 1: VET Course Assurance Requirements*.

3.3.1 Describes the VET course assurance option component of the VET tuition assurance requirements and alternative ways in which VET providers can meet this part of the requirements.

3.3.2 Requires the second VET provider under a legally-binding agreement referred to in subparagraph 3.3.1(b) to be a VET provider to obtain approval as a VET provider within 12 months of the first VET provider being approved.
3.3.3  Describes the student entitlements if they choose the VET course assurance option and requires that students selecting this option must not be required to pay, the second VET provider in which they then enrol, any VET tuition fees for VET units of study not completed with the original VET provider and receive full credit for completed units. It also provides discretion for the General Manager to approve arrangements for specialised courses where full credit transfer cannot be arranged.

3.4  Sets out Part 2: VET Tuition Fee Repayment Requirements.

3.4.1  Describes the VET tuition fee repayment option component of the VET tuition assurance requirements and alternative ways in which VET providers can meet this part of the requirements.

3.4.2 – 3.4.3  Describes the process which VET providers must follow if a student chooses to access the VET tuition fee repayment option under the VET tuition assurance requirements.

3.5  Sets out Part 3: General Requirements.

3.5.1  Sets out Corporate Separation.

3.5.1.1  Specifies the requirements about the degree of corporate separation required between VET providers and the entities which provide their VET tuition assurance arrangements.

3.5.1.2  Specifies the obligations on a VET provider where it fails to meet the requirements under paragraph 3.5.1.1 and provides discretion for the Secretary to approve arrangements which do not meet the corporate separation requirements for the purposes of allowing the VET provider to meet the VET tuition assurance requirements.

3.5.2  Sets out Meaning of “ceases to provide a VET course of study”.

3.5.2.1  Describes the situation in which a VET provider ceases to provide a VET course of study for the purposes of the VET tuition assurance requirements.

3.5.3  Sets out Other circumstances that may amount to ceasing to provide a VET course of study.

3.5.3.1  Describes other situations in which a VET provider ceases to provide a VET course of study for the purposes of the VET tuition assurance requirements.

3.5.3.2  Requires certain actions to be undertaken where the Secretary becomes aware that events described in paragraph 3.5.3.1 apply or may apply.

3.6  Sets out Part 4: Administrative and Activation Requirements.

3.6.1  Sets out Statement of VET Tuition Assurance.

3.6.1.1  Describes the nature of the statement which VET providers must publish about their VET tuition assurance arrangements.

3.6.1.2  Requires VET providers who have been granted an exemption from the VET tuition assurance requirements to also publish a statement about this exemption and what this means if they cease to offer a VET course of study.
3.6.1.3 - 3.6.1.4 Describes the method by which VET providers (including exempt providers) can publish their statements and requires VET providers to give all enrolling students information about where to find this information.

3.6.1.5 Describes the information that must be included in VET tuition assurance statements.

3.6.2 Sets out Information for VET tuition assurance administrators and the Commonwealth.

3.6.2.1 – 3.6.2.3 Details the enrolment information which must be kept by VET providers and parties to which this information must be made available to allow for the proper administration and implementation of the VET tuition assurance requirements.

3.6.3 Sets out Written VET tuition assurance offer to VET student.

3.6.3.1 Describes the process which must be followed to inform students of their options under the VET tuition assurance requirements. It describes the way in which written offers must be made to students when a VET provider ceases to provide a VET course of study, clearly outlining their options within a defined timeframe, and the information which must be included in the written offers to students so they can choose the option they want.

3.7 Sets out Exemption from the VET tuition assurance requirements.

3.7.1 Describes the process which must be followed by a body corporate or VET provider seeking an exemption from the VET tuition assurance requirements.

3.8 Sets out the requirement for second providers under legally binding VET course assurance agreements.

3.8.1 Describes the obligations for those VET providers which enter into a legal agreement to act as second providers under the VET tuition assurance requirements.

3.9 Sets out the compliance with the VET tuition assurance requirements for exempt providers.

3.9.1 Requires that VET providers which have been granted an exemption from meeting the VET tuition assurance requirements to keep up-to-date enrolment information on the students that are enrolled.

The specific amendments to the previous Guidelines are as follows:

Throughout the chapter reference to ‘first provider’ has been amended to ‘provider’ to provide consistency of terminology and improve readability.

Previous paragraph 3.1.1 has been amended to reflect the inclusion in this Chapter of previous paragraphs 4.5, 4.5.1, 4.10 and 4.10.1 so all tuition assurance requirements are located in one chapter.

New paragraph title for paragraph 3.2 has been included to improve readability.

New paragraph 3.2.1, previously paragraph 3.1.5 has been amended to reflect the order of matters covered by the Chapter and reworded to provide clarity regarding content of parts.

Previous paragraph 3.1.10 now paragraph 3.2.2 has been amended to provide that the Secretary must be satisfied that a body corporate or a VET provider complies with all four parts of the VET tuition
assurance requirements and to make it clear that the VET tuition assurance requirements must be satisfied for all VET units of study, VET courses of study and VET FEE-HELP eligible students. The change in delegated power from the Minister to Secretary is to allow for the Secretary under subclause 98(1) of Schedule 1A to the Act to delegate powers appropriately through an Instrument of Delegation.

Previous paragraph 3.1.15 has been deleted as it referred to overseas students who are not eligible under the Act.

New paragraph 3.2.3, previously paragraph 3.1.20, has been amended to clearly reflect that a person currently enrolled in a VET course of study may choose either option for VET Course Assurance or VET Tuition Fee Repayment.

Previous paragraph 3.1.25, now paragraph 3.5.2.1, has been amended to make it clear that a student must still be enrolled and have not withdrawn before the event of a provider ceasing to provide a VET course occurs and to clarify application is to VET courses of study.

Previous paragraph 3.1.25(f) now paragraph 3.5.2.1(f), has been amended to reflect the replacement of the National Training Information Service with the National Register as a consequence of the National Vocational Education and Training Regulator (Consequential Amendments) Act 2011.

New paragraph headings for paragraph 3.5.2 and 3.5.3 have been included to improve readability.

References to Group Manager in previous paragraphs 3.1.30 and 3.1.35, now paragraphs 3.5.3.1 and 3.5.3.2 respectively, have been amended to Secretary. The change in delegated power is consistent with subclause 98(1) of Schedule 1A to the Act and will enable those powers to be appropriately delegated through an Instrument of Delegation.

Previous paragraph 3.1.35, now paragraph 3.5.3.2, have been amended to correctly reflect changes to paragraph numbers due to these amendments.

Previous paragraph heading 3.2, now paragraph heading 3.5, has been amended to reflect the change in order of the parts of the Chapter.

New paragraph heading 3.5.1 has been inserted to improve readability.

Previous paragraphs 3.2.1 and 3.2.5 have been renumbered to 3.5.1.1 and 3.5.1.2 respectively.

The reference to Group Manager in previous paragraph 3.2.5, now paragraph 3.5.1.2, has been amended to Secretary. The change in delegated power is consistent with subclause 98(1) of Schedule 1A to the Act and will enable those powers to be appropriately delegated through an Instrument of Delegation.

Paragraph 3.3 has been amended to reflect the change in order of the parts of the Chapter to Part 1: VET Course Assurance Requirements.

Paragraph 3.3.1 has been reworded to improve readability and to clarify that VET course assurance must be available for each VET course of study that a provider provides and to provide that the Secretary must be satisfied that a VET provider complies with the VET Course Assurance requirements. The change in delegated power from the Minister to Secretary is to allow for the Secretary under subclause 98(1) of Schedule 1A to the Act to delegate powers appropriately through and Instrument of Delegation.
Previous paragraph 3.3.5, now paragraph 3.3.3, has been reworded to improve readability, amend the words ‘full recognition’ to ‘full credit’ to reflect the terminology used within the sector, and to clarify that full credit is required for units of study undertaken with the VET provider.

The reference to Group Manager in previous paragraph 3.3.5(b)(ii), now paragraph 3.3.3(b)(ii), has been amended to Secretary. The change in delegated power is consistent with subclause 98(1) of Schedule 1A to the Act and will enable those powers to be appropriately delegated through an Instrument of Delegation.

Previous paragraph 3.3.10 has been renumbered to 3.3.2.

Paragraph 3.4 has been amended to reflect the change in order of the parts of the Chapter to Part 2: VET Tuition Fee Repayment Requirements.

Part 3.1 of paragraph 3.4 has been removed as the division of the paragraph is not required as the second part has been deleted.

Paragraph 3.4.1 has been reworded to clarify that the VET Tuition Fee Repayment Requirements must be complied with by all providers for each VET course of study it provides and to provide that the Secretary must be satisfied that a VET provider complies with the VET Course Assurance requirements. The change in delegated power from the Minister to Secretary is to allow for the Secretary under subclause 98(1) of Schedule 1A to the Act to delegate powers appropriately.

Previous paragraph 3.4.5, now paragraph 3.4.2, has been reworded to make clear what actions are required of a provider if it ceases to provide a VET course of study and subsequently ceases to provide a VET unit of study. Reference to Group Manager has been amended to Secretary. The change in delegated power is consistent with subclause 98(1) of Schedule 1A to the Act and will enable those powers to be appropriately delegated through an Instrument of Delegation.

Previous paragraph 3.4.10, now paragraph 3.4.3, has been reworded to make it clear that the reference is to VET tuition fees.

The whole of part 3.2 under previous paragraph 3.4, has been deleted as the matters covered relate to students who have been placed with a second provider who then subsequently withdraw from the VET units of study at the second provider under special circumstances. These requirements for a provider are provided for under the Act.

Previous paragraph title for paragraph 3.5, now paragraph 3.6, has been amended to provide clarity regarding activation requirements and improve readability.

Previous paragraphs 3.5.1, 3.5.1.1, 3.5.1.5, 3.5.1.10 and 3.5.1.15 have been renumbered to 3.6.1, 3.6.1.1, 3.6.1.2, 3.6.1.3 and 3.6.1.5 respectively.

Previous paragraph 3.5.1.1, now paragraph 3.6.1.1, has been amended to make it clear that a provider must publish the VET tuition assurance arrangements that are in place to meet the VET tuition assurance requirements.

The requirements under 3.5.1.10 have been subsumed into new paragraphs 3.6.1.3 and 3.6.1.4 with amendments to provide a clear distinction between the publication requirements to bring information to the attention of all students and prospective students and the requirement to provide each enrolling student with information.
Previous paragraph 3.5.1.15, now paragraph 3.6.1.5, has been reworded to improve readability. The reference to Group Manager has been amended to Secretary. The change in delegated power is consistent with subclause 98(1) of Schedule 1A to the Act and will enable those powers to be appropriately delegated through an Instrument of Delegation.

Paragraph 3.5.1.15(a) has been removed as it duplicated paragraph 3.5.1.15(b). Previous paragraphs 3.5.1.15(b), 3.5.1.15(c) and 3.5.1.15(d) have been renumbered to 3.6.1.5(a), 3.6.1.5(b) and 3.6.1.5(c) respectively.

The requirements under previous subparagraph 3.5.1.15(d)(v) have been subsumed into new subparagraphs 3.6.1.5(c)(v) and 3.6.1.5(c)(vi) with amendments to provide a clear distinction between a student’s choice and the subsequent outcome of that choice.

Previous paragraphs 3.5.5, 3.5.5.1, 3.5.5.5 and 3.5.5.10 have been renumbered 3.6.2, 3.6.2.1, 3.6.2.2 and 3.6.2.3 respectively, and reworded to improve readability and clarify VET tuition fees requirements and the information that must be given to the Commonwealth and the Provider’s VET tuition assurance administrator.

Previous paragraphs 3.5.15 and 3.5.15.1 have been renumbered 3.6.3 and 3.6.3.1 respectively.

The reference to Group Manager in previous paragraph 3.5.15.1(f), now paragraph 3.6.3.1(f), has been amended to General Manager to reflect change in Department nomenclature.

Previous paragraphs 3.6 and 3.6.1 have been renumbered 3.7 and 3.7.1 respectively.

New paragraphs 3.8, 3.8.1, 3.9 and 3.9.1 have subsumed previous paragraphs 4.5, 4.5.1, 4.10 and 4.10.1 so all tuition assurance requirements are located in one chapter.

Paragraphs 3.9 and 3.9.1 have been reworded to make clear the compliance requirement for exempt providers to keep up to date information as required by non-exempt providers.

Chapter 4 VET Quality Requirements

Chapter 4 sets out the requirements for VET quality and accountability in particular the requirement to comply with the VET Quality Framework. The requirement for providers to comply with the Australian Quality Training Framework was previously provided for under subclause 17(2) of Schedule 1A to the Act. The consequential amendments of the National Vocational Education and Training Regulator (Consequential Amendments) Act 2011 moved the requirement for compliance with quality requirements to the VET Provider Guidelines.

4.1 Sets out the Purpose of the chapter.

4.1.1 Details the purpose of the chapter.

4.2 Sets out the Requirements for VET quality and accountability.

4.2.1 Details the VET Quality Framework that a VET provider must be willing and able to meet and comply with to maintain approval.

The specific amendments to the previous Guidelines are as follows:
The title for Chapter 4 has been renamed to VET Quality Requirements as a consequence of subsuming previous Chapter 4 into Chapter 3 so all tuition assurance requirements are located in one chapter.

New paragraph 4.2 reflects the quality requirements for those providers that are a National VET Regulator registered organisation and those providers that are from non-referring states and territories under the National Vocational Education and Training Regulator Act 2011. The provisions relating to the Australian Quality and Training Framework for student grievance and review procedures were previously located in these Guidelines under paragraph 6.5. New paragraphs 4.1 and 4.2 now reflect those requirements more appropriately and previous paragraph 6.5 has been deleted.

Chapter 5 VET fairness requirements

Chapter 5 sets out the VET fairness requirements relating to equal benefits and opportunity requirements and student grievance and review requirements that bodies corporate must be willing and able to meet and with which VET providers must comply.

5.1 Sets out the Purpose of the chapter.

5.1.1 Details the purpose of the chapter.

5.2 Sets out the Equal Benefits and Opportunity Requirements.

5.2.1 Describes the obligation that VET providers must treat equally and fairly all VET students and all individuals seeking to enrol in a VET unit of study.

5.2.2 Describes the requirements for the selection and treatment of students.

5.2.3 – 5.2.4 Allows a VET provider to take into account educational disadvantages and VET restricted access arrangements in the selection and treatment of students.

5.3 Sets out the Student Grievance and Review Requirements.

5.3.1 Requires a VET provider to have a procedure for dealing with complaints about academic and non-academic matters that contain elements specified in the chapter.

5.3.2 – 5.3.3 Requires VET providers to have arrangements to handle complaints from students, internal investigations for unresolved complaints and external review of decisions arising from internal investigations and specifies the requirements that a VET provider must adhere to in implementing its grievance procedures.

5.4 Sets out the Publishing Requirements.

5.4.1 Requires a VET provider to publish and make publicly available its procedures that relate to the chapter.

The specific amendments to the previous Guidelines are as follows:

The title of Chapter 5 has been amended to more appropriately reflect the requirements of subdivision 4-D of Schedule 1A to the Act, namely the VET fairness requirements.

Previous paragraphs 5.10, 5.10.1, 5.10.5 and 5.15 have been renumbered to 5.2, 5.2.2, 5.2.3 and 5.3.1 respectively.
The purpose of the Chapter is set out in paragraph 5.1.1. This paragraph has been amended to more appropriately reflect that the requirements of the subdivision 4-D of Schedule 1A to the Act for all VET fairness requirements.

Paragraph 5.2.1, previously paragraph 5.5.1, has been amended to simplify that a VET provider must treat all students and individuals equally when they are seeking to enrol with a VET provider.

Paragraph 5.2.2 and 5.2.3, previously paragraphs 5.10.1 and 5.10.5 respectively, have been reworded to clarify and simplify the terminology for open, fair and transparent procedures in relation to the selection and treatment of students.

New paragraphs 5.2.4 and paragraph 5.2.5 have been inserted to clarify that a failure to provide a particular ‘benefit’ to a student may in fact disadvantage the student. New paragraph 5.2.5 makes it clear that it is not the intention of the VET Provider Guidelines to limit the ability to award a scholarship to a student under the equal benefit requirements.

Previous Chapter 6 of the Guidelines covered the requirements relating to student grievance and review procedures. This chapter has been subsumed into Chapter 5 as student grievance and review requirements are under the VET fairness requirements as part of subdivision 4-D of Schedule 1A to the Act. Paragraph 6.15 has been deleted as the provisions for review of a decision in relation to assistance under Part 2 of Schedule 1A to the Act are contained in Division 16 of the Act.

The requirements under previous paragraph 6.10 have been subsumed into new paragraphs 5.3.1 to 5.3.3 with amendments to provide a clear distinction between the purposes for which grievance procedures must occur, what the grievance procedures must contain and what the provider must do as part of the implementation processes.

New paragraph 5.4 contains the publishing requirements of the Chapter that were previously located at paragraph 5.15 and 6.10.10(d).

Chapter 6 Determining and publishing VET tuition fees

Chapter 6 sets out the matters that a VET provider must not have regard when determining VET tuition fees, the date and manner in which VET tuition fees must be published and the requirements regarding varying a VET tuition fee.

6.1 Sets out the Purpose of the chapter.

6.1.1 Details the purpose of the chapter.

6.2 Sets out the Periods over which VET units of study are provided or proposed to be provided.

6.2.1 Specifies the periods during which a VET provider provides or proposes to provide a VET unit of study.

6.2.2 Specifies that the periods defined in paragraph 6.2.1 are also relevant to paragraph 6.5.1.

6.3 Sets out the matters to which a VET provider must not have regard when determining VET tuition fees.
6.3.1 Requires that a VET provider must not have regard to the manner or timing of a student’s payment of a VET tuition fee when determining a VET tuition fee for a VET unit of study and specifies the fees that must not be included in a VET tuition fee.

6.4 Sets out *Varying VET tuition fees*.

6.4.1 Specifies the circumstances which must exist for a VET provider to be allowed to vary a VET tuition fee and the dates before which a variation must be made.

6.4.2 Specifies that without limiting the generality of subparagraph 6.4.1(d), a VET student or person will be disadvantaged by a variation that increases the VET tuition fee.

6.4.3 Specifies that the requirements of paragraph 6.4.1 does not apply to courses offered under a VET restricted access arrangement.

6.5 Sets out the *date by which a VET provider must publish a schedule of VET tuition fees*.

6.5.1 Specifies the dates by which a schedule of VET tuition fee must be published.

6.5.2 Specifies that the requirements of paragraph 6.5.1 does not apply to courses offered under a VET restricted access arrangement.

6.5.3 Specifies the date by which a VET provider must publish a replacement schedule after making a variation.

6.5.4 Specifies the date by which a VET provider must publish a replacement schedule when the Minister has approved a variation.

The specific amendments to the previous Guidelines are as follows:

Previous Chapter 7 has been subsumed into new Chapter 6.

Paragraph 6.1.1, previously paragraph 7.1.1, has been amended to make it clear the purposes for which the Chapter applies and what provisions of the Act apply to the Chapter.

The title for paragraph 6.2, previously paragraph 7.5, has been renamed to more clearly reflect the subject matter of the subparagraphs.

The title for paragraph 6.3, previously paragraph 7.15, has been amended to reflect that the subject matter applies to determining all VET tuition fees. New paragraph 6.3.1 subsumes the matters in 7.15.1, 8.5.1 and 8.5.5, regarding tuition fees and the matters that providers must not have regard to, so the provisions more closely reflect the requirements of the Act.

The title to paragraph 6.4, previously paragraph 7.25, has been amended to make it clear that the subparagraphs deal with varying a VET tuition Fee. New paragraph 6.4.1 subsumes previous paragraphs 7.20 and 7.25.1, and has been reworded to clarify and simplify the requirements regarding the circumstances and date by which a variation to tuition fee may be made. New paragraph 6.4.2 was previously paragraph 7.25.5.

Paragraphs 6.5.1 and 6.5.2 were previously located at paragraph 7.10.1 and have been separated to make it clear that the requirement to publish a schedule of VET tuition fees does not apply to VET units of study that are undertaken in relation to a VET restricted access arrangement. New paragraphs 6.5.3
and 6.5.4 have been inserted to give effect to subclause 28 (2)(b) and to enable a VET provider to publish replacement schedules for VET tuition fees outside the times specified under paragraph 6.5.1.

Chapter 7 VET fees

Chapter 7 sets out the requirements relating to the matters or things for which fees may be charged.

7.1 Sets out the Purpose of the chapter.

7.1.1 Details the purpose of the chapter.

7.2 Sets out the matters or things for which fees may be charged.

7.2.1 Specifies the criteria for determining whether a VET fee is incidental to studies and a VET provider may charge a fee for that good or service.

7.3 Sets out the fees for VET courses of study.

7.3.1 Limits the total amount of a VET fees for a course of study to the sum of a person’s VET tuition fees for all VET units of study required to complete the VET course of study.

7.4 Sets out the repayment of VET tuition fees.

7.4.1 Requires that a VET provider repay VET tuition fees where a person is no longer enrolled in a VET unit of study at the end of the census date.

7.4.2 Specifies that a person is entitled to a repayment of VET tuition fees immediately upon ceasing to be enrolled in the VET unit of study, a VET provider must not require a person to apply for the repayment.

7.4.3 Describes certain circumstances where the repayment requirement does not apply.

The specific amendments to the previous Guidelines are as follows:

Previous Chapter 8 has been inserted into new Chapter 7.

The title to paragraph 7.2, previously 8.10, has been revised to reflect that the subparagraphs specifically deal with matter or things for which a VET provider can charge fees. The concept of a ‘VET fee’ has not been included, previously contained in paragraph 8.5.1, to remove confusion in relation to what is a tuition fee and what is an incidental fee. New paragraph 7.2.1 now subsumes previous paragraph 8.10.1.

Previous paragraphs 8.15 and 8.15.1 now paragraphs 7.3 and 7.3.1 respectively, have been reworded to clarify the fee that can be charged for a VET course of study.

Repayment of VET tuition fees, paragraph 7.4.1, previously 8.20.1, has been amended to make it clear that a provider must repay a person any upfront payment of VET tuition fees if they are no longer enrolled for study at the end of the census date. New paragraph 7.4.2 has been included to clarify that the act of a person withdrawing from study is all that is required to receive the repayment. Paragraph 7.4.3 was previously located at paragraph 8.20.5.