



# VET FEE-HELP Guidelines

## *Higher Education Support Act 2003*

---

I, CHRIS EVANS, Minister for Tertiary Education, Skills, Science and Research make these, VET FEE-HELP Guidelines under subclause 99(1) of Schedule 1A to the *Higher Education Support Act 2003*.

Dated this     29<sup>th</sup>     day of     March     2012

*signed*

---

CHRIS EVANS  
Minister for Tertiary Education, Skills, Science and Research

# ***Higher Education Support Act 2003***

## **VET FEE-HELP GUIDELINES**

### **1 Citation**

This legislative instrument may be cited as the *VET FEE-HELP Guidelines*.

### **2 Authority**

These Guidelines are made pursuant to Item 2 of the table in subsection 99(1) of Schedule 1A to the Act, to provide for matters under section 137-18 and Part 2.

### **3 Commencement**

This legislative instrument commences on the day after registration on the Federal Register of Legislative Instruments.

### **4 Revocation**

The VET FEE-HELP Guidelines dated 9 July 2009, registered number F2008L01952, registered on 23 July 2009 and commenced on 01 July 2009 and all subsequent amendments are revoked.

**COMMONWEALTH OF AUSTRALIA**

***Higher Education Support Act 2003***

**VET FEE-HELP GUIDELINES**

**TABLE OF CONTENTS**

<b><u>CHAPTER 1</u></b>	<b><u>INTERPRETATION</u></b>	<b><u>4</u></b>
<b><u>CHAPTER 2</u></b>	<b><u>OTHER REQUIREMENTS RELATING TO STUDENT ENTITLEMENT</u></b>	<b><u>6</u></b>
<b><u>CHAPTER 3</u></b>	<b><u>OTHER REQUIREMENTS RELATING TO VET CREDIT TRANSFER ARRANGEMENTS</u></b>	<b><u>8</u></b>
<b><u>CHAPTER 4</u></b>	<b><u>VET STUDENTS WITHDRAWING FROM REPLACEMENT UNITS UNDER SPECIAL CIRCUMSTANCES</u></b>	<b><u>10</u></b>
<b><u>CHAPTER 5</u></b>	<b><u>VET FEE-HELP DEBT</u></b>	<b><u>11</u></b>

## **CHAPTER 1 INTERPRETATION**

1.1.1 In these *Guidelines*, unless the contrary intention appears, terms used have the same meaning as in the *Higher Education Support Act 2003*.

1.1.2 Terms in these *Guidelines* that are in *italics* have the meanings given in paragraph 1.1.3 of these *Guidelines*.

1.1.3 In these *Guidelines*, unless the contrary intention appears:

***Act*** means the *Higher Education Support Act 2003*

***business day*** has the same meaning given by the *VET Provider Guidelines*

***Department*** has the same meaning given by the *VET Provider Guidelines*

***Full fee-paying student*** has the meaning given in paragraph 2.2.1 of these *Guidelines*

***General Manager*** has the same meaning given by the *VET Provider Guidelines*

***Guidelines*** means these *VET FEE-HELP Guidelines*

***National Register*** has the same meaning given by the *VET Provider Guidelines*

***Provider*** has the same meaning given by the *VET Provider Guidelines*

***Reform State or Territory*** has the same meaning given by the *VET Provider Guidelines*

***registered training organisation (RTO)*** has the same meaning given by the *VET Provider Guidelines*

***replacement unit*** has the same meaning given by the *VET Provider Guidelines*

***scope of registration*** has the same meaning given by the *VET Provider Guidelines*

***second provider*** has the same meaning given by the *VET Provider Guidelines*

***subsidised student*** has the meaning given in paragraph 2.2.3 of these *Guidelines*

***VET Repayment Guarantor*** has the same meaning given by the *VET Provider Guidelines*

***VET Repayment TAS Operator*** has the same meaning given by the *VET Provider Guidelines*

***VET student*** has the same meaning given by the *VET Provider Guidelines*

**VET tuition assurance administrator** has the same meaning given by the  
*VET Provider Guidelines*

## **CHAPTER 2      OTHER REQUIREMENTS RELATING TO STUDENT ENTITLEMENT**

### **2.1      PURPOSE**

- 2.1.1      This chapter sets out other requirements relating to student entitlement to VET FEE-HELP assistance for a VET unit of study under subclause 43(i) of Schedule 1A to the *Act*.

### **2.2      STUDENTS ENTITLED TO VET FEE-HELP ASSISTANCE**

#### ***Full fee-paying students***

- 2.2.1      A ***full fee-paying student*** means a student enrolled in a VET course of study for which the VET provider does not receive any funding from a State, Territory or the Commonwealth in relation to the student's enrolment in that VET course of study.
- 2.2.2      A *full fee-paying student* is only entitled to VET FEE-HELP assistance for a VET unit of study if the unit:
- a)      forms part of a VET course of study that leads to the award of VET diploma or VET advanced diploma for which the VET provider has a credit transfer arrangement in place for that course; or
  - b)      forms part of a VET course of study that leads to the award of VET graduate certificate or VET graduate diploma for which the VET provider does not need a credit transfer arrangement in place for that course; or
  - c)      forms part of a VET course of study for which the VET provider is exempt in accordance with paragraph 3.2.2 of these *Guidelines*.

#### ***Subsidised students***

- 2.2.3      A ***subsidised student*** means a student:
- a)      who is enrolled with a VET provider in a VET course of study; and
  - b)      for whom the VET provider receives funding from a State or Territory (the "**Subsidising State or Territory**") in relation to the student's enrolment in that VET course of study; and
  - c)      who is determined to be a *subsidised student* by the Subsidising State or Territory.
- 2.2.4      A *subsidised student* is only entitled to VET FEE-HELP assistance for a VET unit of study if the unit:
- a)      forms part of a VET course of study that leads to an award of VET diploma or VET advanced diploma; and
  - b)      the student is enrolled in the unit in the Subsidising State or Territory; and
  - c)      the Subsidising State or Territory is a *Reform State or Territory*.

## **CHAPTER 3            OTHER REQUIREMENTS RELATING TO VET CREDIT TRANSFER ARRANGEMENTS**

### **3.1        PURPOSE**

- 3.1.1      This chapter sets out other requirements relating to VET credit transfer arrangements for the purposes of paragraph 45(1)(a) of Schedule 1A to the *Act*.

### **3.2        BASIC REQUIREMENTS RELATING TO VET CREDIT TRANSFER ARRANGEMENTS**

- 3.2.1      For a VET course of study that leads to an award of VET diploma or VET advanced diploma, the VET provider must have in place at least one VET credit transfer arrangement for that course.
- 3.2.2      Paragraph 3.2.1 does not apply to a VET provider that is listed on the *National Register* as an *RTO* and offers, in accordance with its *scope of registration*, the course in a *Reform State or Territory*.
- 3.2.3      A VET credit transfer arrangement must provide a guaranteed level of credit for the award of VET diploma or VET advanced diploma towards a higher education bachelor degree. The Secretary will use the following levels as a guide when approving the VET credit transfer arrangement:
- a)      50% credit for a VET advanced diploma towards a three year bachelor degree;
  - b)      37.5% credit for a VET advanced diploma towards a four year bachelor degree;
  - c)      33% credit for a VET diploma towards a three year bachelor degree; or
  - d)      25% credit for a VET diploma towards a four year bachelor degree.
- 3.2.4      Each VET credit transfer arrangement must be set out in a written agreement between the VET provider and a higher education provider that contains at least the following information:
- a)      the higher education award to which the VET credit transfer arrangement relates;
  - b)      the amount of credit towards the higher education award that is guaranteed under the VET credit transfer arrangement; and
  - c)      the expiry date, if any, of the VET credit transfer arrangement.
- 3.2.5      A VET provider must have all credit transfer arrangements approved by the Secretary.

### **3.3        REQUIREMENTS RELATING TO APPROVALS, PUBLICATION AND VARIATIONS OF VET CREDIT TRANSFER ARRANGEMENTS**

- 3.3.1      A VET provider must:
- a)      provide the Secretary with a copy of all proposed VET credit transfer arrangements for approval; and

- b) publish and make publicly available details of all VET credit transfer arrangements; and
- c) provide the Secretary with a copy of all proposed variations to VET credit transfer arrangements for approval; and
- d) publish and make publicly available details of all approved variations to VET credit transfer arrangements; and
- e) obtain approval from the Secretary before it varies a VET credit transfer arrangement.

### 3.4 EXPIRATION OF A VET CREDIT TRANSFER ARRANGEMENT

3.4.1 If a VET credit transfer arrangement expires and there are *VET students* for any VET unit of study forming part of the course to which the arrangement relates (“**affected VET students**”), then:

- a) the requirements relating to VET credit transfer arrangements set out in this chapter are taken to have been satisfied for the whole of the course for those *VET students* only; and
- b) the VET provider must:
  - i) immediately notify the *General Manager* and the affected *VET students* that the VET credit transfer arrangement has expired; and
  - ii) negotiate another VET credit transfer arrangement with a higher education provider for the VET course of study that meets the requirements of this chapter.



## **CHAPTER 4**      **VET STUDENTS WITHDRAWING FROM REPLACEMENT UNITS UNDER SPECIAL CIRCUMSTANCES**

### **4.1**      **PURPOSE**

4.1.1      This chapter sets out, for the purposes of paragraph 46(2)(d) of Schedule 1A to the *Act*, requirements relating to *VET students* withdrawing from replacement units under special circumstances.

4.1.2      If the *second provider* receives an application from any person under paragraph 46(2)(d) of Schedule 1A to the *Act* in relation to a *replacement unit* which meets the course requirements under subclause 45(1) of Schedule 1A to the *Act*, and in which the person is enrolled with a *second provider*, the *second provider* must:

- a)      immediately notify the *Provider* and the *General Manager* of the application;
- b)      ensure that the up-to-date information kept by it under subparagraph 3.6.2.1 of the *VET Provider Guidelines* can be accessed by the Commonwealth and, in order to effectively meet its obligations under the arrangements, the *Provider's VET tuition assurance administrators*;
- c)      deal with the application in accordance with subclause 50(1) of Schedule 1A of the *Act*, and
- d)      immediately after having dealt with the application, notify the persons referred to in subparagraph 4.1.2(a) as to whether, in respect of the *replacement unit* it is satisfied that the requirements of subclause 46(2) of Schedule 1A of the *Act* are met.

Note: Under subclause 46(3) of Schedule 1A of the *Act*, the Secretary may act for certain purposes where the relevant VET provider is unable to do so, in which case the Secretary may give the notice referred to in subparagraph 4.1.2(d).

4.1.3      If a notice under subparagraph 4.1.2(d) of these *Guidelines* states that the *second provider* is satisfied that the requirements of subclause 46(2) of Schedule 1A of the *Act* are met:

- a)      the *second provider* and the persons referred to in subparagraph 4.1.2(a) must liaise and do all things reasonably necessary to effect re-crediting of the *VET student's FEE-HELP balance* in relation to the *replaced unit* within twenty (20) *Business Days* after the *Provider* receives the notice; and
- b)      the *Provider* must immediately after the re-crediting has been effected, notify its *VET Repayment TAS Operator* or *VET Repayment Guarantor* (whichever is applicable) to that effect.

Note: Under subclause 46(3) of Schedule 1A to the *Act*, the Secretary may effect the re-crediting if the relevant VET provider is unable to do so, in which case the Secretary may give the notice referred to in subparagraph 4.1.3(b).

## **CHAPTER 5            VET FEE-HELP DEBT**

### **5.1        PURPOSE**

5.1.1    This chapter sets out the requirements under paragraph 137-18(2)(b) of the *Act*, relating to:

- a)    a lesser percentage of a loan, made under paragraph 137-18(1)(a) of the *Act*, in discharge of a person's liability to pay his or her VET tuition fee for a VET unit of study; and
- b)    persons for whom the lesser percentage is specified.

### **5.2        THE LESSER PERCENTAGE**

5.2.1    The lesser percentage is 100%.

### **5.3        PERSONS FOR WHOM THE LESSER PERCENTAGE IS SPECIFIED**

5.3.1    The lesser percentage is specified for any VET student who is a *subsidised student* entitled to VET FEE-HELP assistance under paragraph 2.2.4 of these *Guidelines*.