

Goulburn Ovens Institute of TAFE Procedure no. PRSA-190	Title: VET Tuition Assurance Exemption Conditions Procedure Executive approved: 23/01/2018, 23/08/2018 re CFO <i>Responsible Officer: Registrar</i> <i>Authorising Officer: Chief Financial Officer</i> <i>Review: Annual (30th November 2018)</i>
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VET Tuition Assurance Exemption Conditions Procedure

1. PURPOSE

The purpose of this procedure is to provide the Exemptions Conditions granted to conditionally exempt GOTAFE from:

- at subclause 20(1) of Schedule 1A Higher Education and Support Act (VET FEE-HELP) to comply with the VET Tuition Assurance requirements and
- under subclause 20(2) to impose Exemptions Conditions as set out in this procedure (VET FEE-HELP)
- paragraph 25(2)(g) to be party to an approved tuition assurance arrangement under subsection 25(3) of the VET Student Loans of the Act (VET Student Loans) and
- impose under subsection 34(1) (VET Student Loans of the Act) a condition on the approval for GOTAFE as an approved course provider under subsection 25(1) of the VET Student Loan Act and
- under 25(3)(a) of the Vet Student Loan Act exempt GOTAFE from the requirement at paragraph 25(2)(g) to be party to an approved tuition assurance arrangement (VET Student Loans) and
- under paragraph 25(4) of the VET Student Loans of the Act impose Exemption Conditions as set out in this procedure (VET Student Loans).

The reason for imposing these Exemption Conditions is to ensure that adequate measures are in place to support students and the Commonwealth in the event GOTAFE or another VET provider ceases to provide an eligible VET Course of Study. This is important to allow students to continue their vocational education and training with minimal disruption.

2. SCOPE

This policy only applies to courses that students are able to enrol into and if eligible gain access to a VET FEE-HELP or VET Student Loan.

The Exemption takes effect from 1 January 2018 and remains in force until its revocation by the Minister.

Failure to comply with the Exemption Conditions will mean that GOTAFE is not exempt from, and therefore will be in breach of, the requirement to comply with the VET Tuition Assurance requirements. (VET FEE-HELP).

The following conditions are imposed on the Exemptions:

2.1 Provision of course assurance

2.1.1 If the Provider ceases to provide a course at any time after it starts but before it is completed, the Provider must:

- (a) within 2 days, notify students enrolled with the Provider in a VET unit of study forming part of an eligible VET course of study, which the Provider ceases to provide before the students complete the course (affected students), in writing, that the course is no longer being provided;

- (b) as soon as practicable, update the Provider's website to reflect that the course is no longer being provided and give information to students about the tuition assurance arrangements;
- (c) deal with enquiries from affected students, including organising a telephone service where appropriate;
- (d) liaise with each affected student to discuss and assess options for a replacement course;
- (e) find a replacement course for affected students and where necessary, liaise with VET providers or approved course providers and organise replacement providers to provide the replacement courses for the students;
- (f) ensure it is practical for the affected student to finish the course or an equivalent course having regard to whether the replacement course meets the requirements specified in clause 1.3 of these Exemption Conditions;
- (g) provide the affected student with a replacement tuition offer being an offer of enrolment in a replacement course or notify the student there is no replacement course;
- (h) provide the affected student with a right to request a review of whether or not there is a replacement course that meets the requirements for replacement courses specified in clause 1.3 of these Exemption Conditions;
- (i) **VET FEE-HELP only** - Where it is impractical for the affected student to finish the course or an equivalent course, notify the student that:
 - i. the student may apply to the Provider for a re-credit of their balance under clause 46 of Schedule 1A to the Act because of special circumstances and the time by when the application must be made;
 - ii. special circumstances are circumstances that:
 - are beyond the student's control;
 - do not make their full impact on the person until on or after the census date for the VET unit of study in question; and
 - make it impracticable for the student to complete the requirements for the unit in the period during which the person undertook, or was to undertake, the unit.

VET Student Loans only - Where it is impractical for the affected student to finish a course or equivalent course, notify the student that his or her FEE-HELP balance will be re-credited under section 69 of the Act.

2.1.2 VET FEE-HELP only - For the purposes of these Exemption Conditions, the Provider ceases to provide an eligible VET course of study if any of the matters listed in section 13 of the Higher Education Support (VET) Guidelines 2015 occur.

VET Student Loans only - For the purposes of these Exemption Conditions, the Provider ceases to provide an approved course after it starts but before it is completed if:

- (a) the Provider commences providing the course to a student but, before the student completes the course, ceases to provide the course for any reason (other than that the student has withdrawn from the course); or
- (b) any of the matters listed in paragraphs 60(1)(a) to (f) of the VET Student Loans Rules 2016 (Cth) (Rules) has occurred.

2.1.3 Replacement courses must meet the following requirements:

- (a) the course must lead to the same or a comparable qualification as the original course;
- (b) the mode of the delivery of the replacement course must be the same as or, with the student's consent, similar to the mode of delivery of the original course;
- (c) the location where the replacement course for a student is primarily delivered must be reasonable, having regard to the costs of, and the time required for, the student's travel;
- (d) a student who enrolls in a replacement course:
 - i. will not incur additional fees that are unreasonable;
 - ii. will be able to attend the replacement course without unreasonable impacts on the student's prior commitments; and
 - iii. will not incur tuition fees for the part of the replacement course that replaces an affected part of the original course.

2.2 Repayment and re-crediting**2.2.1 VET FEE-HELP only**

NOTE: Clause 50 of Schedule 1A to the Act requires GOTAFE to consider an application made under clause 46 of Schedule 1A as soon as practicable and notify the applicant of the decision on the application together with a statement of reasons. If a student's FEE-HELP balance is re-credited, clause 56 of Schedule 1A requires GOTAFE to pay the Commonwealth an amount equal to the amount of VET FEE-HELP assistance to which the student was entitled for the unit of study.

2.2.2 VET Student Loans only

2.2.2.1 The Provider must re-credit a student's FEE-HELP balance in accordance with section 69 of the Act as soon as practicable after determining that it is impractical for the student to finish a course or equivalent course and notify the Department after the re-credit has occurred.

NOTE: Subsection 69(2) of the Act provides that the amount re-credited must equal the amount of the VET student loan used to pay the tuition fees for the student for the course, or part of the course. Subsection 69(3) requires the Provider to notify the student as soon as practicable following the re-credit. Section 70 of the Act enables the Secretary to re-credit a student's FEE-HELP balance if the Provider is unable to act or is being wound up or has been dissolved or the Provider has failed to act and the Secretary is satisfied that the failure is unreasonable.

2.2.2.2 Following the re-crediting of the student's FEE-HELP balance, the Department will invoice the Provider in accordance with subsection 22(1) of the Act for the amount of the student's tuition fees for the course that was covered by a VET student loan, and was remitted through the student's FEE-HELP balance being re-credited.

2.2.2.3 The Provider acknowledges that, in absence of reliable and verifiable evidence being provided to the contrary, the Department may rely on student enrolment and course progression data in the Higher Education Information Management System (HEIMS) to determine the parts of a student's course which are eligible for re-crediting.

2.3 Notice and information when course ceases

VET Student Loans only

NOTE: Approved course providers are required to comply with the information requirements specified in the Rules. In particular:

- section 109 which requires providers to notify the Secretary as soon as practicable of any event that is likely to affect the provider's capacity to comply with the Act or the Rules;
- section 111 which requires providers to give written notice to the Secretary within 24 hours of certain events occurring which includes when the provider ceases to provide a course (in addition to certain insolvency scenarios). Subsection 111(2) also requires a provider to give the Secretary notice as soon as practicable of the provider intending to cease providing a course after it starts but before it is completed; and
- section 112 requires providers to give the Secretary certain student-related information within three (3) business days of the provider ceasing to provide an approved course.

2.4 Acceptance of displaced Students

2.4.1 If the Department, or a service provider engaged by the Department, gives written notice to the Provider that a replacement tuition offer for a place with the Provider has been made and accepted by a student (displaced student) the Provider, acting as a replacement provider, must accept the displaced student unless:

- (a) the displaced student has failed to abide by, or to agree to abide by, the Provider's reasonable policies and procedures (with which the student has been provided); or
- (b) the Provider can establish, to the satisfaction of the service provider, that circumstances apply which indicate it is reasonable for the Provider to not accept the student.

2.4.2 Without limiting the circumstances that may apply for clause 4.1(b), such circumstances may include:

- (a) if placement with the Provider would not be in the best interests of the displaced student; or
- (b) if the Provider has accepted a number of displaced students and it would be unreasonable for the Provider to accept another displaced student having regard to the Provider's capacity and capability.

2.5 Obligations as a replacement provider

2.5.1 The Provider must ensure, subject to clause 4.1, that the displaced student is enrolled in the replacement course with the Provider as soon as possible.

2.5.2 The Provider must ensure that a displaced student enrolled in a replacement course with the Provider:

- (a) is granted course credits for parts of the original course successfully completed by the student, as evidenced by:
 - i. copy of a statement of attainment or other Australian Qualifications Framework certification documentation issued by a course provider or an authorised issuing organisation in accordance with the Australian Qualifications Framework; or
 - ii. a copy of an authenticated VET transcript issued by the Student Identifiers Registrar.
- (c) is not charged tuition fees for a replacement component of the replacement course.

2.6 Statement of tuition assurance

2.6.1 VET FEE-HELP Only

GOTAFE must make a statement of VET tuition assurance exemption that reflects the arrangements described in this Notice. A statement template has been provided by The Department that satisfies the requirements.

NOTE: Section 20 of the Higher Education Support (VET) Guideline 2015 (Guidelines) requires a VET provider that is exempt from the tuition assurance requirements to:

- clearly and prominently publish its statement of VET tuition assurance exemption on its website and ensure that, when enrolling a student as a VET student in a VET unit of study, the student is provided with clear information about how to access (on the VET provider's website) the statement of VET tuition assurance exemption;
- keep up-to-date enrolment information on students enrolled as VET students in VET units of study.

2.6.2 VET Student Loans only

The statement of tuition assurance is required to be published by GOTAFE under section 103 of the Rules must reflect the arrangements described in this Notice. A statement template has been provided by The Department that satisfies the requirements. When enrolling a student, GOTAFE must ensure the student is provided with clear information about how to access the statement of tuition assurance on GOTAFE's website.

3. DOCUMENTATION

[VET FEE-HELP Statement of Tuition Assurance POSA-05](#)

[VET Student Loans Statement of Tuition Assurance POSA-06](#)

[Fee help re-credit and review procedure E-P145](#)

Higher Education and Support Act 2003

Higher Education Support (VET) Guidelines

VET Student Loans Act 2016