

Education and Training Reform Act 2006

2009 MINISTERIAL DIRECTIONS

TO

**BOARDS OF TAFE INSTITUTES
AND
COUNCILS OF UNIVERSITIES WITH TAFE DIVISIONS**

DIRECTIONS ABOUT FEES

Application of Directions

These Ministerial Directions are given to Boards of TAFE Institutes and Councils of Universities with TAFE divisions, referred to in these directions as 'providers'.

These directions are given to the Councils of Universities with TAFE divisions only in respect of their TAFE divisions.

These directions apply from 1 July 2009 to all enrolments in Victorian government-funded training and further education.

Sections 1 to 7 apply to enrolments that commence on or after 1 July 2009.

Section 8 applies only to enrolments that commenced prior to 1 July 2009.

Section 9 applies only to fee-for-service enrolments that commence on or after 1 July 2009.

Purpose

The purpose of these directions is to provide a framework for the collection of tuition fees and other fees for government-funded vocational training and further education and to set out financial and accountability requirements with regard to student fees.

Authority

These directions are given pursuant to section 5.2.1 (2) (b) and section 5.2.1 (3) of the *Education and Training Reform Act 2006* and section 41A of the *Interpretation of Legislation Act 1984*.

Revocation

Sections 6.1, 6.2 and Schedule 1 of the Ministerial Directions to Councils of TAFE Institutes and Universities with TAFE Divisions made on 17 August 2006, incorporating amendments until 19 September 2006, are revoked with effect on and from 1 July 2009.

Definitions

Unless the context otherwise requires, or the contrary intention appears, terms defined in the *Education and Training Reform Act 2006* have the same meaning.

In this direction: **TAFE Institute** means an institution created under section 3.1.11 of the *Education and Training Reform Act 2006*, and includes the TAFE division of a university with a TAFE division.

SECTION 1

1. Calculation of tuition fees for enrolments in courses that commence on or after 1 July 2009

- 1.1 For each enrolment a provider may calculate a tuition fee on the basis of an amount for each scheduled hour of government-funded training or further education which a person enrolls to undertake (rounded to the nearest dollar) in a calendar year.
- 1.2 If a course is undertaken partly in one calendar year and partly in a second or subsequent calendar year, tuition fees shall be calculated according to the fees applicable when the training is to be undertaken.
- 1.3 For the purpose of calculating tuition fees, each course is classified in one of five categories:
 - (a) Foundation Skills;
 - (b) Skills Creation;
 - (c) Apprenticeships and Traineeships;
 - (d) Skills Building; or
 - (e) Skills Deepening.
- 1.4 The Minister will approve the classification of courses to categories and may from time to time approve adjustments to the classification of courses.
- 1.5 The Minister will each year fix the amount of the maximum hourly rate, and the minimum and maximum tuition fees payable for enrolments in each category.
- 1.6 Subject to the concessions and exemptions provided for in section 2 the tuition fee payable is determined according to the hourly rate, minimum and maximum specified for each category.
- 1.7 A tuition fee may be charged at a rate no higher than the hourly rate specified for a category for a calendar year. The minimum fee is the minimum that must be charged in respect of a person's total enrolments within a category in a calendar year. The maximum fee is the maximum that may be charged for a person's total enrolments in courses within a category in a calendar year.

- 1.8 If a person enrolls in and commences more than one course within the same category in a calendar year, tuition fees already paid in that year shall be taken into account in calculating the fees applicable to the additional enrolments.
- 1.9 If a person enrolls in and commences more than one course in different categories in a calendar year, the tuition fees for each enrolment shall be calculated independently, within the minimum and maximum limits specified for each category.
- 1.10 Notwithstanding clause 1.9, the total tuition fees payable by a person in a calendar year shall not exceed a fixed annual maximum. The annual maximum for total enrolments shall be the same as the maximum applicable to the Skills Deepening category in that calendar year.

SECTION 2

2. Tuition fee concessions and exemptions

- 2.1 Providers must allow concessions on tuition fees in accordance with these directions.
- 2.2 For enrolments in courses in all categories other than Skills Deepening, providers must not charge a tuition fee that is more than the minimum fee from a person who holds one of the following concession cards (or an alternative card or concession eligibility criterion approved by the Minister for the purposes of these directions):
 - (a) Commonwealth Health Care Card;
 - (b) Pensioner Concession Card; or
 - (c) Veteran's Gold Card.
- 2.3 The concessions provided for in clause 2.2 (a) and (b) also apply to a dependant spouse or dependant child of a card holder.
- 2.4 If a person who was previously eligible for a concession under clause 2.2 or 2.3 becomes ineligible for the concession before the completion of the hours for which they have paid tuition fees, this does not affect the tuition fees payable for the enrolment.
- 2.5 If a person who was previously not eligible for a concession under clause 2.2 or 2.3 becomes eligible for a concession and then enrolls in further training within a calendar year, the person will not be liable for any further tuition fees for that calendar year for a course in the same category.
- 2.6 The concessions provided for in clauses 2.2 and 2.3 do not apply if a person's tuition fee is being fully paid by a Commonwealth Government Agency or as part of a Commonwealth program or initiative.

- 2.7 A provider may grant a concession on tuition fees if it considers that collection in full would impose extreme hardship. This may include a concession on, or exemption from, the minimum fee.
- 2.8 A provider must not collect a tuition fee from a person whose enrolment is undertaken by arrangement with another education institution which provides payment to the provider for tuition.
- 2.9 A provider must not charge a tuition or other fee for an enrolment for which funding has been provided directly or indirectly by the Commonwealth Government and where a condition of the funding prohibits the imposition of a tuition or other fee.
- 2.10 A provider must not charge a tuition fee for enrolment by a person who is a prisoner within the meaning of the *Corrections Act 1986*, or who is -
- (a) detained (other than on weekend detention) in a youth training centre or remand centre under the *Children, Youth and Families Act 2005* or the *Sentencing Act 1991* or in a youth residential centre established under the *Children, Youth and Families Act 2005*; or
 - (b) held on remand in a youth justice centre established under the *Children, Youth and Families Act 2005*; or
 - (c) required to undertake the course pursuant to a non-custodial order made under the *Children, Youth and Families Act 2005*.

SECTION 3

3. Fees for recognition of prior learning within courses of government funded training and further education

- 3.1 A provider may charge a fee for assessment of recognition of prior learning only if the assessment is conducted at the request, or with the consent, of the student.
- 3.2 If a fee is charged for recognition of prior learning the amount must not exceed the actual cost of the assessment.
- 3.3 For courses eligible for VET FEE-HELP, a provider may charge a fee for recognition of prior learning only if a person enrolls in a unit of study designated for recognition of prior learning.

SECTION 4

4. Student Services and Amenities Fees

- 4.1 A provider may impose a non-academic fee (whether described as a subscription or other term) for the purpose of providing student services and amenities.
- 4.2 If a provider imposes a student services and amenities fee, the provider must give itemised details of the fee prior to enrolment.
- 4.3 If a provider imposes a student services and amenities fee, the fee must be collected and expended for the sole purpose of providing facilities, services or activities of direct benefit to students at the institution.

SECTION 5

5. Other fees

- 5.1 A provider may charge a fee to recover no more than the actual cost of providing goods or materials to be retained by a student as his or her private property. However, a student must be permitted to use equivalent goods or materials obtained from sources other than the provider.
- 5.2 A provider may charge a fee to recover the cost of incidental goods and services provided in support of a student's tuition.
- 5.3 A provider must provide students with an itemised list of all fees and materials required, as detailed under clauses 5.1 and 5.2, before enrolment. Providers must advise students of when materials will be needed, to enable purchases to be spread over time.
- 5.4 A provider may not charge any fees in respect of enrolments in government-funded training and further education other than the tuition fees, recognition of prior learning fees, and student services and amenities fees referred to in these directions, and the fees indicated in clauses 5.1 and 5.2.

SECTION 6

6. Refunds

- 6.1 If a student withdraws, by written notice, from government-funded training or further education at any time up until 4 weeks after the scheduled commencement date of the course, the provider must refund the tuition fees paid in respect of the enrolment in excess of the minimum fee, and any other fees and charges paid by or on behalf of the student.

- 6.2 For the purposes of clause 6.1, if a student withdraws from only part of an enrolment, then the provider is required to refund only the portion of the tuition fee and materials fee applicable to that part of the training or further education.
- 6.3 If a course is cancelled by the provider at any time during the period of a person's enrolment, then the provider must refund the full tuition fees, the pro-rata portion of any student services and amenities fees, any incidental fees for goods and services that have not been used prior to the date of cancellation, and fees for materials that have not been used prior to the date of cancellation.
- 6.4 A provider may grant refunds in other circumstances or of greater amounts if it sees fit.
- 6.5 If a student has paid a fee for tuition which is no longer required because of recognition of prior learning, the provider must refund an amount equal to the difference between the tuition fee paid, and the tuition fee payable for the adjusted hours of tuition that are to be undertaken.
- 6.6 Notwithstanding clauses 6.1, 6.2, 6.3, 6.4 and 6.5, enrolments in courses eligible for VET FEE-HELP are subject to VET FEE-HELP requirements.

SECTION 7

7. Accounts and records of tuition fees and other fees

- 7.1 The accounts and records kept by a provider must clearly distinguish income and expenditure for fee-for-service training or further education from government-funded training and further education.
- 7.2 A provider must establish and maintain a separate general ledger account to record receipt of income from fees for tuition and the payment of refunds of tuition fees.
- 7.3 A provider shall keep records, including evidence, to support any claim for compensation for revenue foregone as a result of granting concessions or exemptions.

SECTION 8

8. Tuition fees for enrolments in courses that commenced prior to 1 July 2009

- 8.1 Subject to clauses 8.3, 8.4 and 8.5 a provider must charge a tuition fee on the basis of \$1.37 for each hour in which a person is enrolled, rounded to the nearest dollar, up to a maximum of \$877 in a calendar year or continuous 12 month period of enrolment (referred to as the 'fee maintenance' tuition fee).

- 8.2 Subject to exemptions specified in section 2 of these directions, the minimum fee maintenance tuition fee that must be charged in respect of total enrolments by a person in any calendar year or enrolment period is \$55.
- 8.3 The Minister may each year fix an amount by which the fee maintenance tuition fees will be adjusted for the next calendar year.
- 8.4 A provider must not charge a fee maintenance tuition fee that is more than the minimum charge from a person who is eligible for a concession according to section 2 of these directions.
- 8.5 A provider must not charge a fee maintenance tuition fee from a person to whom a fee exemption is applicable according to section 2 of these directions.
- 8.6 Fee maintenance tuition fees are only applicable to enrolments in continuous training, in which a person undertakes the next available scheduled training in the same course leading to the same qualification.
- 8.7 A provider may authorise a period of absence from otherwise continuous training and allow a person to resume later at the fee maintenance tuition fee rates.
- 8.8 If a person transfers from one provider to another during otherwise continuous training, the second provider may at its discretion charge tuition fees either at the fee maintenance rates, or according to sections 1 and 2 of these directions.
- 8.9 A provider may charge the hourly rate applicable under section 1 of these directions to a course classified in the Foundation Skills category for that part of the course that is undertaken after 1 July 2009 by a person who is otherwise paying the fee maintenance tuition fee, up to the maximum specified in clause 8.1.
- 8.10 A person who enrolls or re-enrolls to continue a course from 1 January 2010 may elect to pay tuition fees according to sections 1 and 2 of these directions, instead of the fee maintenance tuition fee, until completion of the course or other termination of the enrolment.
- 8.11 If a person paying fee maintenance tuition fees for a course commences a second course concurrently or subsequently after 1 July 2009 the second enrolment will be subject to tuition fees according to sections 1 and 2 of these directions.
- 8.12 If a second enrolment as described in clause 8.11 occurs in the same calendar year the tuition fees already paid in the calendar year will be taken into account in calculating progress towards the second fee maximum.
- 8.13 If a second enrolment as described in clause 8.11 is subject to a higher minimum fee, the difference in minimum will be charged. If it is subject to a higher maximum, fees may be charged up to the higher maximum.

- 8.14 If a second enrolment as described in clause 8.11 is followed by a re-enrolment in a course for which fee maintenance tuition fees apply in the same calendar year, the total fees paid in that year will be taken into account in calculating progress toward the applicable fee maximum.
- 8.15 For new enrolments after 1 July 2009 additional to a second enrolment as described in clause 8.11, tuition fees will be calculated according to sections 1 and 2 of these directions.
- 8.16 Fee maintenance tuition fees shall cease to apply if a person elects to pay tuition fees according to sections 1 and 2 of these directions, or completes or withdraws from, or is absent without authority from, a course to which fee maintenance tuition fees have been applied.
- 8.17 Notwithstanding clause 8.16, from 1 January 2013 tuition fees for all enrolments and re-enrolments shall be calculated according to sections 1 and 2 of these directions.

SECTION 9

9. Fee-for-service

- 9.1 Providers must charge for fee-for-service enrolments on a full cost recovery basis.

(Signed)

JACINTA ALLAN MP
Minister for Skills and Workforce Participation

19 MARCH 2009