Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015

(Amendments to be moved by Senator Carr, on behalf of the Opposition, in committee of the whole)

(1) Schedule 1, item 7, page 6 (after line 2), at the end of clause 23C, add:

(5) Before a "VET provider enrols a student in a "VET unit of study, the VET provider must advise the student that, if the student gives or has given a "request for Commonwealth assistance that relates to the unit or the "VET course of study of which the unit forms a part:

(a) the student will not be able to receive "VET FEE-HELP assistance for the unit unless the student, before the end of the "census date for the unit, accepts an offer from the "Secretary to lend the student VET FEE-HELP assistance for the unit; and

(b) the student will be taken never to have enrolled in the unit if the student does not accept the offer before the end of that census date.

[accepting offers of assistance]

(2) Schedule 1, page 6 (after line 4), after item 8, insert:

8A After subclause 27(2) of Schedule 1A

Insert:

(2A) A "VET tuition fee for the unit determined under subclause (2) must not exceed the amount specified by the regulations for the unit.

[tuition fee cap]

(3) Schedule 1, item 12, page 7 (line 10), omit “date.”, substitute “date; and”.

[accepting offers of assistance]

(4) Schedule 1, item 12, page 7 (after line 10), at the end of subclause 45C(1), add:

(d) before the end of that census date, the student accepts in accordance with clause 45E an offer by the "Secretary under clause 45D to lend the student "VET FEE-HELP assistance for the unit.

Note: If the student does not accept an offer under clause 45D before the end of the census date, the student is taken never to have enrolled in the unit (see subclause 45D(4)).
Schedule 1, item 12, page 7 (after line 24), after clause 45C, insert:

45D Offer of VET FEE-HELP assistance

(1) If a student enrols in a VET unit of study and the student has given an appropriate officer of the VET provider a request for Commonwealth assistance that relates to the unit or the VET course of study of which the unit forms a part, the VET provider must give the Secretary written notice of the enrolment.

(2) If the Secretary is given a notice under subclause (1), the Secretary must, by written notice given to the student, offer to lend the student VET FEE-HELP assistance for the unit.

(3) The offer must do the following:
   (a) set out:
      (i) the name of the VET provider; and
      (ii) the name of the VET unit of study; and
      (iii) the name of the VET course of study; and
      (iv) the VET tuition fee for the unit;
   (b) explain how the amount of VET FEE-HELP assistance to which the student is entitled is worked out;
   (c) inform the student that the student will incur a debt in respect of any VET FEE-HELP assistance lent to the student for the unit;
   (d) explain how the amount of that debt will be worked out (including the effect of subsection 137-18(2)) and how that debt will be repaid;
   (e) explain how to accept the offer, should the student decide to do so;
   (f) inform the student that the student does not have to accept the offer;
   (g) explain the effect of subclause (4).

(4) The student is taken never to have enrolled in the VET unit of study if the student does not accept the offer in accordance with clause 45E before the end of the census date for the unit.

45E Accepting offer of VET FEE-HELP assistance

A student accepts an offer under clause 45D to lend the student VET FEE-HELP assistance for a VET unit of study if:
   (a) the student gives the Secretary the acceptance in writing in the approved form; and
   (b) the acceptance contains or is accompanied by an acknowledgement that the person understands the effect of accepting the offer.

(6) Schedule 1, item 24, page 11 (line 30), omit “and clause 45C”, insert “, and clauses 45C, 45D and 45E,”.

(7) Schedule 1, item 26, page 17 (line 11), omit “paragraph 45C(1)(c)”, substitute “paragraphs 45C(1)(c) and (d)”.

1/12/2015 9:25 AM
Schedule 1, item 26, page 17 (line 30), omit “paragraph 45C(1)(c)”, substitute “paragraphs 45C(1)(c) and (d)”. 

[accepting offers of assistance]

Schedule 1, item 26, page 18 (after line 9), after subclause 39DH(1), insert:

(1A) For the purposes of paragraph (1)(d), disregard paragraph 45C(1)(d). 

[accepting offers of assistance]

Schedule 1, item 26, page 19 (after line 29), after clause 39DI, insert:

39DIA Civil penalty—failure to advise about accepting offer of assistance

A person contravenes this clause if:
(a) the person is a "VET provider; and
(b) the VET provider enrolls another person (the student) in a "VET unit of study; and
(c) before enrolling the student, the VET provider failed to advise the student that, if the student gives or has given a "request for Commonwealth assistance that relates to the unit or the "VET course of study of which the unit forms a part:
   (i) the student will not be able to receive "VET FEE-HELP assistance for the unit unless the student, before the end of the "census date for the unit, accepts an offer from the "Secretary to lend the student VET FEE-HELP assistance for the unit; and
   (ii) the student will be taken never to have enrolled in the unit if the student does not accept the offer before the end of that census date.

Civil penalty: 60 penalty units. 

[accepting offers of assistance]

Schedule 1, item 30, page 26 (line 22), after “clauses”, insert “39DIA”.

[accepting offers of assistance]

Schedule 1, item 31, page 28 (line 1), after “and (2)”, insert “, and clause 39DIA,”

[accepting offers of assistance]