2016–2017–2018

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP STUDENT PROTECTION) BILL 2018

ADDENDUM TO THE EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Small and Family Business, Skills and Vocational Education, Senator the Hon Michaelia Cash)
The purpose of this Addendum is to provide further information in response to the Senate Standing Committee for the Scrutiny of Bills’ Scrutiny Digest 13 of 2018.

**Schedule 1**

**Item 3 – After clause 46A of Schedule 1A**

After the last paragraph on page 11, insert the following:

The nature of the inappropriate conduct that the Government is attempting to capture through new clause 46AA has partly been identified from the experiences of students who have contacted the department and the VSLO. It is expected that as more students come forward there will be additional circumstances identified that could be considered as 'inappropriate conduct'.

The diversity of students affected under VET FEE-HELP is outlined in the 2016 Australian National Audit Office report on the ‘Administration of the VET FEE-HELP Scheme’. It noted that during the period the VET FEE-HELP scheme operated from 2009 until 31 December 2016, large numbers of students located all across Australia accessed the scheme. Students that inappropriately acquired VET FEE-HELP debts were not limited to any particular group of people, but included people from a wide range of ages, education levels, socio-economic, cultural, ethnic, and disability groups. All of which suggests that all pertinent information as to the full breadth and extent of the type of inappropriate behaviour of providers that has affected students may not yet be to hand.

To accommodate possible changes to the criteria as new evidence of poor provider conduct emerges, it is necessary to specify the criteria in the VET Guidelines to allow changes in a timely fashion so that students are not further disadvantaged.

The VET Guidelines currently also contain the criteria for remitting student VET FEE-HELP debt under the existing unacceptable conduct provisions in HESA. The new inappropriate conduct criteria are intended to encapsulate, by reference, and go beyond the scope of the existing unacceptable conduct criteria for re-crediting a student's FEE-HELP balance. The VET Guidelines also contain a range of related concepts that the new provisions are intended to rely upon.