



# Smart and Skilled Fee Administration Policy

Version 1.4

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# Contents

<b>Introduction .....</b>	<b>1</b>
Smart and Skilled Programs.....	1
<b>Smart and Skilled and student fees .....</b>	<b>2</b>
Smart and Skilled Programs.....	2
Student eligibility.....	2
Charging fees.....	2
Fee categories.....	2
Recognition of prior learning.....	4
Credit transfer .....	4
Calculating and adjusting fees for recognition of prior learning and credit transfer .....	4
Student fees for part qualifications .....	5
Fees for continuing students .....	5
Student fees for programs outside Smart and Skilled .....	5
<b>Proof of eligibility for fee status .....</b>	<b>6</b>
Proof of eligibility for First or Subsequent Qualification fee.....	6
Concession fee.....	6
Fee exemption – Aboriginal and Torres Strait Islander students .....	6
Fee exemption – Students with a disability(ies).....	7
Fee exemption – Dependant of a person with a disability(ies).....	7
Fee free training – Refugees and asylum seekers .....	7
Fee-Free Scholarships .....	7
Validation of student eligibility and fee .....	7
Evidence to support eligibility for fee exemption, concession, fee free scholarship or any other fee waivers .....	8
<b>Additional costs to students .....</b>	<b>9</b>
Incidental expenses .....	9
Charges for issuing embedded qualifications.....	9
<b>Paying fees.....</b>	<b>10</b>
Levying of student fees .....	10
Discontinuing students.....	10

Fees for student repeat attempts to complete units of competency.....	10
Fee refunds.....	10
Co-enrolments.....	11
Recovery of outstanding student fees .....	11
Changes to Student Fees .....	11
Transferring students.....	11
Fee protection mechanisms .....	12
<b>Student Loans .....</b>	<b>13</b>
<b>Student access to fee policies .....</b>	<b>14</b>
Smart and Skilled Fee Administration Policy.....	14
Provider’s policies.....	14
<b>Appendices .....</b>	<b>15</b>
Appendix 1: Smart and Skilled eligibility criteria .....	16
Appendix 2: Student fee arrangements .....	17
Appendix 3: Proof of eligibility - Acceptable evidence (Should be read in conjunction with the “Proof of Eligibility for Fee Status” section) .....	18
Appendix 4: Specified Commonwealth Government benefits and allowances for concession fees..	25
Appendix 5: Eligibility for Smart and Skilled Fee-Free Scholarships.....	26
Appendix 6: Eligibility of Aboriginal and Torres Strait Islander students in defined interstate NSW border areas .....	28
Appendix 7: Refugees and asylum seekers .....	29

# Introduction

This policy sets out the requirements for the application and management of student fees under the following Smart and Skilled programs:

- Smart and Skilled Entitlement Foundation Skills
- Smart and Skilled Entitlement Full Qualifications
- Smart and Skilled Entitlement Apprenticeships and Traineeships
- Smart and Skilled Targeted Priorities Full Qualifications
- Smart and Skilled Targeted Priorities Prevocational and Part Qualifications.

This policy should be read in conjunction with the following documents:

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- Any other relevant Smart and Skilled policy documents

## Smart and Skilled Programs

The requirements for the application and management of student fees under the School Based Apprenticeships and Traineeships Program are set out in the School Based Apprenticeships and Traineeships Program Fee Administration Policy.

# Smart and Skilled and student fees

Under Smart and Skilled, a student contributes towards the cost of training through the payment of a student fee. The payment to the Provider is made up of the student fee and the subsidy from the government. Student fees are:

- set for the whole qualification, not annual or semester fees as some training providers did previously to Smart and Skilled
- lower for students doing their first post-school qualification
- set for the student and the qualification and will be the same regardless of the Provider chosen.

## Smart and Skilled Programs

The NSW Skills List indicates the qualifications funded under Smart and Skilled. There are five Smart and Skilled Programs covering qualifications on the NSW Skills List:

- Smart and Skilled Entitlement Foundation Skills
- Smart and Skilled Entitlement Full Qualifications
- Smart and Skilled Entitlement Apprenticeships and Traineeships
- Smart and Skilled Targeted Priorities Full Qualifications
- Smart and Skilled Targeted Priorities Prevocational and Part Qualifications.

## Student eligibility

To be eligible to be subsidised to undertake a Smart and Skilled program, an individual must meet the relevant eligibility criteria for Smart and Skilled programs.

To be eligible to enrol in an:

- Entitlement Full Qualification
- Targeted Priorities Full Qualification
- Entitlement Foundation Skills Qualification
- Targeted Priorities prevocational or part qualification, a student must meet the citizenship requirements, be 15 years or over, live or work in NSW and no longer be at school or its equivalent.\*

NSW apprentices and new entrant trainees are automatically eligible for a Smart and Skilled subsidy for the NSW Skills List qualification that supports their apprenticeship or traineeship.

The Smart and Skilled eligibility criteria are described in Appendix 1.

\* Refer to Appendix 1 for more details.

## Charging fees

There are different categories of student fees, based on the qualification and the characteristics of the student. The schedule of fees for each qualification on the NSW Skills List can be accessed at:

[www.training.nsw.gov.au/smartandskilled/prices\\_fees.html](http://www.training.nsw.gov.au/smartandskilled/prices_fees.html).

The Provider must charge the student the relevant fee set by the NSW Government. The relevant fee will be determined when the Provider enters the student data into the Smart and Skilled Provider Calculator.

## Fee categories

The student fee categories are:

1. Standard Student—First Qualification
2. Standard Student—Subsequent Qualification

3. Apprenticeship (for qualifications offered as part of an apprenticeship pathway)
4. Traineeship (for qualifications offered as part of a traineeship pathway)
5. Concession
6. Exemption

The process for calculating fee arrangements is at Appendix 2.

## Standard Student fees

The Standard Student fee applies to students who are not doing an apprenticeship or traineeship or who do not qualify for a concession or an exemption.

- The **Standard Student—First Qualification** fee applies to students who do not already hold a post-school qualification from any tertiary sector. Qualifications include vocational and higher education qualifications achieved in Australia or overseas at any time previously. Qualifications not deemed to be post-school qualifications are qualifications achieved:

- while at school as part of an individual's secondary education
- or
- prior to turning 17

The following qualifications have been determined not to be post-school qualifications:

- Certificate I qualifications
- Smart and Skilled Entitlement Foundation Skills qualifications
- Any other foundation skills qualification that is aimed at developing foundation skills as identified in the "National Foundation Skills Strategy" (up to and including Certificate III), including:
  - English language, literacy and numeracy (such as listening, speaking, reading, writing, digital literacy and use of mathematical ideas)
  - Employability skills (such as collaboration, problem solving, self-management, learning and information and communication technology skills required for participation in modern workplaces and contemporary life)
- Certificate IV NSW Tertiary Preparation Certificate.

Students who hold these qualifications will pay the First Qualification fee.

The First Qualification fee also applies to fees for 15 – 17 year olds regardless of any previous qualification.

- The **Standard Student—Subsequent Qualification Fee** applies to students who already hold a previous post-school qualification from any tertiary sector. This category includes vocational and higher education qualifications achieved in Australia or overseas at any time previously.

The Standard Student—Subsequent Qualification fee is the higher of the two Standard Student fees because individuals undertaking a second or subsequent post-school qualification have already benefitted from training.

Where a student completes a Smart and Skilled qualification and enrolls in another Smart and Skilled qualification (except an apprenticeship or traineeship), the student will be charged the Standard Student—Subsequent Qualification fee for the subsequent qualification.

Note: There is no limit to the number of previous post-school qualifications a student can hold.

## Apprenticeship fees

The fee for a qualification delivered under an apprenticeship pathway is lower than for a non-apprenticeship pathway. This means that the fee for an apprentice is lower than the fee for a student that is not an apprentice.

Apprenticeship qualification fees are capped at \$2,000.

## Traineeship fees

The fee for a qualification delivered under a traineeship is lower than for a non-traineeship pathway. This means that the fee for a trainee is lower than the fee for a student that is not a trainee.

## Traineeship qualification fees are capped at \$1,000. Concession fees

Concession fees are discounted fees for disadvantaged students. Concessions fees are a flat fee for the qualification level.

A student who receives a specified Commonwealth Government welfare benefit or allowance is eligible for a

concession fee for a qualification up to and including Certificate IV. A student who is receiving a specified benefit or allowance at the time of enrolment is eligible for a concession.

The concession fee is also available to a student who is a dependant of a person receiving a specified Commonwealth Government welfare benefit or allowance. To be eligible for the concession the person who the student is a dependant of must be receiving the benefit or allowance at the time of enrolment.

There are no concessions for students enrolling in Diplomas and Advanced Diplomas.

## Fee exemptions

Students who qualify for a fee exemption are:

- Australian Aboriginal and Torres Strait Islander people
- people with a disability(ies) (that is people who meet the disability fee exemption criteria, including the dependent child, spouse or partner of a recipient of a Disability Support Pension). (See also Proof of eligibility for fee status)
- refugees and asylum seekers (that is people who meet the refugee and asylum seeker eligibility and exemption criteria specified at Appendix 7)
- recipients of Fee-Free Scholarships. (See also Proof of eligibility for fee status and Appendix 5 for scholarship eligibility rules).

## Frequency of exemption

Australian Aboriginal and Torres Strait Islander students and students that meet the Smart and Skilled disability fee eligibility requirements (“students with a disability(ies)”) and students who meet the refugee or asylum seeker eligibility and exemption criteria (“students who are a refugee or asylum seeker”) will be exempt from fees for any Smart and Skilled enrolments for which they are eligible.

Australian Aboriginal and Torres Strait Islander students, “students with a disability(ies)” and students who are a refugee or asylum seeker must meet the Smart and Skilled eligibility criteria or be a NSW apprentice or a NSW new entrant trainee undertaking a Skills List traineeship qualification.

## Recognition of prior learning

Where an eligible student is granted recognition of prior learning (RPL) for one or more units of competency, the qualification price will be adjusted and a new student fee determined.

The qualification price is based on both fixed and variable costs. The fixed cost of the qualification will be reduced by 50 per cent of the proportion of units of competency granted RPL. The variable cost will be reduced by 50 per cent of the total cost of the units of competency granted RPL.

Once the adjusted qualification price is calculated the new student fee will be determined at the same percentage of the price as the original student fee for that course (i.e. Adjusted Price x fee percentage).

Where RPL for a unit (or units) of competency is assessed by the Provider and only partially granted and some training delivery is still required, there is no reduction in the student fee and should not be entered in the Provider Calculator or reported as RPL granted.

## Credit transfer

Where an eligible student is granted a credit transfer (CT) for one or more units of competency, the qualification price will be adjusted and a new student fee determined.

The fixed cost of the qualification will be reduced by the proportion of units of competency given credit transfer. The variable cost will be reduced by the total cost of each unit of competency granted credit transfer.

Once the adjusted qualification price is calculated the new student fee will be determined at the same percentage of the price as the original student fee for that course (i.e. Adjusted Price x fee percentage).

## Calculating and adjusting fees for recognition of prior learning and credit transfer

Where RPL and/or CT are granted at enrolment, the Provider will need to use the Smart and Skilled Provider Calculator to determine the applicable student fee.

Where RPL and/or CT is granted after enrolment, or after a student commences a qualification, the Provider must report the outcome for the relevant unit(s) of competency

in their next Smart and Skilled training activity data file submitted to the Department. The Department will make adjustments to the subsidy payment and advise the Provider of the new student fee. The Provider must take all necessary steps to advise affected students of adjusted fee and to adjust the fee levied, including adjustments to subsequent fee payment schedules.

The Provider must sight appropriate evidence, such as a testamur or a Unique Student Identifier (USI) transcript to grant credit transfer.

### **Fee for concession students where recognition of prior learning and/or credit transfer has been awarded.**

Where a student is eligible for a concession and has been awarded RPL and/or CT, if the adjusted Standard Student fee (First or Subsequent) is lower than the concession fee, the student will pay the relevant Standard Student fee.

## **Student fees for part qualifications**

There are three areas of part qualifications that will be subsidised under the Smart and Skilled Targeted Priorities-Prevocational and Part Qualifications Program:

1. prevocational courses
2. pre-apprenticeship or pre-traineeship
3. priority groups and industries.

To be eligible to enrol in a subsidised part qualification, the student must meet the Smart and Skilled eligibility criteria outlined in Appendix 1.

Students undertaking a part qualification under the Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Program will not be charged a fee. The Provider will receive a subsidy for the full price of training for these students.

Completing a part qualification under the Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Program does not affect the fee eligibility of a student undertaking a full qualification under Smart and Skilled.

Where a student, as a result of undertaking two or more part qualifications under the Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Program is awarded a full qualification, and subsequently undertakes a full qualification under the Smart and Skilled Entitlement

Full Qualifications or Smart and Skilled Targeted Priorities Full Qualifications Programs, and is eligible to pay a standard student fee, the student must pay the Standard Student – Subsequent Qualification Fee or the concession fee if a fee exemption is not applicable. The student must indicate at enrolment that they have previously achieved a full qualification.

## **Fees for continuing students**

### **Smart and Skilled continuing students**

Student fees under Smart and Skilled are for the whole qualification and should be determined at enrolment, and therefore apply until the student has completed training in that qualification. Students who have paid the full fee upfront, will not be charged an additional fee to continue their training even if the fee for the qualification increases from one activity period or year to the next..

### **Continuing students who transitioned to Smart and Skilled who started training before 2015**

Students who started government-subsidised training before 1 January 2015, and who continued into 2015, would have paid a transition fee to continue their training. This fee was based on the proportion of the course the student had left to complete at the time based on the total nominal hours as determined by the Provider. As this fee was for the remainder of their training, an additional fee should not be charged for a student continuing training..

Further information about fees for continuing students that transitioned to Smart and Skilled in 2015 are in the 2015 Smart and Skilled Fee Administration Policy (this can be accessed at

[www.training.nsw.gov.au/smartandskilled/contract\\_policy.html](http://www.training.nsw.gov.au/smartandskilled/contract_policy.html))

## **Student fees for programs outside Smart and Skilled**

Where training is part of fee for service arrangements made between an organisation and a training provider, student fees would be covered through these arrangements. These arrangements are outside Smart and Skilled.

Students who subsequently wish to apply for Smart and Skilled subsidised training will be subject to the same eligibility requirements as for all other Smart and Skilled students.

# Proof of eligibility for fee status

This section should be read in conjunction with Appendix 3.

An individual must declare that information provided with regard to eligibility is true, accurate, complete and not misleading.

Additionally, for some fee types an individual may be required to provide evidence to support their eligibility for the Smart and Skilled fee type. The Provider must sight or maintain certain evidence as detailed in this section and in Appendix 3. Details of acceptable evidence are included in Appendix 3.

## Proof of eligibility for First or Subsequent Qualification fee

A student is required to declare any post-school qualifications to assess eligibility for a First or Subsequent Qualification Standard Student fee.

Smart and Skilled data and data from the Unique Student Identifier may also be used as evidence of a student's previous post-school qualifications, to assess the appropriate Standard Student fee.

## Concession fee

Proof of eligibility is required.

A list of the specified Commonwealth Government welfare benefits and allowances is at Appendix 4. The recipient of a specified Commonwealth Government welfare benefit or allowance must provide the following proof of eligibility for a concession:

- a letter from the Department of Human Services (Centrelink) confirming receipt of the benefit. The letter should clearly show the Centrelink Reference Number (CRN) and the benefit or allowance category; or

- a current concession card that shows the CRN and clearly shows the benefit or allowance category; or
- a current Centrelink income statement that clearly shows the CRN and the benefit or allowance category; or
- any other evidence that clearly shows the CRN and the benefit or allowance category; or
- documentary evidence from the Department of Veterans' Affairs stating their pension/benefits status; or
- for people applying for Austudy or Youth Allowance, an approval letter from Centrelink that shows the CRN and indicates that commencement date of their benefit is within two weeks of their enrolment or two weeks within the date of the first class attendance or participation in training.

An individual who is seeking a concession as a dependent child, spouse or partner of someone who is receiving a specified Commonwealth Government welfare benefit or allowance must provide documentary evidence that Centrelink recognises the individual as the dependant. The evidence should clearly show the CRN of the benefit or Commonwealth Government welfare recipient.

## Fee exemption – Aboriginal and Torres Strait Islander students

Australian Aboriginal and Torres Strait Islander students prove their status and eligibility for a fee exemption through descent, self-identification and community identification. Students will need to declare their status and be able to provide documentary evidence of community identification, if required.

## Fee exemption – Students with a disability(ies)

Proof of eligibility is required.

A student who seeks a fee exemption on the basis of disability will need to provide:

- a letter from Centrelink confirming receipt of the Disability Support Pension. The letter should clearly show the Centrelink Reference Number (CRN); or
- a current Disability Pensioner Concession Card that shows the CRN; or
- a current Centrelink income statement for the Disability Support Pension, which clearly shows that income is for the disability pension and also shows the CRN; or
- any other evidence that clearly shows the CRN and confirms receipt of the Disability Support Pension; or
- documentary evidence of support demonstrating a clear additional need as a result of the student's disability. This evidence must be a letter or statement from:
  - a medical practitioner; or
  - an appropriate government agency such as Veteran's Affairs or a TAFE NSW teacher consultant (for students with a disability), a school counsellor or special education coordinator, Centrelink, a Disability Service Provider, or a Job Capacity Assessor; or
  - a specialist allied health professional (including a rehabilitation counsellor, psychologist, speech pathologist, or occupational therapist).

## Fee exemption – Dependant of a person with a disability(ies)

Proof of eligibility is required.

An individual who is seeking an exemption as a dependant child, spouse or partner of someone who is receiving a Commonwealth Government Disability pension must provide documentary evidence that Centrelink recognises the individual as a dependant. The evidence should clearly show the CRN of the Disability Pension Recipient.

## Fee free training – Refugees and asylum seekers

Proof of eligibility is required.

A student who seeks a fee exemption on the basis of their visa status will need to provide visa documentation, or documentation such as an ImmiCard where appropriate, which states that they hold one of the visas specified in Appendix 7.

## Fee-Free Scholarships

Proof of eligibility is required.

Smart and Skilled Free-Free Scholarships are a category of "Fee Exemption"; meaning that Fee-Free Scholarship recipients are exempt from paying student fees. Training providers will be compensated for the student fee revenue foregone as a result of the student being fee exempt rather than paying the concession fee. The payment to training providers will proceed in accordance with the Smart and Skilled Contract Terms and Conditions (clause 18 Subsidy and Loadings).

The eligibility criteria for a Fee-Free Scholarship and the evidence requirements are at Appendix 5.

## Validation of student eligibility and fee

The Provider must use the Provider Calculator to confirm an individual's Smart and Skilled eligibility for a qualification.

The Provider must charge the student the relevant fee set by the NSW Government which will be validated by the Provider Calculator.

The Provider cannot charge students a fee other than what is calculated by the NSW Government through the Provider Calculator. This means the Provider cannot discount the fee, charge a higher fee or exempt students from paying the fee determined by the Provider Calculator.

Circumstances may arise where the fee quoted by the NSW Government must be adjusted (such as where the student obtains a credit transfer or recognition of prior learning after enrolment or after commencement). See sections on Credit Transfer and Recognition of Prior Learning for more information.

A Student Fee Estimator is available on the Course Finder search on the Smart and Skilled website that individuals can use to check their eligibility and estimate their fee for NSW

Skills List qualifications. This will be an estimate only, and the final student fee will be calculated through the Provider Calculator.

## **Evidence to support eligibility for fee exemption, concession, fee free scholarship or any other fee waivers**

The Provider must sight or retain certain evidence that supports a student's eligibility to fee free training or a concession fee.

A summary of evidence required and whether it must be sighted or retained is at Appendix 3.

Where evidence is not retained, a record must be kept of what evidence was sighted, when it was sighted and by whom.

# Additional costs to students

## Incidental expenses

The price of a qualification, which is made up of the government subsidy and student fee, will cover the total costs incurred by the Provider to deliver the training, including assessment. However, there may be some instances of a personal cost to a student over and above the student fee. These costs include:

- essential equipment and other items that the student has the choice of acquiring from the Provider, or from a supplier other than the Provider, that become the physical property of the student, are retained by the student on completion of training, and are not consumed during the training

**Example:** chef knives, makeup kit, tool kit.

- an optional charge for an item that is not essential for the student to complete the training

**Example:** A Provider makes available standard flowers to a student for a floristry qualification to create a flower arrangement, but the student would like to use more expensive exotic flowers. The student would be required to purchase the more expensive flowers from the Provider or another supplier.

- an optional charge for an alternative form of access to an item or service that is an essential component of the training, but is otherwise made readily available at no additional fee by the Provider

**Example:** The textbook for a qualification is an online resource but a student would like a hardcopy. In this instance, the student can purchase the textbook. The textbook would become the student's personal property.

- field trips and food, transport and accommodation costs associated with the provision of field trips that form part of the training
- any textbook the student requires to undertake their qualification that is retained by the student after completion of the qualification.

For each qualification, the Provider must publish on its website any additional costs that a student will or may incur and ensure that students are aware of these costs prior to enrolment.

The Provider must provide the student or employer (where relevant) with receipts for any monies collected by the Provider for incidental expenses. The Provider must retain copies of receipts issued.

## Charges for issuing embedded qualifications

In some cases a qualification may include all the units of competency required to complete a lower level qualification, an 'embedded' qualification. The student may wish to be issued with a testamur for the lower level qualification in addition to the higher one they enrolled in. In this case the student has paid the fee for the higher level qualification. The Provider may charge an administrative fee to produce the additional testamur but the student will not be required to pay additional student fees for the lower level qualification.

# Paying fees

## Levying of student fees

The Provider can determine the payment arrangements for student fees, but the Provider must publish information and inform students of these arrangements before the student enrolls.

The Provider must collect all fees to be paid by the student by the time they complete their subsidised training. A Provider, or a related entity or organisation, must not pay the student fee on behalf of a student unless the Provider is also:

- the student's employer; or
- is a provider of government-funded employment services (Jobactive) and the student is a client.

There are no other circumstances whereby a Provider may pay a fee on a student's behalf.

The Provider must retain student fees that it collects or evidence that either of the two conditions above were met.

Where a student has applied for a VET FEE-HELP loan (or a loan from any other replacement Commonwealth Government loan program) the amount will be paid directly to the Provider by the Commonwealth Government.

## Arrangements for payment of fees for apprentices and trainees

Some Modern Awards include provisions that require the employer to pay the fee on behalf of their apprentice or trainee. Where this is the case the employer will pay the student fee.

## Subcontracting

Where the Provider enters into a subcontracting arrangement, the subcontractor is not to charge the student a fee or any additional costs. All fees and any additional

costs must be levied by the Provider in accordance with this Policy.

## Discontinuing students

### Withdrawal without penalty

The Provider must advise the student, prior to any fees being paid, of the 'withdrawal with no penalty' cut-off date, i.e. the date by which the student can withdraw and be refunded any fees paid at enrolment. This date is determined by the Provider.

### Withdrawal after the cut-off date without penalty

Where a student withdraws from training, the Provider must:

- give the exiting student a statement of fees that includes all fees applied and any fees refunded, if applicable
- comply with Paragraph 9 of the Smart and Skilled Operating Guidelines.

## Fees for student repeat attempts to complete units of competency

The Provider will not be paid additional subsidy for repeat attempts by a student to complete a unit of competency. The Provider must have a policy on the number of times a student can attempt to complete a unit of competency for their student fee. The Provider must make students aware of the policy prior to or at enrolment.

## Fee refunds

The Provider must have a refund policy.

The policy must include but is not limited to:

- the 'withdrawal with no penalty' cut-off date (as determined by the Provider)

- a process for refunding a student who withdraws from training not of their own accord. For example, where the Provider closes or where the Provider is no longer approved to deliver Smart and Skilled training
- a process for partial refund of fees (when necessary) where recognition of prior learning and/or credit transfer has been granted
- information on whether the student will get a refund if they withdraw from a qualification but have completed all the requirements for a lower level qualification, which attracted a lower student fee.

For VET FEE-HELP (or any other replacement Commonwealth Government loan program) approved qualifications, the Provider must comply with the Commonwealth's VET FEE-HELP (or any other replacement Commonwealth Government loan program's) Refund policy.

The Provider must publish and make students aware of the fee refund policy before enrolment.

## Co-enrolments

The Provider must charge a fee for each Smart and Skilled qualification that a student enrolls in. For example, if a student enrolls in both a traineeship qualification and a foundation skills qualification, the student must pay the student fee applicable for both qualifications.

## Recovery of outstanding student fees

The Provider must have a process for the recovery of outstanding fees from a student. The Provider must publish and make the student aware of this Policy.

## Changes to Student Fees

The student will pay the fee for the qualification that applies in the year when they commence training. The student will not be affected by any subsequent changes to Smart and Skilled fees.

## Transferring students

A student undertaking a Smart and Skilled qualification may withdraw from a qualification with a Smart and Skilled Provider and transfer to another Smart and Skilled Provider to complete their qualification because:

- they chose to of their own accord
- their initial Provider closes
- their initial Provider's Smart and Skilled Contract has been terminated.

### Students who transfer of their own accord

Where a student transfers of their own accord from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training, standard credit transfer rules will apply when calculating the student fee. To do this, the student's subsequent Provider must obtain a statement of attainment from the student (issued by the initial Provider) to determine what credit should be granted. The subsequent Provider must use the Smart and Skilled Provider Calculator to determine the student fee.

In this situation, the student may end up contributing more towards the cost of their training.

### Students who transfer due to Provider closure or contract termination

The following rules apply to a student who transfers due to a Provider's closure or the termination of a Provider's Smart and Skilled Contract:

- The fees charged in total by the two Smart and Skilled Providers cannot exceed the student fee quoted by the initial Provider.
- Where the combined fee exceeds the original fee quoted, the subsequent Provider must contact the Department to confirm fee to be charged, before enrolling the student and charging any fees. Any fee gap will be paid to the Provider by the Department.

Therefore where a student transfers from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training, and the transfer is not of the student's own accord, the subsequent Provider must obtain from the student:

- a statement of attainment issued by the previous Smart and Skilled Provider
- an up-to-date training plan (issued by the initial Smart and Skilled Provider) that lists all units of competency achieved, commenced but not completed, and/or not started

- a statement of fees issued by the previous Smart and Skilled Provider.

The subsequent Provider can then enter the details into the Smart and Skilled Provider Calculator to determine the student's fee.

Obtaining the above documentation may not be possible where the initial provider closes. In these instances, the Provider should seek assistance from the Department to determine the student's fee.

### Students transitioning from superseded qualifications

Where a student is enrolled in a qualification that is superseded and the student is required to transition to the new qualification to continue training and complete, and the price of the new qualification is different to that of the superseded qualification:

- the provider will continue to be paid the applicable subsidy for the superseded qualification
- the student fee will remain the same.

### Fee protection mechanisms

The Provider must comply with Clause 7.3 of the Australian Skills Quality Authority's (ASQA) *Users' Guide: Standards for Registered Training Organisations (RTOs) 2015* relating to a provider's responsibility to protect prepaid fees by learners.

Clause 7.3 states that where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6 of the *Users' Guide*.

The requirements set out in Schedule 6 are summarised below:

- Government entities and Australian Universities must implement a policy addressing learner fee protection arrangements.
- All other RTOs must implement one or more of the following arrangements:
  - The RTO holds an unconditional financial guarantee from a bank operating in Australia; or

- The RTO is a member of an approved Tuition Assurance Scheme approved by its VET Regulator; or
- The RTO has any other fee protection measure approved by the VET Regulator.

RTOs may collect up to \$1,500 in prepaid fees from a learner without needing to take any action to protect these fees.

The Users' Guide can be found here:

[www.asqa.gov.au/verve/resources/Users\\_Guide\\_to\\_the\\_Standards\\_for\\_Registered\\_Training\\_Organisations\\_RTOs\\_2015.pdf](http://www.asqa.gov.au/verve/resources/Users_Guide_to_the_Standards_for_Registered_Training_Organisations_RTOs_2015.pdf)

Where any changes are made to ASQA's requirements for the protection of student fees, these override fee protection obligations set out in the Smart and Skilled Fee Administration Policy.

# Student Loans

Where a student obtains a Commonwealth Government student loan through the Provider, the Provider must comply with all the requirements of the Commonwealth Government loan program.

Information for students on the current Commonwealth Government VET loan program, VET Student Loans, is available from the Commonwealth Government's Study Assist website at:

[studyassist.gov.au/sites/studyassist/vet%20student%20loans/vet%20student%20loan/pages/vet-student-loans-](http://studyassist.gov.au/sites/studyassist/vet%20student%20loans/vet%20student%20loan/pages/vet-student-loans-)

Provider information on VET Student Loans is available from: [education.gov.au/vet-information-providers](http://education.gov.au/vet-information-providers).

**VET Student Loans commenced on 1 January 2017, replacing the VET FEE-HELP scheme, which ceased on 31 December 2016.**

**For further information please visit the VET Student Loans website at [education.gov.au/vet-student-loans](http://education.gov.au/vet-student-loans).**

# Student access to fee policies

## Smart and Skilled Fee Administration Policy

The Provider must give each student access to this Smart and Skilled Fee Administration Policy before or at the time of enrolment.

### Provider's policies

As listed throughout this document the Provider must also make students aware of its policies or processes on:

- evidence required for student eligibility for Smart and Skilled, Smart and Skilled programs and fee exemptions and concessions where relevant
- withdrawal without penalty
- repeat attempts to complete a unit of competency
- fee refunds
- recovery of outstanding fees
- levying of student fees.

# Appendices

## Appendix 1: Smart and Skilled eligibility criteria

### Eligibility for the Smart and Skilled Entitlement Foundation Skills, Smart and Skilled Entitlement Full Qualifications, Smart and Skilled Targeted Priorities Full Qualifications, and Targeted Priorities Prevocational Part Qualifications programs

To be eligible for the above programs, an individual must:

- be an Australian citizen, a permanent Australian resident, a humanitarian visa holder or a New Zealand citizen, and
- be aged 15 years or older, and
- live or work in New South Wales, and
- no longer be at school or equivalent\* ( Note: Home schooled students are eligible).

Aboriginal and Torres Strait Islander students who do not live or work in New South Wales but live in specific defined interstate NSW border areas are eligible for government-subsidised training under Smart and Skilled. A list of these defined interstate NSW border areas is at Appendix 6.

### Eligibility for the Smart and Skilled Entitlement Apprenticeships and Traineeships Program

New South Wales apprentices and New South Wales new-entrant trainees undertaking traineeships on the NSW Skills List are eligible to a government subsidy under this program for the qualification that supports their apprenticeship or traineeship.

Note: NSW Existing-worker trainees are not eligible to a government subsidy under any Smart and Skilled Program for the qualification that supports their traineeship.

### Exemptions

The Department of Industry may on a case by case basis allow a Provider to enrol an individual who does not meet Smart and Skilled eligibility criteria for a particular program.

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*\* Individuals must have left school (whether by school education or an alternative pathway, with the exception of home-schooling) in adherence with the NSW School Leaving Age Policy and the NSW Education ACT 1990 ([www.austlii.edu.au/au/legis/nsw/consol\\_act/ea1990104/s21b.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/ea1990104/s21b.html)) and the NSW Educational Amendment (School Leaving Page) Regulation 2009 to be eligible for Smart and Skilled. Individuals who are still in school and completing an apprenticeship or traineeship outside of their school studies are ineligible for Smart and Skilled.*

## Appendix 2: Student fee arrangements

		Eligible for Program:	No Post-School Qualification Held Fee Payable:	Post-School Qualification Held Fee Payable:	Concession Available	Exemption Available
 <p><b>Meets Smart and Skilled eligibility</b> (excluding Smart and Skilled Entitlement Apprenticeships and Traineeships)</p>	<b>Entitlement Foundation Skills</b>		First Qualification Fee	First Qualification Fee	✓	✓
	<b>Entitlement Full Qualifications</b>		First Qualification Fee	Subsequent Qualification Fee	✓	✓
	<b>Targeted Priorities Full Qualifications</b>		} First Qualification Fee	} Subsequent Qualification Fee	✓	✓
	Certificate IV				NA	✓
	Diploma				NA	✓
<b>Targeted Priorities Prevocational and Part Qualifications</b>						
Prevocational (full qualifications)		First Qualification Fee	Subsequent Qualification Fee	✓	✓	
Part Qualifications		Fee Exemption	Fee Exemption	NA	✓	
 <p><b>Meets Smart and Skilled Entitlement Apprenticeships and Traineeships program eligibility</b></p>	<b>Entitlement Apprenticeships and Traineeships</b>					
	Apprenticeships		Apprenticeship Fee	Apprenticeship Fee	✓	✓
	Traineeships		Traineeship Fee	Traineeship Fee	✓	✓
 <p><b>Does not meet Smart and Skilled eligibility</b></p>	Not eligible for government-subsidised training under Smart and Skilled. Student can access fee-for-service training.					

## Appendix 3: Proof of eligibility - Acceptable evidence (Should be read in conjunction with the “Proof of Eligibility for Fee Status” section)

Requirement	Evidence	Evidence requirements
<b>Proof of Identity/Student Eligibility:</b>		
<b>1. Proof of identity</b>	USI. The Provider must ensure validity of the USI. The Department will also check its validity with the USI Registry.	Valid USI at enrolment
<b>2. Living or working in NSW</b>	Any Commonwealth or NSW Government issued document providing evidence of living location, or employer-issued document confirming employment in NSW.	<p>Student declaration/signature at enrolment.</p> <p>Note: Evidence may be requested at the provider’s and/or at the Department’s discretion</p>
<b>3. Citizenship: Australian citizen, and permanent resident/New Zealand citizen</b>	<ul style="list-style-type: none"> <li>• Australian or New Zealand birth certificate; or</li> <li>• Australian or New Zealand Passport; or</li> <li>• Green Medicare card; or</li> <li>• Naturalisation Certificate; or</li> <li>• a Certificate of Evidence of Resident Status (CERS), which confirms status as an Australian permanent resident; or</li> <li>• use the Department of Immigration and Border Protection’s Visa Entitlement Verification Online (VEVO) facility to confirm status as Australian permanent resident and check passport.</li> </ul>	<p>Student declaration/signature at enrolment.</p> <p>Note: Evidence may be requested at the provider’s discretion and/or at the Department’s discretion.</p>

Requirement	Evidence	Evidence requirements
<p>4. <b>Humanitarian visa holder (Refugee or asylum seeker)</b></p>	<ul style="list-style-type: none"> <li>• Relevant visa documentation; or</li> <li>• ImmiCard (where appropriate)</li> </ul> <p>Note: If a Bridging Visa holder, the student must provide a document from the Department of Immigration and Border Protection acknowledging application for a humanitarian visa.</p> <p>For additional information, refer to Appendix 7.</p>	<p>Evidence sighted or collected by provider</p> <p>Note: At the Department's discretion, the Department may request a copy of the evidence or proof that the evidence has been sighted.</p>
<p>5. <b>Home schooled students</b></p>	<p>Copy of current certificate of home schooling registration, which clearly indicates the period of time for which the student will be home schooled</p>	<p>Evidence sighted or collected by provider</p> <p>Note: At the Department's discretion, the Department may request a copy of the evidence or proof that the evidence has been sighted.</p>
<p>6. <b>Date of birth</b></p>	<p>USI data</p>	<p>USI checks date of birth</p>
<p>7. <b>Registration as NSW apprentice or new entrant trainee</b></p>	<p>Training Contract identifier (TCID) number</p>	<p>Department system check against details of approved or registered Training Contract stored in Training Services NSW database</p>
<p>8. <b>Previous qualification</b></p>	<p>(Department's system checks against Smart and Skilled records in the Department's database and checks against USI transcript).</p>	<p>Student declaration/signature at enrolment</p> <p>Note: In the future system checks may also be undertaken against Smart and Skilled records and USI academic transcript</p>

Requirement	Evidence	Evidence requirements
<b>9. Year 10 completion or equivalent (if under 17)</b>	Evidence that student has met school leaving age requirement	Student declaration/signature at enrolment  Note: Evidence may be requested at the provider's and/or at the Department's discretion
<b>10. Postcode for ATSI on borders</b>	N/A	Student declaration/signature at enrolment
<b>Concessions/exemptions:</b>		
<b>11. Fee Exemption: Aboriginality</b>	N/A	Student declaration/signature  This declaration also covers proof of Australian citizenship.
<b>12. Fee Exemption: Disability</b>	<ul style="list-style-type: none"> <li>• Centrelink evidence: proof of Disability Support Pension; or</li> <li>• documentary evidence of support demonstrating a clear additional need as a result of the student's disability(ies): A letter or statement from:               <ul style="list-style-type: none"> <li>○ a medical practitioner; or</li> <li>○ an appropriate government agency ( for See Proof of eligibility for fee status section in this Policy for more information); or</li> <li>○ relevant specialist allied health professional; or</li> </ul> </li> <li>• Centrelink evidence – dependent child, partner or spouse of a recipient of a Disability Support Pension</li> </ul>	Yes for all types of evidence  Evidence sighted or collected by provider  Note: At the Department's discretion, the Department may request a copy of the evidence or proof that the evidence has been sighted.

Requirement	Evidence	Evidence requirements
<b>13. Fee Exemption: Refugee or Asylum Seeker</b>	<ul style="list-style-type: none"> <li>• Relevant visa documentation; or</li> <li>• ImmiCard (where appropriate); and</li> <li>• Where a Bridging Visa holder, a document from Department of Immigration and Border Protection acknowledging application for a humanitarian visa.</li> </ul> <p>For additional information, refer to Appendix 7.</p>	<p>Evidence sighted or collected by provider</p> <p>Note: At the Department's discretion, the Department may request a copy of the evidence or proof that the evidence has been sighted.</p>
<b>14. Concession: Commonwealth Government Welfare Recipient</b>	<ul style="list-style-type: none"> <li>• Centrelink evidence – Proof of benefit; or</li> <li>• Centrelink evidence – dependent child, partner or spouse of a specified Commonwealth Government welfare recipient</li> </ul>	<p>Yes for all types of evidence</p>
<b>15. Social housing status (Fee-Free Scholarship)</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<p>Student declaration/signature at enrolment</p>

Requirement	Evidence	Evidence requirements
<p><b>16. Out-of-Home Care status (Fee-Free Scholarship)</b></p>	<p>For students currently in out-of-home care:</p> <ul style="list-style-type: none"> <li>• A copy of the Children’s Court Care Order, or</li> <li>• A copy of the ‘Confirmation of Placement’ letter, or</li> <li>• A letter from Family and Community Services or the Out-of-Home Care Designated Agency verifying that the student is in statutory or supported care, or</li> <li>• Any other evidence which clearly shows that the student is in out-of-home care.</li> </ul> <p>For students previously in out-of-home care:</p> <ul style="list-style-type: none"> <li>• A copy of the expired Children’s Court Care Order, or</li> <li>• A copy of the ‘leaving care’ letter from the Minister for Family and Community Services, or</li> <li>• A letter from Family and Community Services verifying the student was previously in statutory or supported care, or</li> </ul> <p>Any other evidence which clearly shows that the student was previously in out-of-home care.</p>	<p>Student declaration/signature at enrolment</p> <p>Note: Evidence may be requested at the provider’s and/or at the Department’s discretion.</p>

Requirement	Evidence	Evidence requirements
<b>17. Domestic and Family Violence eligibility (Fee-Free Scholarship)</b>	<p>A letter of recommendation is required from a domestic and family violence service, refuge or other support agency such as:</p> <ul style="list-style-type: none"> <li>• Legal Aid NSW through their Women’s Domestic Violence Court Advocacy Services</li> <li>• Organisations who provide Integrated Domestic Family Violence Services</li> <li>• Organisations who provide <i>Staying Home, Leaving Violence</i> services</li> <li>• Organisations who deliver Specialist Homelessness Services (i.e.: refuges and crisis accommodation)</li> <li>• Domestic Violence NSW</li> <li>• Any other organisation which clearly shows that the student is or has been previously receiving support services for domestic and family violence (for example a non-government organisation or charity that is self-funded).</li> </ul>	<p>Yes for all types of evidence</p>

#### Loading to Provider: Evidence Requirements

**18. Needs Loading: Aboriginality** Students that meet eligibility/evidence requirements for fee exemption based on Aboriginality will automatically attract a loading. (See point 9 above)

**19. Needs Loading: Disability** Students that provide evidence of the following for eligibility for fee exemption/concession based on Disability will automatically attract a loading :

- Centrelink evidence: proof of Disability Support Pension; or
- documentary evidence of support demonstrating a clear need as a result of the student’s disability(ies): A letter or statement from:
  - a medical practitioner; or
  - an appropriate government agency; or
  - relevant specialist allied health professional

(See *Proof of eligibility for fee status* section in this Policy for more information)

*Note: Dependents of a recipient of a Disability Support Pension do not attract a loading.*

Requirement	Evidence	Evidence requirements
<b>20. Needs: Long term unemployed – over 12 months</b>	Letter from Employment Service Provider is required	
<b>21. Location Loading: Residential address – regional or remote</b>	As per requirement 2	

**Comments:**

- Students may identify as:
  - An Australian Aboriginal or Torres Strait Islander
  - A student with a disability(ies)
  - Long Term Unemployed
  - Recipient of a specified Commonwealth Government welfare benefit or allowance,

at any time in which they are undertaking training. However, providers are encouraged to make every effort to ensure students correctly identify at the time of enrolment.
- Where evidence is sighted but not kept, a record that confirms sighting of the evidence, dated and signed by a person authorised by the Provider, must be maintained.
- Where the evidence, provided by the student, is a copy of the original, the copy must be certified by a person who is on the list of approved witnesses who can verify documents. A list of which is available at the Commonwealth Attorney General's Department website at: [www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx](http://www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx).

## Appendix 4: Specified Commonwealth Government benefits and allowances for concession fees

### Commonwealth Government benefits and allowances

Commonwealth Government benefits and allowances	
• Age Pension	• Austudy
• Carer Payment (see comment below)	• Disability Support Pension
• Farm Household Allowance	• Family Tax Benefit Part A (maximum rate)
• Newstart Allowance	• Parenting Payment (Single)
• Special Benefit	• Sickness Allowance
• Veterans' Children Education Scheme	• Veterans' Affairs Pensions
• Widow B Pension	• Widow Allowance
• Wife Pension	• Youth Allowance

#### Comments:

- A NSW Apprentice on a Newstart Allowance or a NSW Apprentice who is the dependant of a person receiving a Newstart Allowance is not eligible for a concession fee.
- A NSW New Entrant Trainee on a Newstart Allowance or a NSW New Entrant who is the dependant of a person receiving a Newstart Allowance is not eligible for a concession fee.
- The Carer Payment is a specific benefit paid by the Commonwealth Government; this category does not include the Carer Allowance or Carer Adjustment Payment.

## Appendix 5: Eligibility for Smart and Skilled Fee-Free Scholarships

To be eligible for a Smart and Skilled Fee-Free Scholarship, individuals must first meet the rules for the relevant program.

Smart and Skilled eligible students undertaking a full qualification up to and including Certificate IV may be eligible for a Smart and Skilled Fee-Free Scholarship and are:

- aged between 15 and 30 (inclusive) at the start date for training and eligible for a concession fee (i.e. a Commonwealth Government welfare recipient)  
or
- commencing in training from 1 January 2016 and meet the Out-of-Home Care definition at the time of enrolment and are:
  - aged 15-17 years and currently in out-of-home care, or
  - aged 18-30 years and previously in out-of-home careor
- aged 15 and over, commencing in training 1 July 2016 and be able to disclose (self-declare) at enrolment that they meet the domestic and family violence definition (see page 25).

Individuals are eligible for one scholarship per financial year (commencing 1 July 2015) and a maximum of two scholarships over four financial years (ending 30 June 2019).

There is a limit of 50,000 Smart and Skilled Fee-Free Scholarships per financial year. This limit does not apply to students who meet the fee-free criteria who are living in social housing in NSW or on the NSW Housing Register (waiting list); or students who meet the out-of-home care criteria for a fee-free scholarship.

### Social Housing definition

For the purposes of the Smart and Skilled Fee-Free Scholarship scheme, “NSW Social Housing” includes tenants of:

- public housing (owned and managed by the NSW Government or managed by a community housing provider)
- community housing (owned and/or managed by community housing providers)
- Aboriginal housing (owned and/or managed by the Aboriginal Housing Office (AHO) and Aboriginal Community Housing Providers)
- clients receiving crisis accommodation/supported accommodation (Specialist Homelessness Services)
- clients receiving private rental assistance funded by Family and Community Services (for example: private rental subsidy, rental bond loans, tenancy guarantees)

### Out-of-Home Care definition

The term ‘out-of-home care’ is defined in section 13.5 of the *Children and Young Persons (Care and Protection) Act 1985* and refers to children or young people who are cared for by a person other than their parent, in a place that is not their usual home. Children and young people enter out-of-home care because they are in need of care and protection.

There are two main types of out-of-home care:

- **Statutory care** - where the Children’s Court has made a Care Order placing the child or young person in the parental responsibility of the Minister for Family and Community Services
- **Supported care** - where the Secretary of Family and Community Services forms the opinion that the child or young person is in need of care and protection.

Children and young people in out-of-home care usually reside with relative/kinship carers, foster carers or in residential care services.

It is up to training providers to ensure students understand what is meant by the terms “social housing” and “out-of-home care”.

### Domestic and family violence definition

For the purposes of the Smart and Skilled Fee-Free Scholarship scheme, people who have experienced or are experiencing domestic and family violence or their dependants must have a letter of recommendation from a domestic and family violence service, refuge or other support agency.

### Evidence requirements

A social housing resident or person on the NSW Housing Register (waiting list) who seeks a Smart and Skilled Fee-Free Scholarship will need to confirm, by student declaration/signature, that the information provided about their social housing status is correct.

A student who meets the out-of-home criteria who seeks a Smart and Skilled Fee-Free Scholarship will need to confirm by student declaration/signature that they meet the eligibility criteria, and if requested provide supporting evidence. The list of acceptable evidence is at Appendix 3.

A student who meets the domestic and family violence criteria who seeks a Smart and Skilled Fee-Free Scholarship will need to confirm by student declaration/signature that they meet the eligibility criteria, and provide supporting evidence. The list of acceptable evidence is at Appendix 3.

## Appendix 6: Eligibility of Aboriginal and Torres Strait Islander students in defined interstate NSW border areas

Location	Postcode
<b>One of the towns in the postcode area:</b>	
<b>Australia Capital Territory:</b>	
	2600 - 2612
	2614 - 2617
	2900 - 2906
	2911 - 2914
<b>Jervis Bay Territory:</b>	
Wreck Bay	2540
<b>Queensland:</b>	
Elanora	4221
Currumbin	4223
Coolangatta	4225
Tallebudgera	4228
Texas	4385
Goondiwindi	4390
Hebel	4486
Bollon	4488
Bungunya	4494
Talwood	4496
Thallon	4497
Kioma	4498
<b>Victoria:</b>	
Nangiloc	3494
Red Cliffs	3496
Irymple	3498
Mildura	3500
Hattah	3501
Cabarita	3505
Echuca	3564
Koondrook	3580
Shepparton	3630
Yalca	3637
Kotupna	3638
Barmah	3639
Katunga	3640
Ulupna	3641
Cobram	3644
Chiltern	3683
Rutherglen	3685
Barnawartha	3688
Wodonga	3690
Bonegilla	3691
Bandiana	3694

## Appendix 7: Refugees and asylum seekers

Refugees and asylum seekers who hold particular visas are eligible for Smart and Skilled. Individuals who hold one of the below visas are eligible for Smart and Skilled.

Additionally, individuals who hold any of the above visas are eligible for fee-free training for qualifications up to and including Certificate IV.

### Permanent visas

- Emergency rescue visa (Subclass 203)
- Global special humanitarian programme visa (Subclass 202)
- In-country special humanitarian programme visa (Subclass 201)
- Protection visa (Subclass 866)
- Refugee visa (Subclass 200)
- Woman at Risk visa (Subclass 204).

### Temporary visas

- Bridging Visa A (BVA)
- Bridging Visa B (BVB)
- Bridging Visa C (BVC)
- Bridging Visa D (BVD)
- Bridging Visa E (BVE)
- Safe Haven Enterprise visa (Subclass 790)
- Temporary Humanitarian Concern visa (Subclass 786)
- Temporary Humanitarian Stay visa (Subclass 449)
- Temporary Protection visa (Subclass 785).

*Note: As visa types and categories are subject to change, Providers are encouraged to refer to additional materials produced by the Department on this matter.*

