Incorporating the Policy & Procedures for the ACPET Tuition Assurance Schemes, as approved by the ACPET National Board

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Introduction

ACPET was established under the Corporations Act in 1992 as a not for profit company. Its aim was to fill a void in the private sector with a strong national body to represent the interest of providers in discussions with Commonwealth, State and Territory Governments and their agencies.

With over 1,000 member organisations, located in all States and Territories, ACPET is the peak body representing the private education and training sector in Australia.

The private sector plays a significant role in the development of education and training in Australia. Hard work and much effort is being carried out by a large number of people, usually without any form of government support, to ensure high quality course delivery.

ACPET is committed to providing quality services to its members and works hard to enhance and develop the reputation of private providers and to inform members with relevant information as it arises. As a result of its standing in the industry, ACPET is regularly invited to represent the interests of private providers on government and industry working parties, workshops and stakeholder forums. ACPET is proud of its ability to provide members with regular information updates through its impressive electronic communications network, including the weekly newsletter, National Monday Update, e-Circulars, and the ACPET website.

Our national conference is held annually to bring together members from across Australia to discuss matters of national concern. The conference provides opportunities for members to network and discuss issues with representatives from national, State and Territory authorities and other members.

Our ultimate aim is to assist private providers in becoming more competitive and where possible, to ensure that a level playing field is obtained for all providers across all jurisdictions. The end result being that clients both here, and from overseas, have a real choice between government and private providers of education and training.

ACPET’s Australian Student Tuition Assurance Scheme (ASTAS) provides members with an inexpensive and uncomplicated means of providing fee protection to students. Those providers of higher and vocational education who wish to offer their students an income contingent loan will be interested to know that, the ASTAS has been approved as an effective and efficient means of complying with government requirements.

Market driven private education and training generates more than 30,000 jobs for Australians, more than half a billion dollars in export trade and more than one billion dollars in Australia annually. By joining ACPET you can help increase this remarkable effort and build Australian enterprise nationally and internationally.

If you would like more information about membership of ACPET or its Tuition Assurance Scheme, please contact our Membership Office on 1800 774 176 or via membership@acpet.edu.au.
ACPET advocates market driven private education and training and for our sector to generate increased employment and wealth across Australia by creating and responding to diverse markets both nationally and internationally.

Private providers in Australia need a strong voice to influence the legislation, regulations, compliance requirements and policies which affect the business environment in which they operate.

Private providers also need to maintain a positive profile in the media, amongst students and their parents, and the industry at large. Further, the choice and diversity that the private sector offers needs to be promoted.

By joining ACPET, you contribute to the collective voice of the private provider sector and so inform government, industry and students of your needs and capabilities.

If you are an individual or enterprise involved in the pursuit of private education and training and you want your voice to be heard at all levels of government, an opportunity to network with like-minded individuals and contribute to Australia’s impressive reputation as a leader in the provision of market driven education and training, then join ACPET.

Benefits of membership

- **A co-operative and highly professional network** of private providers and consultants
- **Advice and assistance** from ACPET Staff on a wide range of matters
- The weekly electronic newsletter, *National Monday Update*, which, in conjunction with e-Circulars, keep members up to date with issues and information as it arises
- **State forums and State Committee meetings**, which promote participation in the development of government policy that impact market driven education and training
- Access to a **national professional development framework** designed to assist members in compliance matters, and to promote innovation and best practices in the provision of education and training at a discounted member rate.
- **Discounted rates** to attend the **Annual ACPET National Conference**, which offers the opportunity to meet government Ministers and other key policy makers and provides a valuable **networking opportunity** generally
- **Lobbying and representation** on State/Territory/federal working parties, to ensure the interests of private education and training providers and consultants are advanced
- **A Code of Ethics** to ensure ethical business and management practices in the provision of education and training, thereby maintaining appropriate industry standards and quality among providers
- **Exclusive access** to ACPET’s **Tuition Assurance Scheme** to assure local student tuition while enrolled in an ACPET member college
- **Use** by Full Members of the ACPET logo for advertising and promotion
- Opportunity to **nominate for election** to the ACPET Board and specialist sub-committees and the right to vote for election of ACPET Board members
- **Discounts and free services** which may be arranged periodically from organisations offering products and services of interest to the education and training industry
- Access to the members only section of [www.acpet.edu.au](http://www.acpet.edu.au) which stores ACPET press releases, policy documents, and outlines ACPET’s policy position on various issues and provides the general public with a referral service to member’s courses and their locations
The ACPET Offices

National Office:  
Chief Executive Officer  
Suite 101, Level 1  
126 Wellington Parade, East Melbourne, Vic 3002  
PO Box 551, East Melbourne, Vic 8002  
Ph: (03) 9416 1355  Fax: (03) 9416 1895  
E-mail: acpet@acpet.edu.au  
Website: www.acpet.edu.au

ACPET Membership:  
Membership Office  
Email: membership@acpet.edu.au  
Ph: 1800 774 176 or (02) 8280 8100  
Fax: (02) 9264 4550  
PO Box Q1076, Sydney NSW 1230  
Suite 12, Level 14  
327 – 329 Pitt St, Sydney NSW 2000

ACPET ACT:  
ACT Executive Officer  
Suite 2, Level 2  
101 Northbourne Avenue, Turner ACT 2600  
Ph (02) 6247 3371  
Email: act@acpet.edu.au

ACPET NSW:  
NSW Executive Officer  
Suite 12, Level 14  
327 – 329 Pitt St, Sydney, NSW 2000  
PO Box Q1076, Sydney NSW 1230  
Ph: (02) 8280 8101  Fax: (02) 9264 4550  
Email: nsw@acpet.edu.au

ACPET VIC/TAS:  
VIC Executive Officer  
Suite 101, Level 1  
126 Wellington Parade, East Melbourne, Vic 3002  
PO Box 551, East Melbourne, Vic 8002  
Ph: (03) 9412 5900  Fax: (03) 9416 1895  
Email: vic@acpet.edu.au

ACPET QLD/NT:  
Qld Executive Officer  
Level 14, 46 Edward Street, Brisbane, Qld 4000  
Ph: (07) 3210 1628  Fax: (07) 3210 6347  
Email: qld@acpet.edu.au

ACPET SA:  
SA Executive Officer  
Level 1, 41 Currie Street, Adelaide SA 5000  
Ph: (08) 8221 5190  Fax: (08) 8221 5193  
Email: sa@acpet.edu.au

ACPET WA:  
WA Executive Officer  
Suite 1, 310 Lord Street, East Perth, WA 6004  
Ph: (08) 9227 0437  Fax: (08) 9223 0451  
Email: wa@acpet.edu.au
What is ACPET? And why was it established?

ACPET is the Australian Council for Private Education and Training. ACPET is the peak industry association for private providers of education and training in Australia, with over 1,000 members nationally.

ACPET is a not for profit company, established in January 1992, under the Corporations Act. It is administered by a Board, elected by the membership, and operates in accordance with the requirements of the Australian Securities and Investment Commission. The Registered Office of ACPET is Suite 1/126 Wellington Parade, East Melbourne Vic 3002.

ACPET was formed to enhance quality and innovation in Australian education and training for individual, national and global development. ACPET recognises that in promoting the diversity of private providers, the ultimate result is a real choice of product and outcome for consumers.

ACPET was also formed to give private providers a voice in the formulation of government policy that affects them, and lobbies for a level playing field in the areas of establishment and on-going compliance.

The ACPET philosophy

The ACPET philosophy is to enhance the quality and growth of market driven education and training by working proactively, conscientiously and co-operatively with government, education and training providers, industry and community organisations. The objective is to develop the private provision of vocational, higher education and ELICOS training services that are responsive to individual, community, national and international needs.

The dynamics of the private provider sector are founded on the spirit of the free market. It is a fundamental premise of the free market that a private business may choose to respond within the law to a market in a unique manner and may choose to create a market which is not apparent to others in order to gain business advantage.

If the dynamics of the private sector are to be maintained, it is necessary for education and training policy and regulation to enshrine diversity. ACPET seeks to work with governments to build national training and employment and to generate wealth in the states, territories and nationally. ACPET advocates market driven education and training to generate employment and wealth across Australia by responding to diverse opportunities both nationally and internationally.

ACPET Constitution, By-Laws & Code of Ethics

ACPET is committed to the quality provision of private education and training and promotes accuracy in advertising, fair trade and consumer choice. The ACPET Code of Ethics affirms the professional standards expected of education and training providers and consultants in relation to the management, marketing and delivery of education and training services.

Members are required to act with integrity in all dealings with clients including students (past, present and future), employers, government organisations and private enterprises.

All members are obliged to abide by the ACPET Constitution, ACPET By-Laws and ACPET Code of Ethics, and failure to do so, may result in termination of the membership.

Please ensure that you read and understand these documents prior to completing the ACPET Membership and TAS Application Form. These documents can be accessed on the ACPET website via http://acpet.edu.au/members/membership/handy-documents
What does ACPET do?

ACPET...
- works co-operatively with members, industry and the community to ensure Australian education and training provision is founded on choice, equity, free trade, and quality.
- represents private provider educators and trainers at peak government forums, committees and key policy development meetings.
- lobbies governments and appears at government inquiries to promote the private education and training sector.
- holds conferences and meetings, publishes a weekly newsletter to inform members of key government initiatives and to assist members to develop business.
- operates Australia’s largest Tuition Assurance Scheme that assures Australian students’ education and training in accordance with fee protection requirements and the *Higher Education Student Support Act*.
- provides a referral service to the general public of member private provider courses and locations and markets these via the ACPET web site and in publications.
- provides a Code of Ethics to foster ethical business and management practices in the provision of education and training
- investigates needs and developments in the education and training sector, including the impact of the private educator and trainer on the Australian economy, and informs government and members of the value of the private education and training sector in economic, employment and human terms.

How is ACPET governed?

Essentially, ACPET is owned and governed by its members. ACPET is structured as an incorporated, not-for-profit company and is administered by a Board in accordance with the requirements of corporations’ law. The ACPET Board is elected by the membership and any member who is fully approved and financial is eligible to stand for one of the Board positions.

The ACPET Board elects four office bearers annually. These officers are the Chair, who delivers a report to the Annual General Meeting, the Deputy Chair, the Treasurer and the Tuition Assurance Schemes Chair, all of whom serve in an honorary capacity.

Eight positions on the ACPET Board are elected directly by the members of each of the eight States and Territories; known as State and Territory Directors. The remaining three positions on the ACPET Board are elected by the ACPET members nationally, known as General Directors.

ACPET members can nominate to represent ACPET at forums across Australia, and any delegated representative is obliged to report the proceedings and minutes to the ACPET Board in a form requested by the Board.

The ACPET National Office is situated in Melbourne. ACPET employs a Chief Executive Officer and a number of full and part-time staff to assist members. ACPET State Offices operate in Victoria, ACT, Queensland, South Australia, Western Australia and New South Wales, with the Membership Office based in New South Wales.
Who are ACPET members?

Membership is open to education and training providers whose educational programs include courses delivered on a fee-for-service basis or who are in other ways involved in private education and training.

Applications from all sectors, including higher education, vocational education and training (VET), English Language Intensive Courses to Overseas Students (ELICOS) and foundation studies are welcomed. Private colleges, education institutes, industry training consultants, and education product developers are among the many members of ACPET. Please note that Membership is State/Territory based and Providers may apply to become a Member for each State or Territory in which they have business operations.

All ACPET members must agree to abide by the ACPET Code of Ethics, the ACPET Constitution and the ACPET By-laws (available on the ACPET website via http://acpet.edu.au/members/membership/handy-documents), and pay annual fees on time, failure to do so may result in the termination of membership.

Where do the membership fees go?

ACPET receives no government recurrent funding. Member’s subscription fees are allocated to maintain National and State Offices and their staff to manage on-going activities including publishing newsletters, handling enquiries, responding to government requests, attending major forums and administering accounts and member activities.

Members’ fees are also used to inform government, and for research to assist private education and training in Australia.

Application process

Separate applications are required for each State/Territory requiring membership and TAS cover and are classified as “pending” until the review and approval process has been completed. Final approval is dependent on the acceptance of the applicant by the ACPET National Board. ACPET reserves the right to seek views of its members and others to inform judgement of an applicant’s suitability.

When the application has been fully processed and the ACPET National Board has approved the application, the applicant will be invoiced. Following payment of the prescribed fees, a membership is deemed confirmed and membership certificates are issued and mailed with a ‘welcome pack’.

Companies and individuals interested in applying for membership of ACPET should complete the ‘Application for Membership’ form, and send the completed form along with the requested supporting documentation to the Membership Office. Please ensure the applications are completed by an Authorised Person. The Authorised Person should be a senior executive officer of the organisation, i.e. Executive Director, Managing Director, CEO etc

Payments cannot be made with the initial application. A tax invoice will be sent when the application has completed final approval. Please note that payment by credit card will attract a merchant fee.

ACPET’s Tuition Assurance Schemes cover requires a separate application for each State/Territory and payment of separate subscription fees. Additional information on the ASTAS can be found in the sections which follow. ACPET Tuition Assurance Scheme (TAS) cover is offered exclusively to approved
and financial members of ACPET. Applicants must be an approved ACPET member prior to making an application for Tuition Assurance Scheme (TAS) cover, or can make an application for TAS cover simultaneously with an application for ACPET membership. The TAS application will not be considered however if the application for ACPET membership is not approved or is rejected.

Categories of membership

Affiliate membership is available to:
- a provider involved with private education and training via a consultancy, or any other private advisory, design or delivery service and which is a subscriber to the Constitution and By-Laws by way of paying the Affiliate Membership Fee as defined in Section 5 of the ACPET By-Laws.

Category 2 membership is available to:
- private sole traders or private companies using a registered business name or privately registered businesses (for profit or not for profit) or a public provider which delivers accredited fee-for-service education and training, which is an accredited college or training provider with a turnover of less than $100,000 per annum and who are not members of, or seeking membership of ACPET's Tuition Assurance Scheme.

Category 3 to 8 membership is available to applicants who are:
- private sole traders or private companies using a registered business name or privately registered businesses (for profit or not for profit) or public providers of accredited fee-for-service education and training who are accredited colleges or training providers providing registered and accredited training services to students.

ACPET membership fees

The exact category of membership is determined by the total gross annual turnover of the organisation for the relevant State/Territory for revenue received from all training activity including student tuition (local and overseas), fee for service training and all government and employer funded placements. The bands of turnover and their corresponding membership categories are detailed in the ACPET Schedule of Fees available on the ACPET website via [http://acpet.edu.au/members/membership/handy-documents](http://acpet.edu.au/members/membership/handy-documents)
In June 2002, the Board approved the establishment of a Tuition Assurance Scheme for local students, known as the Australian Student Tuition Assurance Scheme (ASTAS).

To ensure its compliance with the requirements of the Higher Education Support Act 2003, in May 2004, the Board approved changes to the ASTAS policy. These changes facilitated compliance of the course assurance and refund requirements under the Act for members in the higher education sector, who are interested in the FEE-HELP or VET FEE HELP student loan scheme.

Under By-Laws 9.8 and 10.8 the ACPET Board has appointed a Working Group of the Board to implement and oversee the operations of the tuition assurance scheme; the TAS Working Group.

The Australian Qualifications Framework (AQF) is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework.

The Standards for NVR Registered Training Organisations 2011 (the Standards) replace the former AQTF standards for relevant applicants/RTOs. The Standards specify what an RTO needs to do or to have in order to demonstrate compliance with the AQF.

An important feature of the Standards is the requirement for organisations to have systems in place for ensuring the quality and validity of training and assessment throughout the scope of their registration and across all modes of delivery. Standard 11.3 requires RTOs to comply with an acceptable option when collecting student fees in advance.

As part of the federal government’s reforms to higher education policy, legislation was enacted in 2003 which allowed students, who are not Commonwealth supported, to access a government loan for part or all of their tuition fees at eligible institutions. The legislation, known as the Higher Education Support Act 2003, and the Guidelines under the Act, determine the regulations which govern the loans, known as FEE-HELP and VET FEE-HELP, Higher Education Institutions eligible to offer the loan, known as approved Higher Education Providers (HEPs).

Approved institutions must comply with the course assurance and refund requirements of Guidelines under the Act, intended to safeguard the tuition fees paid by the student.
VET FEE-HELP is an extension to the Higher Education Support Act and is available to VET students whose course complies with the requirements of the Act.

**The Scheme’s objective**

The first objective of the ACPET ASTAS is to ensure that local (domestic) students displaced from any course conducted by a member of ASTAS, due to the provider’s inability to continue the course, are efficiently relocated in a comparable course with another ACPET ASTAS member or other approved provider.

Secondly, the ACPET ASTAS provides a means whereby a student may receive a payment equivalent to any student contribution amount or tuition fee paid for any undelivered unit of study delivered by the education provider, where such provider is a Higher Education Provider approved by the Minister under the *Higher Education Support Act 2003*.

ACPET ASTAS cover is designed to:

1. ensure ASTAS members, as applicable, are compliant with the tuition assurance requirements of the *Higher Education Support Act 2003 or Guidelines* under the Act, and
2. comply with any or all tuition assurance requirements of State and Territory accrediting bodies generally.

**Members eligible to apply**

ASTAS cover is available exclusively to approved and financial members of ACPET. Applicants to the ASTAS must be an existing ACPET member, or can make an application for ASTAS simultaneously with an application for ACPET Membership.

For details on the application process of ACPET membership, see page 7 of this information pack. The bands of turnover and their corresponding ASTAS categories are detailed in the ACPET Schedule of Fees available on the ACPET website via [http://acpet.edu.au/members/membership/handy-documents](http://acpet.edu.au/members/membership/handy-documents)

It is not ACPET’s role to insist on members joining the ASTAS. ACPET considers membership of the scheme should be a voluntary business decision acknowledging that membership in the scheme will be a vital marketing tool.

An approved and financial member of ACPET is eligible for ASTAS cover if it:

- delivers approved programs leading to an accredited award;
- the member, or specific courses offered by the member, have not been refused coverage in the ACPET scheme or a similar scheme, and
- has complied with applicable legislative or regulatory requirements.

In the case of applicants delivering courses or programs in **two or more** States or Territories, ASTAS cover shall be required in respect of each State or Territory of delivery and details of each delivery location provided.
Students covered by the Scheme & their responsibilities

The scheme covers a student if he or she is a citizen or permanent resident of Australia and enrolled as a full or part-time student in approved programs leading to an accredited award and has paid tuition fees in advance and is not a student as defined in the Educational Services for Overseas Students Act 2000.

In relation to students defined within the meaning of the Education Services for Overseas Student Act 2000, from 1 July 2012, fee protection will be provided via the Government’s Tuition Protection Service.

The student will normally be responsible for meeting any relocation expenses and the purchase of any texts or materials required by the receiving member.

What the Scheme provides

Should a participating member be unable to continue operating a course, ACPET will arrange for any eligible student who has not withdrawn from the course and has not completed units of study and courses of study due to:

- the course not commencing on the agreed starting date;
- the course ceasing to be provided after it has started; or
- the full course not being delivered because a sanction has been imposed on the provider;

to be offered enrolment in a course leading to the same, or a comparable, qualification with minimum disruption to studies or a refund of tuition fees for unused portions of a tuition fee where such arrangement is provided pursuant to the Higher Education Support Act 2003 or under Guidelines issued under that Act. In these instances, such tuition fee refund arrangements shall apply only to students who were enrolled in ASTAS-HE or ASTAS-VET and where the former ASTAS-HE or ASTAS-VET member provider has not transferred to another provider, with whom the student has enrolled, the student’s contribution amount or tuition fee.

When a student is relocated, the member receiving the student will make no additional tuition charge for the portion of the course for which the former member provider, who is no longer able to deliver that course, has received payment. ACPET do not transfer any fees to member colleges to accept students. The member receiving the student is entitled to charge a tuition fee for any portion of a course not previously paid for by the student to the former member provider.

If no member of the Scheme offers a course leading to the same, or a comparable, qualification, the ACPET ASTAS will make the necessary financial and administrative arrangements to purchase or obtain access to an appropriate course for the specific purpose of offering these students placement. These courses may be delivered by a member of the Scheme, or may be delivered by another registered/approved provider commissioned by the ACPET ASTAS for that purpose, or a refund of tuition fees may be made where a member is an ASTAS-HE or ASTAS-VET member.

In all cases, whether a student is relocated, or their unused portion of tuition fees reimbursed, the Scheme will assume responsibility for ensuring that the student receives documented full credit for units of study completed at the former member provider.
Regulation of ACPET ASTAS

The By-laws of ACPET, which are subject to the Constitution of the Council and are binding on all members, regulate the conditions of the operation of the ASTAS, including recognition of units of previously completed units of study, provision for placement of displaced students (or refund of student tuition fees where relevant), and the circumstances in which a provider’s membership may be cancelled.

Provision for the lodging of complaints against members is made in the Code of Ethics.

All funds received from members in the form of ASTAS subscription fees are administered with and by the authority of the ACPET National Board.


ASTAS fees & the application process

The annual fee payable for ASTAS is determined by three variables: Category, Type and Risk Level.

The Category of ASTAS is determined from the annual gross turnover realised from tuition fees from all Australian students including FEE-HELP and VET FEE-HELP in the last financial year. This figure places the applicant in a band of turnover, as indicated in the table below.

The Type of ASTAS is generally established from the nature of the courses to be covered under the ASTAS. The three Types are described as follows:

Type A: Members with more than 75% of courses offered by five or more other ACPET members in the same state or territory

Type B: Members with more than 25% of courses offered by less than five other ACPET members in the same state or territory

ASTAS-VET/ASTAS-HE (Type C): Applicants with or applying for FEE-HELP or VET FEE-HELP approved status under the Higher Education Support Act 2003.

Note: If applying for ASTAS VET / ASTAS HE cover, please ensure that you submit your application to ACPET at the same time your application is submitted to DIISRTE to ensure that ACPET processing timeframes do not delay your DIISRTE application.

The ASTAS Risk Level is based on a TAS Criteria assessment completed of the general business, financial and education information requested at application.

The Category, Type and Risk Level listed should be used as a guide only. All applications are individually assessed by the Membership Team, reviewed by the National Membership Manager and the CEO and are subject to the ultimate recommendation to the ACPET National Board, who make the final approval.

The ASTAS fees applicable to each type reflect the extent of risk to ACPET associated with the provision of tuition assurance arrangements in each instance. Providers, for whom more than 25% of the courses
are delivered by less than five other ACPET ASTAS members or have any courses which are ASTAS-HE and/or ASTAS-VET, are charged a premium on the Type A fees. Additional financial provisions, such as a bank guarantee or contribution to the ACPET Provider Contribution Trust, will be required for providers offering unique courses that are not on the ASTAS scope of other ACPET members in the same state/territory.

ACPET Membership and ASTAS renewal

ACPET Membership is renewed each year in line with the financial year, while ASTAS is renewed on a Members anniversary of joining the ASTAS.

Every twelve months, on a Members anniversary of joining the ASTAS, a full ASTAS risk assessment will be undertaken. ACPET will request information from Members relating to courses offered, organisational ownership and structure, financial viability, audit cycles, current and future enrolment numbers, business planning and other criteria to confirm ASTAS Category, Type and Risk Level prior to renewal of ASTAS cover.