

Smart and Skilled Fee Administration Policy

Version 2.5

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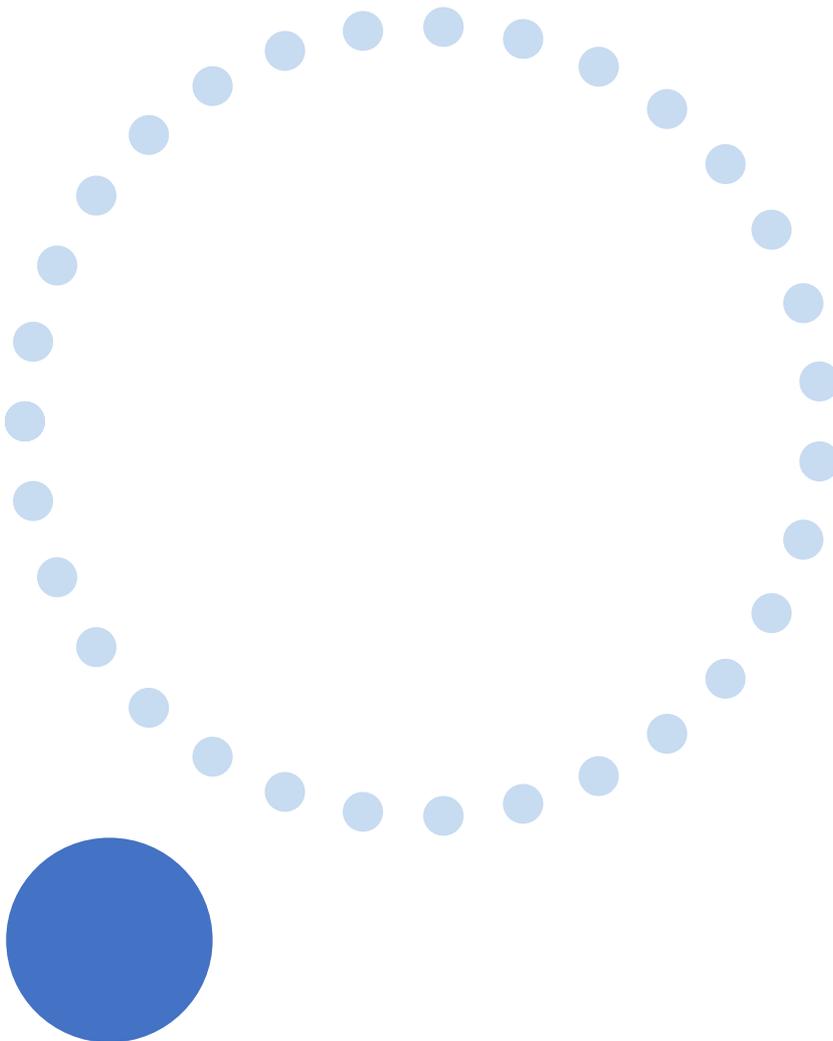
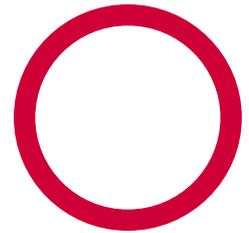


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Section 1: Introduction

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

- Smart and Skilled Entitlement Foundation Skills (EFS)
- Smart and Skilled Entitlement Full Qualifications (EFQ)
- Smart and Skilled Entitlement Apprenticeships and Traineeships (EAT)
- Smart and Skilled Targeted Priorities Full Qualifications (TPFQ)
- Smart and Skilled Targeted Priorities Prevocational and Part Qualifications (TPPPQ).

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

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- The Schedule of Prices, Fees and Subsidies
- Any other relevant Smart and Skilled policy documents.

The NSW Skills List indicates the full qualifications funded under Smart and Skilled.

1.1 Smart and skilled eligibility

To be eligible for subsidised training under Smart and skilled, a student must meet the relevant eligibility criteria for the Smart and Skilled program the qualification they are enrolling into is funded by.

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

1.2 School Based Apprenticeships and Traineeships Program

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**.

Section 2: Smart and Skilled 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 (they are not annual or semester fees)
- lower for a student doing their first post-school qualification
- set for the student and the qualification, and will be the same regardless of the Provider chosen.

2.1 Charging fees

There are different categories of student fees, based on the program, 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.

The different categories of student fees are also explained in detail in **Section 3: Fee categories and eligibility**

The fees applicable under the TPPPQ Program are set out in the relevant Activity Schedule.

The Provider must only charge the student the relevant fee set by the NSW Government for the subsidised training the student is undertaking. The student fee to be charged will be confirmed when the Provider enters the student data into the Smart and Skilled Provider Calculator.

The Provider must not charge the student any additional fees, except for additional costs outlined in **Section 4: Additional costs to a student**.

Note:

All references in this policy to charging a student a fee encompasses charging anyone else who may pay the fee on behalf of the student. This includes, but is not limited to:

- * the student
- * the student's employer
- * parent/guardian.

2.2 Credit transfer and recognition of prior learning

Where an eligible student is granted credit transfer (CT) or recognition of prior learning (RPL) or for one or more units of competency (UoC), the qualification price will be adjusted and a new student fee determined. The qualification price is based on both fixed and variable costs and adjustments will be made to both these cost components.

Credit transfer (CT)

The Provider must comply with the VET Regulator’s guidelines in connection with granting Credit Transfer.

CT provides a means for a student to gain credit in the qualification they are undertaking on the basis of having previously completed UoCs or modules in another qualification or other formal learning. Being granted CT for a UoC or module means the student does not have to undertake the UoC/module again. It reduces the amount of learning to be undertaken and may reduce the student fee.

Providers must inform a student of CT opportunities and advise them to check their academic transcripts for any previous qualifications achieved to identify any potential opportunities for CT.

Providers can also advise a student to visit the USI Registry at <https://portal.usi.gov.au/student/> to check if any information is stored by the Registry on previous training they have undertaken, to help identify any previously achieved UoC/modules that can be granted CT.

This information can be given to the Provider which may entitle the student to a reduced fee.

The Provider must grant CT for any units already achieved, where the evidence to support this is provided.

Where CT is granted, student fees are calculated as follows:

- The fixed cost of the qualification will be reduced by the proportion of UoCs given CT.
- The variable cost will be reduced by the total cost of each UoC granted CT.

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.

Example of CT:

A Certificate III has a qualification price of \$8,000 with a fixed cost of \$3,000 and a variable cost of \$5,000. The qualification consists of 25 UoCs at \$200 each.

The student fee is 25% of the qualification price (\$2,000). Student A has no CT. Student B has CT for five (5) UoCs (i.e. 20% of the qualification).

Field	Student A	Student B
Student fee prior to CT	\$2,000	\$2,000
Fixed Cost	\$3,000 No reduction	\$2,400 This is reduced by the proportion of units with CT. In this case, the reduction is 20% x \$3,000 = \$600
Variable Cost	\$5,000 No reduction	\$4,000 This is reduced by the total cost of each UoC with CT. In this case, the reduction is 5 x \$200 = \$1,000
New Qualification Price	\$8,000	\$6,400
New Student Fee (25% of new price)	\$2,000	\$1,600

Recognition of prior learning (RPL)

The Provider must ensure that its Recognition Process aligns with the NSW Recognition Framework as published from time to time. Recognition of Prior Learning for Apprenticeships and Traineeships must comply with all Applicable Laws, including the Apprenticeship and Traineeship Act 2001.

RPL involves a student demonstrating they already have the skills and experience to complete the qualification (in whole or part) without needing to attend classes or participate in learning.

Providers must inform the student of RPL opportunities and of the process for applying.

Where RPL is granted, student fees are calculated as follows:

- The fixed cost of the qualification will be reduced by 50 per cent of the proportion of UoCs granted RPL.
- The variable cost will be reduced by 50 per cent of the total cost of each UoC 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.

Example of RPL:

A Certificate III has a qualification price of \$8,000 with a fixed cost of \$3,000 and a variable cost of \$5,000. The qualification consists of 25 UoCs at \$200 each.

The student fee is 25% of the qualification price (\$2,000). Student A has no RPL. Student B has RPL for five (5) UoCs (i.e. 20% of the qualification).

Field	Student A	Student B
Student fee prior to CT	\$2,000	\$2,000
Fixed Cost	\$3,000 No reduction	\$2,700 This is reduced by 50% for the proportion of units with RPL. In this case, the reduction is 50% x 20% x \$3,000 = \$300
Variable Cost	\$5,000 No reduction	\$4,500 This is reduced by 50% of the total cost of each UoC with RPL. In this case, the reduction is 50% x 5 x \$200 = \$500
New Qualification Price	\$8,000	\$7,200
New Student Fee (25% of new price)	\$2,000	\$1,800

Where RPL for a UoC(s) 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.

Note: Where a student is granted a mix of RPL and CT, the combination of the above two methodologies will be used to calculate the new student fee

2.3 Calculating and adjusting fees for CT and RPL

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

Where CT and/or RPL 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 adjust the subsidy payment and advise the Provider of the new student fee. The Provider must take all necessary steps to advise the affected student of the adjusted fee and to amend the fee levied to the student, including changing future fee payment schedules.

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

Fee for a concession student 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 lower fee i.e. the adjusted Standard Student fee.

2.4 Student fees for part qualifications

There are three part qualification streams that are subsidised under the TPPPQ Program:

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

A student undertaking a part qualification under the TPPPQ Program will not be charged a fee. The subsidy the Provider receives will cover the full cost of training.

A student seeking to achieve a full qualification should not be enrolled in multiple part qualifications that make them eligible for the issue of the full qualification. The student must be enrolled in the full qualification under the relevant Smart and Skilled full qualification program and will be required to pay the relevant fee.

Completing a part qualification under the TPPPQ Program does not affect the fee eligibility of a student undertaking a full qualification under Smart and Skilled.

2.5 Student fees if a part qualification(s) has been achieved

If a student has previously achieved a part qualification (including nationally accredited skill sets), and the student subsequently undertakes a full qualification under the EFQ or TPFQ Programs, and they are required to pay a student fee, then the student must pay either the Standard Student – First Qualification Fee or the concession fee. Achievement of a part qualification is not deemed to be post-school qualification.

In some instances, a student may undertake two or more part qualifications, and as a result, they are awarded a full qualification. If the student subsequently undertakes a full qualification under the EFQ or TPFQ Programs, and they are required to pay a student fee, then the student must pay either the Standard Student – Subsequent Qualification Fee or the concession fee. The student must indicate at enrolment that they have previously achieved a full qualification.

2.6 Fees for Continuing Students

The student fee is for the whole qualification and should be determined at enrolment. It therefore applies for the duration of training for a particular enrolment (CID) even where the student is undertaking training over more than one contract period.

2.7 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.

A student who subsequently wishes to apply for Smart and Skilled subsidised training will be subject to Smart and Skilled general and fee eligibility requirements.

Section 3: Fee categories and eligibility

The student fee categories are:

1. Standard Student
 - First Qualification
 - Subsequent Qualification
2. Apprenticeship
3. Traineeship
4. Concession
5. Exemptions and fee-free training

The process for calculating fee arrangements is at **Appendix 2: Student fee arrangements**.

Evidence requirements for each of the fee categories is at **Appendix 3: Proof of eligibility - Acceptable evidence**.

3.1 Standard student fees

The Standard Student fee applies to a student who is not doing an apprenticeship or traineeship or who does not qualify for a concession fee or one of the fee-free categories.

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 previous post-school qualification achieved by the student, to assess the appropriate Standard Student fee.

Standard Student—First Qualification fee

Applies to a student who does 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.

The First Qualification fee also applies to a student who is 15-17 years old at commencement of training regardless of any previous qualification.

The Standard Student—Subsequent Qualification Fee

Applies to a student who already holds 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.

Qualifications achieved overseas that are not formally recognised in Australia are also considered to be a previous post-school qualification.

The Standard Student—Subsequent Qualification fee is the higher of the two Standard Student fees because a student undertaking a second or subsequent post-school qualification has 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.

Qualifications not deemed to be post-school qualifications

The following qualifications are not deemed to be post-school qualifications, and as a result, a student who holds one of these post-school qualifications will only be required to pay the First Qualification Fee.

- qualifications achieved while at school as part of a student's secondary education
- qualifications achieved prior to turning 17
- Certificate I qualifications
- Certificate IV Tertiary Preparation.
- 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)

3.2 Apprenticeship fees

Apprenticeship fees apply to NSW Apprentices undertaking training in a qualification offered on the NSW Skills List as part of an apprenticeship pathway that supports their apprenticeship.

Under the NSW Government's **Fee-free Apprenticeship Initiative**, NSW apprentices who are funded under Smart and Skilled, and who commence subsidised training on or after 1 July 2018, are eligible for free training.

An apprentice eligible under this initiative will be exempt from fees for their apprenticeship qualification. Please see **Appendix 7: Fee-free Apprenticeships** for further information and eligibility requirements.

For apprentices who are not eligible, the fee for a qualification delivered to an apprentice under an apprenticeship pathway is lower than for a non-apprenticeship pathway and is capped at \$2,000.

3.3 Traineeship fees

Traineeship fees apply to NSW New Entrant Trainees undertaking training in a qualification offered on the NSW Skills List as part of a traineeship pathway that supports their traineeship.

Under the NSW Government's **Fee-free Traineeship Initiative**, NSW trainees who are funded under Smart and Skilled, and commence subsidised training on or after 1 January 2020, are eligible for free training.

A trainee eligible under this initiative will be exempt from fees for their traineeship qualification. Please see **Appendix 8: Fee-free Traineeships** for further information and eligibility requirements.

For trainees who are not eligible, the fee for a qualification delivered to a trainee under a traineeship pathway is lower than for a non-traineeship pathway and is capped at \$1,000.

3.4 Concession fees

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

A student who receives a specified Commonwealth Government benefit or allowance, as listed at **Appendix 4: Specified Commonwealth Government benefits and allowances for concession fees**, is eligible for a concession fee for a qualification up to and including Certificate IV. The student must be in receipt of the specified benefit or allowance at the time of enrolment to be eligible.

The concession fee is also available to a student who is a dependant of a person receiving a specified Commonwealth Government 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 a student enrolling in a Diploma or Advanced Diploma.

3.5 Exemptions and fee-free training

A student who falls into one of the following categories will qualify for fee-free training:

- Australian Aboriginal and Torres Strait Islander
- student with a disability(ies)
- dependant child, spouse or partner of a recipient of a Disability Support Pension
- refugee or asylum seeker
- recipient of a Fee-Free Scholarship
- studying a qualification under the Entitlement Foundation Skills Program.

Under the Fee-free Apprenticeship Initiative and the Fee-free Traineeship Initiative, apprentices and trainees who meet the eligibility criteria will also be eligible for fee-free training. Please see **Appendix 7: Fee-free Apprenticeships** and **Appendix 8: Fee-free Traineeships** for further information and eligibility requirements.

Under the Skilling for Recovery Initiative, students who meet the eligibility criteria will also be eligible for fee-free training. Please see **Appendix 9: Skilling for Recovery Initiative** for further information and eligibility requirements.

Fee exemption for an Aboriginal and Torres Strait Islander student

An Australian Aboriginal and Torres Strait Islander student can prove their status and eligibility for a fee exemption through descent, self-identification and community identification.

A student eligible for this fee category will be exempt from fees for any Smart and Skilled enrolments for which they are eligible.

Fee exemption for a Student with a disability(ies)

A student will be eligible for a fee exemption on the basis of disability if the student is:

- in receipt of the Commonwealth Government Disability Support Pension, or
- assessed as having documentary evidence of support demonstrating a clear additional need as a result of the student's disability.

A student eligible for this fee category will be exempt from fees for any Smart and Skilled enrolments for which they are eligible.

Fee exemption for a student who is a dependant of a person with a disability(ies)

A student who seeks a fee exemption on the basis of this category will need to provide documentary evidence to show they are a dependant child, spouse or partner of someone who is receiving a Commonwealth Government Disability Support Pension.

A student eligible for this fee category will be exempt from fees for any Smart and Skilled enrolments for which they are eligible.

Fee-free training for refugees and asylum seekers

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 6: Refugees and asylum seekers**.

A student eligible for this fee category will be exempt from fees for any Smart and Skilled enrolments for which they are eligible.

Fee-free Scholarships

A student undertaking a full qualification up to and including Certificate IV may be eligible for a Smart and Skilled Fee-free Scholarship if they are:

- aged between 15 and 30 (inclusive) at the start date for training and eligible for a concession fee (i.e. a Commonwealth Government benefit recipient), or
- 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 care; or
- aged 15 and over, and be able to disclose (self-declare) at enrolment that they meet the domestic and family violence definition.

Fee-free training - Foundation Skills

A student that meets the standard Smart and Skilled eligibility criteria and undertaking training under the EFS program will not be required to pay a fee.

3.6 Validation of student eligibility and fee

The Provider must use the Provider Calculator to confirm students' Smart and Skilled eligibility for a qualification and the student fee (or no fee) to be charged.

The Provider cannot charge a student 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 a student from paying the fee. See **Section 4: Additional costs**.

Circumstances may arise where the fee quoted by the NSW Government must be adjusted (such as where the student obtains a CT or RPL after enrolment or after commencement). See **Section 2.5 Recognition of prior learning and credit transfer** for more information.

A Student Fee Estimator is available on the Course Finder search on the Smart and Skilled website that a student can use to check their eligibility and estimate their fee for NSW Skills List qualifications. This will be an estimate only, and the student fee to be charged will be confirmed when entering the student enrolment information via the Notification of Enrolment in the Provider Calculator.

3.7 Evidence of eligibility

A student must declare that the information they provide with regards to eligibility is true, accurate, complete and not misleading.

Additionally, for some fee types, a student may be required to provide evidence to support their eligibility for the Smart and Skilled fee type. The Provider must sight or maintain acceptable evidence as detailed in **Appendix 3 - Proof of eligibility - Acceptable evidence**.

Section 4: Additional fees

The price of a qualification, which is made up of the government subsidy and student fee, covers the total costs incurred by the Provider to deliver the training, including training materials, learning resources and assessment.

A Provider must not charge the student any additional fees for the subsidised training, except where specified in the following subsections.

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

The Provider must issue receipts for any monies collected by the Provider for additional charges. The Provider must retain copies of any receipts issued.

The following is applicable for both full and part qualifications (including single UoC or module delivery) undertaken under Smart and Skilled.

Note: All references in this policy to charging a student a fee, and to make the student aware of fees and costs, encompass anyone who may pay the fee on behalf of the student. This includes, but is not limited to:

- * the student
- * the student's parent or guardian
- * the student's employer
- * any other organisation or entity

4.1 Customisation of training

The Provider cannot charge an additional fee for customisation of the training where the customisation is within training package rules, except in the specific instances outlined in **section 4.2 Incidental Expenses**.

If the customisation results in training delivery in excess of the training package rules, see **section 4.3 Additional training** for details on allowable charges.

4.2 Incidental expenses

There may be some instances where the Provider can charge 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.

- published learning resources that are non-essential to training delivery, become the physical property of the student and are retained by the student on completion of training;

Example

Published textbook

Note: The Provider cannot charge for

- * learning resources such as workbooks or learner guides, that are essential to the delivery of training,
- * a hard copy text book where an online version is available for the student free of charge (unless the student is informed of the additional charges for the hard copy text book and agrees to purchase it).
- * learning resources that have been replicated by the Provider (e.g photocopies, or computer printouts whether they have been bound or not).
- * learning resources that have been developed “in house” by the Provider.

- 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; and

Examples

1. The textbook for a qualification is an online resource but a student would like a hardcopy. In this instance, the Provider may charge the student for the textbook. The textbook would become the personal property of the student.

2. The Provider may charge an employer if it requests the development of alternative bespoke forms of materials/resources which are for use in training delivered exclusively to employees of the employer.

3. A Provider uses a particular brand of heavy vehicle engine for training and assessment. The Provider may arrange to deliver training to a group of employees and the employer requests that the training be delivered on a different brand of heavy vehicle engine used in its workplace. The Provider must reasonably explore options to provide access to the requested brand of equipment without an additional charge, such as use of the employer’s equipment for on-site training and assessment, or to rent the equipment. If the request cannot be fulfilled within the Smart and Skilled funding for the qualification, the Provider and employer may make an agreement for an additional fee to cover the cost.

Note:

The Provider cannot charge an additional fee to maintain or upgrade their equipment in order to fulfil a request outlined in Example 2.

- field trips and food, transport and accommodation costs associated with the provision of field trips that form part of the training.

4.3 Additional training

The student may request additional units of competency to be delivered in conjunction with their Smart and Skilled subsidised qualification. This would be UoCs that are over and above what is required under the training package rules to achieve the qualification.

The Provider must attempt to cover the costs of delivering the requested additional UoCs within the Smart and Skilled funding for the qualification.

If this is not possible, the Provider must make all reasonable attempts to source alternative subsidised funding for the additional training prior to entering into fee-for-service arrangements with the student.

Where subsidised funding is not available, the student must agree to any fee-for-service charges prior to enrolment.

At the successful completion of training, the student will be issued with the qualification plus a statement of attainment for the additional UoCs delivered.

Example

A student is undertaking subsidised training that requires 15 units of competency to achieve the full qualification. The student, or their employer, requests an additional 5 UoCs to be delivered, either from this or another qualification. The cost of the additional units cannot be absorbed by the funding received by the Training Provider for the full qualification. The Provider accesses alternate funding for the delivery of the 5 additional UoCs.

4.4 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.

Section 5: Paying fees

5.1 Levying of student fees

The Provider can determine the payment arrangements for student fees, but the Provider must publish information and inform each student 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 employer of the student; 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 behalf of a student.

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 Student Loan (or a loan from any other Commonwealth Government loan program) the amount will be paid directly to the Provider by the Commonwealth Government.

5.2 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.

5.3 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 without penalty cut-off date

Where a student withdraws from training after the cut-off date, 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.

5.4 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 the student aware of the policy prior to or at enrolment.

5.5 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 CT and/or RPL 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 Student Loans (or any other Commonwealth Government loan program) approved qualifications, the Provider must comply with the Commonwealth's VET Student Loans (or any other Commonwealth Government loan program's) Refund policy.

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

5.6 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 an EFQ qualification, the student must pay the student fee applicable for both qualifications.

5.7 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.

5.8 Changes to Student Fees

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

5.9 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 or
- their Provider has closed, or has had their contract terminated, or the Provider cannot continue to deliver training to the student in the delivery mode chosen by the student and it is not possible for the student to continue training in an alternative delivery mode.

A student who transfers 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 subsequent Provider of the student 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.

A student who transfers due to Provider closure or contract termination or change in delivery mode

As mentioned, a student may be forced to transfer from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training because:

- their Provider has closed
- their Provider has had its contract terminated
- their Provider cannot continue to deliver training to the student in the delivery mode chosen by the student and it is not possible for the student to continue training in an alternative delivery mode.

Students in these situations will be supported to complete their training in a replacement course with a subsequent provider.

The following rules apply in these circumstances

- 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.

The subsequent Provider must obtain the following documentation 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 and a receipt of payment 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 fee to be charged to the student.

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 fee to be charged to the student.

5.10 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.

5.11 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 \$1,500 (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 on the ASQA website.

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.

Section 6: 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: www.studyassist.gov.au/vet-student-loans.

Provider information on VET Student Loans is available from: www.education.gov.au/vet-information-providers.

Section 7: Student access to fee policies

7.1 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.

7.2 Provider's policies

As listed throughout this document, the Provider must also make the student 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.

Appendix 1: Smart and Skilled eligibility criteria

Eligibility for the Smart and Skilled Entitlement Apprenticeship & Traineeship (EAT) Program

NSW apprentices and NSW 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.

Eligibility for all other Smart and Skilled Programs

To be eligible for the Entitlement Foundation Skills (EFS), Entitlement Full Qualifications (EFQ), Targeted Priorities Full Qualifications (TPFQ), and Targeted Priorities Prevocational and Part Qualifications (TPPPQ) programs, a student 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 (excluding home schooled students).

Live or Work in NSW

An Aboriginal and Torres Strait Islander student who does not live or work in NSW but lives in specific defined interstate NSW border areas are eligible for government-subsidised training under Smart and Skilled (as identified in the list set out in the Smart and Skilled Operating Guidelines).

No longer at school

To be eligible for Smart and Skilled, a student must have left school (whether by school education or an alternative pathway 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) and the NSW Educational Amendment (School Leaving Age) Regulation 2009. A student who is still at school and completing an apprenticeship or traineeship outside of their school studies is ineligible for Smart and Skilled.

Home Schooled Students

Home schooled students who are registered by the NSW Education Standards Authority are eligible for Smart and skilled.

Exemptions from eligibility

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

Appendix 2: Student fee arrangements

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

*See section 3.1 for detailed information on the qualifications deemed not to be *Post School Qualifications* for fee eligibility purposes. This list includes, but is not limited to, qualifications obtained while a student is in school or before turning 17, Certificate 1 qualifications and Smart and Skilled Foundational qualifications.

Appendix 3: Proof of eligibility - Acceptable evidence

(Should be read in conjunction with [Section 3: Fee Category eligibility](#))

At enrolment, a student declaration is acceptable where a form of evidence is required to be sighted or collected by the Provider. The required evidence, however, must be sighted or collected by the Provider prior to submitting Training Activity Data for an enrolled student who has Commenced to ensure the student is charged the appropriate fee.

Requirement	Evidence	Evidence requirements
Proof of Identity:		
1. Proof of identity	<ul style="list-style-type: none"> USI. <p>The Provider must ensure validity of the USI. The Department will also check validity with the USI Registry.</p>	Valid USI at enrolment
Smart and skilled eligibility:		
2. Living or working in NSW	<p>Living in NSW:</p> <ul style="list-style-type: none"> any Commonwealth or NSW Government issued document providing evidence of living location, or <p>If the student does not live in NSW, Working in NSW:</p> <ul style="list-style-type: none"> employer-issued document confirming employment in NSW. 	Evidence sighted or collected by Provider
3. Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident	<p>Australian citizen:</p> <ul style="list-style-type: none"> Australian birth certificate; or Australian Passport; or Certificate of Australian Citizenship (Naturalisation Certificate); or Green Medicare Card. <p>New Zealand citizen:</p> <ul style="list-style-type: none"> New Zealand birth certificate; or New Zealand Passport; or Green Medicare Card. <p>Permanent Australian resident:</p> <ul style="list-style-type: none"> a Certificate of Evidence of Resident Status (CERS), which confirms status as an Australian permanent resident; or 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; or Green Medicare Card. 	Evidence sighted or collected by Provider
4. Humanitarian visa holder (Refugee or asylum seeker)	<ul style="list-style-type: none"> Relevant visa documentation; or ImmiCard (where appropriate) <p>If the student holds a Bridging Visa, the student must provide a document from the Department of Immigration and Border Protection acknowledging that the bridging visa is linked to an application for a humanitarian visa. For additional information, refer to Appendix 6: Refugees and asylum seekers.</p>	Evidence sighted or collected by Provider
5. Home schooled students	<ul style="list-style-type: none"> Copy of current certificate of home schooling registration, which clearly indicates the period of time for which the student will be home schooled 	Evidence sighted or collected by Provider

Requirement		Evidence	Evidence requirements
6.	Date of birth	<ul style="list-style-type: none"> USI data 	USI checks date of birth
7.	Registration as NSW apprentice or new entrant trainee	<ul style="list-style-type: none"> Training Contract identifier (TCID) number 	Department system check against details of approved or registered Training Contract stored in the Department's database
8.	Previous qualification	<ul style="list-style-type: none"> Department's system may check against Smart and Skilled records and/or USI academic transcript records. 	Student declaration/signature at enrolment
9.	Year 10 completion or equivalent (if under 17)	<ul style="list-style-type: none"> Evidence that student has met school leaving age requirement 	Student declaration/signature at enrolment
10.	Postcode for Australian Aboriginal or Torres Strait Islander on borders	N/A	Student declaration/signature at enrolment
Concession fee eligibility:			
11.	Concession Fee: Commonwealth Government Benefit Recipient	<ul style="list-style-type: none"> 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 	Evidence sighted or collected by Provider
12.	Concession Fee: Dependant of Commonwealth Government Benefit Recipient	<ul style="list-style-type: none"> A dependant child, spouse or partner of someone who is receiving a specified Commonwealth Government benefit or allowance, must provide documentary evidence that Centrelink recognises the student as the dependant <p>The evidence must clearly show the CRN of the benefit or Commonwealth Government benefit recipient.</p>	Evidence sighted or collected by Provider
Exemptions, waivers and fee-free training eligibility:			
13.	Fee Exemption: Australian Aboriginal or Torres Strait Islander	N/A	Student declaration/signature

Requirement	Evidence	Evidence requirements
14. Fee Exemption: Disability	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ▪ a medical practitioner; or ▪ an appropriate government agency such as Veteran's Affairs or a TAFE NSW teacher consultant (for a student 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). 	Evidence sighted or collected by Provider
15. Fee Exemption: Dependant of a person with a disability	<ul style="list-style-type: none"> • Documentary evidence that Centrelink recognises the student as a dependant child, spouse or partner of someone who is receiving a Commonwealth Government Disability Support Pension. <p>The evidence should clearly show the Centrelink Reference Number (CRN) of the Disability Support Pension recipient.</p>	Evidence sighted or collected by Provider
16. Fee Waiver: Refugee or Asylum Seeker	<ul style="list-style-type: none"> • As per requirement 4 	Evidence sighted or collected by Provider
17. Fee-free training - Fee-free Scholarship (Concession eligible)	<ul style="list-style-type: none"> • As per requirement 11 or 12, Concession Fee • A concession student who meets the requirements for Social housing status will be given priority. 	Student declaration/signature at enrolment

Requirement	Evidence	Evidence requirements	
18.	Fee-free training - Fee-Free Scholarship (Out-of-Home Care eligible)	<p>For a student currently in out-of-home care:</p> <ul style="list-style-type: none"> • A copy of the Children's Court Care Order, or • A copy of the 'Confirmation of Placement' letter, or • 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 • Any other evidence which clearly shows that the student is in out-of-home care. <p>For a student previously in out-of-home care:</p> <ul style="list-style-type: none"> • A copy of the expired Children's Court Care Order, or • A copy of the 'leaving care' letter from the Minister for Family and Community Services, or • A letter from Family and Community Services verifying the student was previously in statutory or supported care, or • Any other evidence which clearly shows that the student was previously in out-of-home care. 	Evidence sighted or collected by Provider
19.	Fee-free training - Fee-Free Scholarship (Domestic and Family Violence eligible)	<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"> • Legal Aid NSW through their Women's Domestic Violence Court Advocacy Services, or • Organisations who provide Integrated Domestic Family Violence Services, or • Organisations who provide <i>Staying Home, Leaving Violence</i> services, or • Organisations who deliver Specialist Homelessness Services (i.e. refuges and crisis accommodation), or • Domestic Violence NSW, or • 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). 	Evidence sighted or collected by Provider
20.	Fee-free training - Entitlement Foundation Skills	N/A	Student enrolment in the Program
21.	Fee-free training - Fee-free Apprenticeships	<ul style="list-style-type: none"> • Date of commencement of Smart and Skilled training must be 1 July 2018 or later <p>For additional information, refer to Appendix 7: Fee-free Apprenticeships</p>	Student declaration/signature at enrolment
22.	Fee-free training – Fee-free Traineeships	<ul style="list-style-type: none"> • Date of commencement of Smart and Skilled training must be 1 January 2020 or later <p>For additional information, refer to Appendix 8: Fee-free Traineeships</p>	Student declaration/signature at enrolment
23.	Fee-free training – Skilling for Recovery Initiative	For evidence requirements, refer to Appendix 9: Skilling for Recovery Initiative	Student declaration/signature at enrolment

Requirement	Evidence	Evidence requirements
Loading to Provider: Evidence Requirements		
24.	Needs Loading: Australian Aboriginal or Torres Strait Islander	<ul style="list-style-type: none"> A student that meets eligibility/evidence requirements for a fee exemption based on being an Australian Aboriginal or Torres Strait Islander will automatically attract a loading (as per requirement 13)
25.	Needs Loading: Disability	<ul style="list-style-type: none"> A student that meets eligibility/evidence requirements for a fee exemption based on Disability will automatically attract a loading (as per requirement 14). <p>Dependants of a recipient of a Disability Support Pension do not attract a loading.</p>
26.	Needs: Long-term unemployed – over 12 months	<ul style="list-style-type: none"> Letter from Employment Service Provider is required
27.	Location Loading: Residential address – regional or remote	<ul style="list-style-type: none"> As per requirement 2

NOTE:

- All evidence must be able to be verified by the Provider. At the Department’s discretion, the Department may request a copy of the evidence or proof that the evidence has been sighted.
- Where evidence is sighted but not kept, a record that confirms sighting of the evidence and a description of the evidence, must be maintained by the Provider. The record must be dated and signed by a person authorised by the Provider. The name of the signatory and their position should also be captured.
- 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
- If a student declares their status in relation to a disability, concession or long-term unemployment or identify as an Australian Aboriginal or Torres Strait Islander at a point in time **after** enrolment, the Provider must:
 - sight or collect the relevant evidence within 28 days of being notified by the student, and
 - abide by the **Declaring Student Status after Enrolment Policy (Version 2.0)**, located in the Support Documents section of STS Online.

Students who are inmates with NSW Corrective Services

Students who are inmates in NSW correctional facilities do not have access to many of the documents required to allow the Provider to assess program or fee eligibility.

NSW Corrective Services records information in the Offender Integrated Management System (OIMS) which can verify:

- Smart and skilled Eligibility:
 - Living or working in NSW
 - Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident
 - Humanitarian visa holder (Refugee or asylum seeker)
- Concession, exemptions, fee-free scholarship and other fee-free training eligibility:
 - Commonwealth benefit status
 - Disability status
 - Domestic and Family Violence status
 - Humanitarian visa holder (Refugee or asylum seeker) – as above

Providers must make arrangements with the correctional facility on how information to support eligibility will be accessed/sighted. The sighting of information recorded on OIMS is deemed as sufficient evidence, however must be recorded by the Provider as per note 2 above.

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

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)
JobSeeker Payment	Parenting Payment (Single)
Special Benefit	Veterans' Affairs Pensions
Veterans' Children Education Scheme	Widow Allowance
Youth Allowance	

Comments:

- A NSW Apprentice on a JobSeeker Payment or a NSW Apprentice who is the dependant of a person receiving a JobSeeker Payment is not eligible for a concession fee.
- A NSW New Entrant Trainee on a JobSeeker Payment or a NSW New Entrant who is the dependant of a person receiving a JobSeeker Payment 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.

Changes to Commonwealth benefits and allowances affecting Smart and Skilled concession fees - JobSeeker Payment

From 20 March 2020, the Commonwealth Government introduced a new JobSeeker Payment as the main working age payment for people between 22 years old to Age Pension age. As a result, five current working age payments eligible for a concession fee under Smart and Skilled will be progressively consolidated or ceased.

Four payments which have ceased from 20 March 2020 and have been replaced by the new JobSeeker Payment are as follows:

- Newstart Allowance
- Wife Pension
- Sickness Allowance
- Widow B Pension

The Widow Allowance, which also attracts a concession fee, will transition in 2022 as recipients reach Age Pension age.

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

To be eligible for a Smart and Skilled Fee-Free Scholarship, a student must first meet the rules for the relevant program. A Smart and Skilled eligible student undertaking a full qualification up to and including Certificate IV may be eligible for a Smart and Skilled Fee-Free Scholarship if they are:

- aged between 15 and 30 (inclusive) at the start date for training and eligible for a concession fee (i.e. a Commonwealth Government benefit recipient); or
- 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 care; or
- aged 15 and over, and be able to disclose (self-declare) at enrolment that they meet the domestic and family violence definition below.

A student is eligible for one scholarship per financial year and a maximum of two scholarships over four financial years. There is a limit of 50,000 Smart and Skilled Fee-Free Scholarships per financial year. This limit does not apply to a student who meets the fee-free criteria who are living in social housing in NSW or on the NSW Housing Register (waiting list); or a student who meets 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 the student understands 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.

Appendix 6: Refugees and asylum seekers

Refugees and asylum seekers who hold particular visas are eligible for Smart and Skilled. A student who holds one of the below humanitarian visas are eligible for Smart and Skilled.

Additionally, a student who holds one of the below 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)

For a Bridging Visa to be eligible under Smart and skilled, the bridging visa must be attached to an application for a humanitarian visa eligible for Smart and skilled as listed above. The student must provide a document from the Department of Immigration and Border Protection acknowledging application for a humanitarian visa.

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.

Appendix 7: Fee-free Apprenticeships

Apprentice eligibility

NSW apprentices, including school based apprentices, who are funded under Smart and Skilled and NSW apprentices funded through the Cross Border Contract, and who commence subsidised training on or after 1 July 2018 are eligible. This includes:

1. Apprentices who commence subsidised training for the first time on or after 1 July 2018; and
2. Apprentices whose apprenticeship is cancelled and subsequently recommence an apprenticeship in the same vocation with a different employer, and recommence subsidised training on or after 1 July 2018
3. Apprentices whose apprenticeship is cancelled and subsequently commence a new apprenticeship in a new vocation with a same/different employer, and commence in subsidised training on or after 1 July 2018
4. An apprentice who has completed an apprenticeship and is undertaking a subsequent apprenticeship and is commencing the subsidised training in the subsequent apprenticeship on or after 1 July 2018

For 2 and 3 above, this means that the apprentice must be awarded CT and/or RPL (where relevant), and this is reflected in the Notification of Enrolment through the Provider Calculator and reported in training activity data through eReporting.

Where this occurs, only the proportion of training that is undertaken after 1 July 2018 for the new apprenticeship qualification is fee-free.

The Provider can validate the apprentice's eligibility with the employer and may also use any other information available to assist in assessing eligibility.

Specific apprentice exclusions from eligibility

A NSW apprentice who commenced subsidised training prior to 1 July 2018 and subsequently, on or after 1 July 2018 recommences their subsidised training:

- a) with the same Provider, and is employed by the same employer and in the same vocation, or
- b) changes Provider and remains party to a training contract with the same employer and in the same vocation,

is not eligible for fee-free training. The apprentice must be granted CT/RPL and be subject to reduced fees due to CT/RPL.

A student who commenced subsidised training under a School Based Apprenticeship prior to 1 July 2018 and then transitions to a full apprenticeship on or after 1 July 2018 are not eligible for fee-free training for their full apprenticeship.

Note:

The criteria for the Fee-free Apprenticeships Initiative is reproduced in the Smart and Skilled Policy for the Fee-free Apprenticeships Initiative.

Appendix 8: Fee-free Traineeships

Trainee eligibility

NSW trainees, including school based trainees, whose traineeship qualification is funded under Smart and Skilled and who commence subsidised training on or after 1 January 2020 are eligible. This includes:

1. Trainees who commence subsidised training for the first time on or after 1 January 2020.
2. Trainees whose traineeship is cancelled and subsequently recommence a traineeship in the same vocation with a different employer, and recommence subsidised training on or after 1 January 2020.
3. Trainees whose traineeship is cancelled and subsequently commence a new traineeship in a new vocation with the same/different employer, and commence in subsidised training on or after 1 January 2020.
4. A trainee who has completed a traineeship and is undertaking a subsequent traineeship and is commencing the subsidised training in the subsequent traineeship on or after 1 January 2020.

Trainees who fit eligibility category 2 and 3 above, and in some scenarios 4, must be awarded Credit Transfer and/or Recognition of Prior Learning (CT/RPL) where relevant. This must be reflected in the Notification of Enrolment through the Provider Calculator and reported in training activity data through eReporting.

Where this occurs, only the proportion of training that is commenced and undertaken after 1 January 2020 in the new traineeship qualification is fee-free.

The Provider can validate the trainee's eligibility with the employer and may also use any other information available to assist in assessing eligibility.

Students are eligible for a maximum of three fee-free traineeships under the initiative.

Specific trainee exclusions from eligibility

A NSW trainee who commenced subsidised training prior to 1 January 2020 and subsequently, on or after 1 January 2020 recommences their subsidised training:

- a) with the same provider, and is employed by the same employer and in the same vocation, or
- b) changes provider and remains party to a training contract with the same employer and in the same vocation,

is not eligible for fee-free training. The trainee must be granted CT/RPL and be subject to reduced fees due to CT/RPL.

Note:

The criteria for the Fee-free Traineeship Initiative is reproduced in the Smart and Skilled Policy for the Fee-free Traineeship Initiative.

Appendix 9: Skilling for Recovery Initiative

Skilling for Recovery is part of a matched funding commitment of almost \$320 million between the NSW and Australian governments under the JobTrainer Fund. Skilling for Recovery is a key component of the State's COVID-19 Recovery Plan.

It includes an additional 100,000 fee-free full and part qualification training places to reskill, retrain and redeploy the workforce to industries where there are skills shortages and emerging employment opportunities. Skilling for Recovery will help job seekers retrain or up-skill to enhance their credentials and support school leavers to enter the workforce for the first time.

Student eligibility

To be eligible for fee-free training under Skilling for Recovery, a student must:

- meet the eligibility criteria for Smart and Skilled training;

and be

- youth aged 17-24 years; or
- Commonwealth Benefit Recipient; or
- unemployed (Not a Commonwealth Benefit Recipient); or
- employed expected to become unemployed.

Eligibility will be extended to school students in specific circumstances.

Evidence of eligibility

“Youth (17-24)”

As per requirement 6 in Appendix 3 Proof of Eligibility - Acceptable Evidence of the *Smart and Skilled Fee Administration Policy*.

“Commonwealth Benefit Recipient”

As per requirements 11 or 12 in Appendix 3 Proof of Eligibility - Acceptable Evidence of the *Smart and Skilled Fee Administration Policy*.

“Unemployed (Not a Commonwealth Benefit Recipient)”

A letter of separation from the employer at enrolment. If this is not available, the student must sign a declaration at enrolment that they are unemployed.

The 'NAT00080 – Client' file, reported through eReporting, collects employment status. Please ensure that the labour force status is recorded and reported in the data file via eReporting following commencement of training.

VALUE	DESCRIPTION – LABOUR FORCE STATUS IDENTIFIER
Unemployed	
06	Unemployed – seeking full-time work
07	Unemployed – seeking part-time work
Not in the labour force	
08	Not employed – not seeking employment

“People expected to become unemployed”

Evidence indicating the person meets the criteria for one of the four categories listed in *the Smart and Skilled Policy for Skilling for Recovery Initiative*.

This could be a letter, email, employment contract, notice of redundancy or other documentation relating to employment.

For the “**Low skilled/unskilled employee**” category, a person will be considered low, or with no, skills if they do not hold a qualification at CERT III or above.

For the “**workers in declining industries**” category, Providers will need approval from the Department for declining industries. Providers should contact their Strategic Relationship Manager.

For a person who meets the “**returning to work (employed for six months or less)**” category the evidence of employment will need to show that the start date of employment is no more than six months before the training commencement date.

Evidence can be supplied by the student or employer.

If evidence is not available, then a signed declaration by the current employer, confirming the employee meets the relevant “expected to become unemployed” category as per the *Smart and Skilled Policy for Skilling for Recovery Initiative*, will suffice.