



Victorian **Registration &
Qualifications** Authority

SCHOOLS — OVERSEAS STUDENTS

Guidelines, conditions and application forms for the approval of overseas secondary student exchange organisations

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1 Background

- 1.1 A student exchange program (SEP) is a reciprocal program whereby Victorian students attend secondary school and enroll in a full-time school program in another country for a minimum period of 29 days to a maximum period of 12 months in duration. Under similar conditions, students from overseas undertake study in Victoria.
- 1.2 The principal purpose of a SEP is to provide a broad educational experience for students and to further international/intercultural understanding.
- 1.3 Sections 4.5A.1 to 4.5A.6 of the *Education and Training Reform Act 2006* (ETR Act):
 - a authorise the Victorian Registration and Qualifications Authority (VRQA) to approve a person, organisation or registered school to operate a SEP
 - b enable the VRQA when considering applications for approval to operate a SEP to have regard to:
 - i the person's or body's suitability to operate the program
 - ii guidelines issued by the VRQA
 - iii the management or operations of the person or body proposing to operate the program
 - c enable the VRQA to impose conditions on any approval
 - d require an application seeking approval to operate a SEP to be:
 - i in a form approved by the VRQA
 - ii accompanied by a fee (if any) fixed by the Minister.
- 1.4 Paragraph 4 of this document contains the guidelines for the purposes of section 4.5.A.1 of the ETR Act and referred to in paragraph 1.3(b)(ii) above. These guidelines are consistent with the National Guidelines.
- 1.5 Paragraph 5 contains conditions that approved student exchange organisations (SEO) must comply with. Note that section 4.5A.6 of the ETR Act authorises the VRQA to suspend or cancel an approval if the approved SEO breaches a condition of its approval.
- 1.6 Schedules 1 and 2 are the forms referred to in paragraph 1.3(d)(i) above for seeking:
 - a approval to operate a SEP
 - b renewal of an existing approval.

2 Definitions and explanations

- 2.1 'Applicant' means a person who, or the organisation or registered school on behalf of which a person, applies to the VRQA for approval to operate a SEP.

'Approved SEO' means a person or an organisation (including an education or training organisation) or a registered school that is approved by the VRQA to operate a SEP.

'ETR Act' means the *Education and Training Reform Act 2006* (Vic.).

'Inbound', when used in relation to students, means a student coming to Victoria from overseas.

'National Guidelines' means the *National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia*.

'Outbound', when used in relation to students, means a student going overseas from Victoria.

'Reciprocity' has the meaning given to it in paragraph 5.3.

'School' means a school registered in Victoria under the ETR Act.

'SEO' means a student exchange organisation.

'SEP' means a student exchange program.

'VCAT' means the Victorian Civil and Administrative Tribunal.

'VRQA' means the Victorian Registration and Qualifications Authority established under Chapter 4 of the ETR Act.

2.2 Difference between a SEP and a cultural visit.

Student exchange programs – student visa

A SEP may range from a minimum of 29 days to a maximum of 12 months in duration.

Students enter Australia on Subclass 571 Student Visas issued via Acceptance Advice for Secondary Student Exchange (AASES) forms, for which reciprocity must be maintained. The student is enrolled within the school, studying formal subjects at age-appropriate levels. At the completion of the exchange a statement of achievement is provided by the school.

In order to obtain a student visa to study in Victoria the student must enter Australia under the auspices of an approved SEO. SEOs need to apply to the VRQA for AASES forms, using an official AASES request form. AASES forms will be issued on consideration of the SEO's reciprocity balance and will not be issued to SEOs that have not provided a *National Standard Annual Monitoring Form*.

The timetable of key dates is as follows:

By 1 September in any year, the VRQA dispatches *National Standard Annual Monitoring Forms* to SEOs.

By 1 October in any year, SEOs correctly complete and return the *National Standard Annual Monitoring Forms* to the VRQA.

During November in any year, the National Coordinating Committee for International Secondary Student Exchange meets for the annual national review.

Cultural visits – tourist visa

Students on cultural visits (maximum three months) enter Australia on a tourist visa.

Cultural visits may involve the exchange of students on a school-to-school basis or may be organised by a commercial operator. Students are visitors in the school and school study is not the major focus. Students on these visas do not attend school on a regular basis and are not enrolled in schools.

Organisations providing cultural visits for participants entering Australia on visitor visas must:

- not promote or refer to such programs as ‘student exchange’ programs in any way; and
- make explicitly clear to participants and parents that these programs are not ‘Student exchange programs provided under the National Guidelines for Student Exchange’ and are not quality assured by VRQA.

The Department of Immigration and Citizenship (DIAC) imposes a number of conditions on a tourist visa. SEOs can view these conditions on the DIAC website at www.immi.gov.au.

Schools hosting students on a cultural visit do not need to be an approved SEO.

3 Applications for approval or renewal of approval to operate a student exchange program

- 3.1 An application for approval to operate a SEP must be made in the form of Schedule 1 to these guidelines.
- 3.2 An application for renewal of an existing approval to operate a SEP must be made in the form of Schedule 2 to these guidelines.
- 3.3 An application must provide all the particulars and information listed in the relevant schedule and be accompanied by any documentation required by the relevant schedule. Information provided by an applicant for approval or renewal of approval, or information otherwise provided by an SEO, will be treated confidentially, except that an applicant or an SEO acknowledges and consents to the VRQA releasing to a department of the Commonwealth, or to another state/territory approval/registration authority responsible for SEO’s, information the VRQA has about or arising from:
 - an application for approval or re-approval
 - the approval or re-approval of an SEO
 - a compliance audit or review of an SEO undertaken by the VRQA
 - action taken by the VRQA in relation to an SEO.

4 Guidelines for the approval of all applicants (schools and non-schools)

- 4.1 Schedule 1 contains the form to be used in applying for approval to operate a SEP and lists the information and criteria that applicants should address when completing that schedule.
- 4.2 The guidelines in this paragraph 4.2:
- expand on the contents of Schedule 1 and will be applied by the VRQA in assessing whether the applicant (both schools and non-schools) is suitable to operate a SEP
 - unless expressly stated otherwise, will be applied in respect to students coming to Victoria as well as those going overseas, and in respect of host families and schools in Victoria and those overseas.

Schedule 1 clause 3: Background history and structure of the applicant

Non-school applicants must provide an outline of the background, history, management and structure of the applicant, including relationships with other agencies in relation to student exchanges and other related programs, in sufficient detail to demonstrate the applicant's suitability to operate a SEP and to act in the best interests of students undertaking the SEP.

School applicants must provide a brief outline of the background, history and structure of the school including any sister school relationships or relationships with other agencies.

In determining whether to approve or reapprove an applicant, the VRQA may have regard to whether the applicant or any person involved in its management or co-ordination:

- has ever had their approval/registration suspended/cancelled by a state/territory authority responsible for approving/registering applicants as SEOs in Australia
- has ever had conditions imposed on their approval/registration by a state/territory authority responsible for approving/registering applicants as SEOs in Australia
- has ever been convicted of an indictable offence
- has ever become bankrupt
- has ever been disqualified from managing corporations under the Corporations Act
- was involved in the management of, or provision of a SEP at the time that any of the above events occurred.

Applicants and approved SEOs must notify the VRQA of any change in ownership, control, management or operation of the organisation as soon as practical and, in any event, within 28 days of such change occurring.

Schedule 1 clause 4: Purpose of student exchange

All applicants must demonstrate that the principal purpose of their SEP is to provide a broad educational experience for students and to further international/intercultural understanding.

Schedule 1 clause 5: Administration and decision making

Non-school applicants must provide evidence that:

- the applicant has an organisational structure in Victoria and overseas that is effective and appropriate for the size of the SEP and has access to communication with parents, schools, students and officers of the VRQA
- the organisational structure referred to above includes:
 - demonstrated local support structures for students and families in Victoria
 - demonstrated system of policies and procedures for handling issues that arise
 - demonstrated package of training and resource materials for volunteers
 - demonstrated availability of 24-hour, 7-days-a-week phone accessibility.

School applicants are required to show evidence of an organisational structure within Victoria and overseas that can provide support for a SEP and that has access to communication with parents, students and officers of the VRQA.

Schedule 1 clause 6: Not-for-profit status and financial viability

Non-school applicants must provide evidence of:

- not-for-profit status (as explained at the Australian Taxation Office (ATO) website at www.ato.gov.au)
- a letter from a chartered accountant, member of the National Institute of Accountants or certified practising accountant stating that the applicant is financially viable, or a copy of the most recent auditor's report in the case of companies limited by guarantee.

This documentation must also demonstrate that students' costs are reasonable and show revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

School applicants must provide evidence that exchange programs are not run for profit (and continue to be not for profit) and provide documentation of financial and other resources they are prepared to commit to the SEP. This documentation must also demonstrate that student costs are reasonable and that revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

The ATO website contains examples of not-for-profit and dissolution clauses which not-for-profit organisations should have in their constituting documents and notes that a not-for-profit organisation is one that is not operating for the profit or gain of its individual members while it is operating and when it winds up. A not-for-profit organisation can make a profit provided it is used to carry out its purposes but the profit must not be distributed to owners, members or other people.

Applicants are required to demonstrate to the VRQA that they are financially viable and have sufficient financial resources to fulfill their objectives and responsibilities at initial approval, re-approval and throughout their period of approval. An SEO may be required to undertake a financial health assessment by the VRQA.

Other documentation required by the VRQA may include:

- a certificate of incorporation
- memorandum or articles of association
- certificate of insurance/public liability cover
- audited annual financial statements
- standard invoices.

Schedule 1 clause 7: Privacy

All applicants must provide evidence that they have in place appropriate policies and procedures to ensure the privacy rights of all parties are met.

Policies must comply with the obligations placed on applicants under the following Acts in respect to the collection, use, disclosure, storage and other matters concerning information on individuals:

- the *Information Privacy Act 2000* (applies to government schools)
- the *Privacy Amendment (Private Sector) Act 2000* (applies to non-government schools and non-school organisations)
- section 13 of the *Charter of Human Rights and Responsibilities Act 2006*.

SEOs should ensure, as a minimum, that they:

- obtain appropriate written consent for the publication or use of student images or information in any advertising or promotional material and clearly outline the intended use of the material
- in the recruitment of host families, do not provide personal information or photographs of individual exchange students in any public or 'open' recruitment through advertising, websites, publications or displays accessible to the general public
- provide only a photograph, first name and basic information about student interests (ie no surname, address or contact details) to prospective host families who have provided genuine identification in person, and have registered with the SEO or who have commenced the relevant SEO screening process
- appropriately safeguard the access, use, storage and archiving of electronic and hard copies of all exchange student applications, files and documents containing student personal information
- retain and securely store details of host families and student placements
- provide exchange students and host families with information about the need for students to protect their personal privacy and the privacy of members of the host family, while participating in an exchange program, including advice regarding the appropriate use and the risks of the internet, social media such as Facebook and Twitter, internet chat rooms, Youtube diaries and weblogs.

Schedule 1 clause 8: Insurance

All applicants must provide evidence that they have insurance/s in place that will provide at least \$10 million cover per event for the applicant against liability for or arising from an injury to a person or damage to property during the period the applicant is approved to operate a SEP.

Schedule 1 clause 9: Duty of care

All applicants must provide evidence that they understand and have in place procedures and policies to meet their legal duty of care to both incoming and outgoing students. The duty requires that they take reasonable measures to protect students against reasonably foreseeable risks and provide support for the social, emotional and physical wellbeing of the exchange student at all times during the period of exchange. The VRQA does not accept any responsibility for students while overseas on exchange or for overseas students enrolled in Victoria.

An SEO must immediately report any incident or allegation of actual or alleged sexual or physical abuse of an exchange student to both the relevant law enforcement agency and the VRQA. Failure to report such incidents to both the law enforcement agency and the VRQA shall be grounds for suspension or cancellation of an SEO's approval to provide an SEP.

An SEO must make a report under section 183 of the *Children, Youth and Families Act 2005* if they have reasonable grounds to believe that one of their students in Victoria (under 16 years of age) is in need of protection. That section states: 'Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it'.

An SEO must also ensure that, as a minimum, criminal record checks are undertaken for all its officers, employees or volunteers in direct personal contact with students, in accordance with statutory requirements overseas and in Victoria (where such checks are to be conducted under the *Working With Children Act 2005*).

SEOs will protect outbound exchange students through ensuring that they:

- notify the VRQA of the details of all outbound students prior to their departure from Australia, including as a minimum:
 - the student's full name
 - home address
 - date of birth
 - passport number
 - home school
 - destination country
 - destination school
 - destination host family address
 - departure and return dates
 - mobile contact number (where applicable)
- register students with the Australian Department of Foreign Affairs and Trade Smart Traveller website prior to departure
- require outbound exchange students transitional en route to the destination country to only travel with international airlines that provide full transfer facilities and have appropriate procedures in the event of flight delays or interruptions

- have up-to-date emergency contact information for airlines, Australian Embassies or High Commissions and other relevant agencies for all destination and transit countries
- arrange for parents of all inbound exchange students to receive confirmation of the student's safe arrival at the host family as soon as practicable
- arrange for all inbound exchange students to have a card, provided in advance of home country departure or immediately upon entry to Australia, which lists:
 - the exchange student's name
 - the host family's address, home telephone number and relevant mobile number
 - emergency contact details for the relevant SEO coordinator or SEO office
 - the VRQA's name and email address with a statement as follows:

'[Name of SEO] is a student exchange organisation approved and quality assured in Victoria by the Victorian Registration and Qualification Authority (VRQA). Students can contact the VRQA at vrqa.student.exchange@edumail.vic.gov.au'
- arrange for all outbound students to receive appropriate contact information regarding their host family and relevant SEO coordinator or contact person and that all students and their parents or legal guardians are advised in writing before departure from Australia:
 - that the organisation providing the exchange program is an approved SEO
 - the name of the VRQA

that students, or their parents or legal guardians, can contact the VRQA regarding the SEO at the VRQA's email address. (For example: 'ABC is a Student Exchange Organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents or legal guardians can contact the VRQA at vrqa.student.exchange@edumail.vic.gov.au)'

Schedule 1 clause 10: Support for students and host families

All applicants must demonstrate that local assistance is available to exchange students and host families. Such support must cover appropriate reception, orientation, accommodation, transport and emergency arrangements as well as providing support and counselling networks for exchange students, and must be independent of the host family. The VRQA requires that it be notified by schools if there is a concern with an SEO about any of these matters, either before a student commences, or during a placement.

Schedule 1 clause 11: Selection of students

All applicants must demonstrate that an appropriate screening process for the selection of incoming and outgoing students occurs and that only students of appropriate maturity and with the potential to benefit from the experience are selected. All students must be of an age compatible with secondary schooling.

Schedule 1 clause 12: Selection of host families

All applicants must demonstrate that the following matters will be satisfied:

- an appropriate and thorough screening, selection and matching process for the selection of host families (including by conducting an in-person interview with all host family members over 18 residing in the home) and students. The matching process should have regard to: dietary requirements, smoking habits, allergies, medical conditions, accommodation, pets, alcohol consumption, religion, socio-economic status of the student and host family, the accommodation and study facilities available to the student, whether the student will be required to share a bedroom and, if so, with whom
- an appropriate monitoring process for the placement of students and selection of host families. The monitoring process should incorporate attention to and support for the social, emotional and physical wellbeing of the student and ensure and verify that the host family is capable of providing a safe, comfortable and nurturing home environment and understands and agrees to meet the financial obligations of hosting
- a satisfactory assessment notice under the *Working With Children Act 2005* has been issued in the past five years, or will be undertaken or issued before the SEP commences, of all members of the host family of or over 18 years for all incoming students
- a satisfactory criminal records check has been undertaken of all members of the host family of or over 18 years for all outgoing students in those countries where criminal record checks are available

Note: Parents of the student and the student are to be informed as to whether a criminal record check has or will be undertaken, and whether the results of that check are satisfactory, or if no criminal record check is to be undertaken then the reasons why none is undertaken. In circumstances where criminal record checks are not available, an SEO must implement alternative vetting procedures approved by the VRQA

- the parents of the student are informed in writing prior to the acceptance of the student in the SEP of the child protection laws operating in the host country for outbound students and in Victoria for inbound students
- the selection of host families will not involve any payment at all including board or a subsidy to the host family or to any other party as a condition of the student's placement. (For some special programs, some SEOs may provide a subsidy to host families with the approval of the VRQA. SEOs may provide a program discount to the family of an outbound exchange student if they undertake to host an inbound student, provided that:
 - family members of the outbound exchange student meet the National Guidelines and the SEO's requirements for host families;
 - the discount is a maximum of 10% of the cost of an outbound student program; and
 - the discount is paid as a rebate at the end of the inbound student's exchange program)
- the hosting of the student is voluntary and no contract binds a host family to continue hosting an exchange student in the event of difficulties arising
- prior to applying for AASES forms, sufficient numbers of host families are in place to accommodate incoming students (the VRQA may approve a request from an SEO for the placement of more than one incoming student to be accommodated with the same host family)
- prior to the student applying for his or her visa, sufficient numbers of host families are in place to accommodate outbound students
- SEOs must maintain, as a minimum, a monthly schedule of personal contact, face-to-face or by telephone, with all exchange students and host families
- no representative of the applicant will act both as a host family, coordinator or supervisor for a student, except in emergencies and with the approval of the VRQA.

Schedule 1 clause 13: Resolution of problems

All applicants must demonstrate that they have in place appropriate and adequate grievance procedures and resources within their own means to resolve potential problems, and emergency situations, surrounding exchange students and their parents/guardians, host families and schools during the exchange. Grievance procedures must be publicly accessible either through the internet, or offered and made available to participants and parents or legal guardians.

The grievance procedures should provide for the movement of, or offer to move a student to another school or host family should the original school or host family placement not be satisfactory on reasonable grounds to the student or other party. When the original school is the SEO for the student, an unsuccessful placement would normally be resolved by the student returning home early.

SEOs may transfer students interstate only in exceptional circumstances. They must apply to the receiving state/territory registration/approval authority for a new AASES form and not assume automatic approval. Reciprocity is to be calculated for the time the student spent in each state/territory and the relevant duration is to be included in each respective state/territory's annual reciprocity report. The VRQA should be advised of any changes to a student's school or host family placement as soon as practicable.

Schedule 1 clause 14: Orientation for students and host families

All applicants must demonstrate that an orientation and preparation program, both prior to departure from the home country and after arrival in the host country, will be provided for exchange students and that there will be a corresponding program for host families. All applicants must ensure that outbound students understand the visa conditions of the host country.

Schedule 1 clause 15: School liaison

All applicants must demonstrate they will regularly monitor that:

- they can provide effective liaison with schools through an identified liaison officer and, for incoming students, this includes providing the school with host family and organisation contact details and providing information about the student, including copies of school and other reports as requested
- the student is attending secondary school full time and is not undertaking other significant studies
- the student abides by the conditions of his or her visa, including employment conditions
- the student's school attendance, performance, progress and behaviour are in accordance with the school's requirements and policy.

Schedule 1 clause 16: Travel

All applicants must demonstrate that they can provide appropriate support for students en route between their parent/guardian and host families, including all transport connection arrangements (whether by air, train, bus, taxi, car, etc).

Applicants must advise and recommend that both incoming and outgoing exchange students consider taking out travel insurance to cover the following matters:

- non-medical cover:
 - lost luggage
 - theft of goods, money
 - cancelled flights
- disability cover:
 - loss of income due to injury or illness
 - death and disability lump sums.

Schedule 1 clause 17: Health insurance

All applicants must demonstrate that they will ensure that all outgoing exchange students have adequate health insurance prior to departing from Victoria.

It is compulsory for all incoming exchange students to take out Overseas Student Health Cover (OSHC) as a condition of holding a student visa. OSHC must be paid for prior to the visa being issued and entitles the student to health services.

Schedule 1 clause 18: Documentation

Applicants must provide the VRQA with the current documentation used in promoting their exchange programs and in advising students, host families and program representatives of their exchange operations.

Schedule 1 clause 19: Emergency management plan

Applicants must provide the VRQA with an emergency management plan that covers procedures for the host family, the approved SEO and parents/guardians. This plan must include procedures that include all parties being alerted to, responded to and provided with support to inbound and outgoing students:

- being arrested or detained by the police or other authorities, or having any criminal charges laid against him or her, or engaging in any criminal behaviour
- being informed of the death of a member of the immediate family such as a parent or sibling, or becoming seriously ill or pregnant
- threatening to harm him or herself or others, or being threatened with violence
- experiencing any other health, criminal or personal issue during the course of the exchange, or engaging in any behaviour or experiencing anything that may warrant medical assistance or personal or social support.

Schedule 1 clause 20: Third party arrangements

All applicants must provide the VRQA with the names of, and the following information of, all third party organisations used to support and deliver elements of their exchange program. Third party organisations are those that are not employees of the SEO, but are engaged directly by the SEO either under contract or under other less formal arrangements to provide any element of the exchange program, for example contractors employed by the SEO to meet students at airports. The information to be provided should include the type of arrangement made between the parties, a copy of the contracts, if any, information about the monitoring process and a periodic (annual or ongoing) evaluation of service delivery for both inbound and outbound students, which is to include post-program feedback on their services from students, parents and host families and implementing improvements in response to the evaluation outcomes.

Applicants must maintain up-to-date records of the above matters.

5 Conditions applying to all approvals to operate a student exchange program

- 5.1 Section 4.5A.2 of the ETR Act authorises the VRQA to impose conditions on an approval of a person, organisation or registered school to operate a SEP, and section 4.5A.6 authorises the VRQA to suspend or cancel an approval if the person, organisation or registered school breaches a condition.
- 5.2 All approvals to operate a SEP are subject to the following conditions:
 - a the approved SEO complying with paragraphs 5.3 to 5.12 of these guidelines
 - b the approved SEO complying with the information it provided in its application for approval (or any amendment thereto approved by the VRQA) in response to the following guidelines in paragraph 4.2:
 - Schedule 1 clause 5 – its organisational structure
 - Schedule 1 clause 6 – its revenue and expenditure, and financial viability and, in respect of non-school approved SEOs, also maintaining its not-for-profit status
 - Schedule 1 clause 7 – privacy obligations
 - Schedule 1 clause 8 – insurance/s
 - Schedule 1 clause 9 – duty of care to students
 - Schedule 1 clause 10 – level of support to students and host families
 - Schedule 1 clause 11 – screening process
 - Schedule 1 clause 12 – selection of host families
 - Schedule 1 clause 13 – resolution of problems
 - Schedule 1 clause 14 – orientation of students and host families
 - Schedule 1 clause 15 – school liaison
 - Schedule 1 clause 16 – support for students en route
 - Schedule 1 clause 17 – health insurance for students
 - Schedule 1 clause 19 – emergency management plan
 - Schedule 1 clause 20 – third party arrangements.

5.3 Approved SEOs must send at least as many students from Victoria overseas as they host in Victoria, in full-year equivalent terms, on a rolling two-year basis. 'Reciprocity' is the term used herein to refer to this requirement.

The total length of time in months or part thereof that overseas students spend in Victoria must equal the total length of time in months or part thereof that Victorian students spend overseas over a two year period.

5.4 Each year, approved SEOs must submit to the VRQA information and statistics showing the number of overseas students that came into Victoria and the number of Victorian students that departed from Victoria under arrangements organised by the approved SEO:

- in respect of the previous two years
- or
- if the SEO has been approved for less than two years, then in respect of the period since the date of the approval.

5.5 The information required under paragraph 5.4 must be provided to the VRQA by 1 October of each year in which the SEO is approved or such later date in each such year, as approved by the VRQA.

5.6 The system of counting to assess reciprocity is based on the allocation of one point for each month of exchange, to be calculated from and including the beginning of the month of commencement of enrolment at the school until the end of the month of cessation of enrolment. For example:

5.7 An SEP must be for a minimum of 29 school days, during which students must attend school, for the period of the SEP to be included in any reciprocity calculations.

5.8 The sending of students overseas must occur prior to the commencement of hosting of students in Victoria, on an equivalent number of months basis.

5.9 Students who have completed school and will not be returning to school in Victoria and who undertake a student exchange are not eligible to be counted for reciprocity purposes.

5.10 For counting purposes:

- a students are counted from the beginning of the month of enrolment at the school until the end of the month of cessation of enrolment at the school
- b every month in the program will be counted as one, for example 5 June to 3 August will be counted as three months and earns three points (however an exchange that commences in a month of one year and concludes in the corresponding month in the next year will count as 12 points)
- c the total points for hosting and sending programs shall be compared without concern for the mix of short and long term programs.

Exchange organisation	Cumulative balance 2007	2008 sending (+)	2008 hosting (-)	2008 balance	Cumulative balance
A	-75 (deficiency in sending)	500	450	+50 (surplus in sending in 2008)	-25
B	+50 (surplus in sending)	500	450	+50 (surplus in sending in 2008)	+100
C	-50 (deficiency in sending)	450	500	-50 (deficiency in sending in 2008)	-100

5.11 Section 4.5A.4 of the ETR Act states that an approval continues in force for a period not exceeding six years as specified by the VRQA. This section applies to all bodies seeking the VRQA's approval.

Although SEOs will normally need to seek the VRQA's approval every six years, SEOs will also be required to cooperate with the VRQA in reviewing the SEO's documentation and performance at the end of three years.

5.12 An approved SEO must:

- a cooperate fully with the VRQA in investigating any complaint by an exchange student, his or her parent or guardian, the host family or other person concerning the approved SEO, or any matter which the VRQA decides to enquire into
- b advise the VRQA within 14 days of any change to the particulars provided in Schedules 1 or 2
- c ensure that any changes to the particulars provided in Schedules 1 or 2 comply with the requirements of the guidelines in paragraph 4.2
- d advise the VRQA if it is placed under administration or goes into liquidation, or if he or she executes a personal insolvency agreement or deed of arrangement under Part X of the *Bankruptcy Act 1966*, or becomes a person whose creditors accept a composition under Part X of the *Bankruptcy Act 1966*, or becomes a person for whom a debt agreement is made under Part IX of the *Bankruptcy Act 1966*, or becomes a bankrupt within the meaning of the *Bankruptcy Act 1966*, or otherwise becomes insolvent
- e arrange at least one student exchange every continuous three-year period.

Note: Approved SEOs that have not arranged any student exchanges for a continuous period of three years or more may have their approval cancelled and may be required to reapply for registration in order to operate a SEP.

6 Suspension and cancellation procedures

- 6.1 Section 4.5A.6 of the ETR Act authorises the VRQA to suspend or cancel an SEO's approval, or to impose conditions on an approval, if the SEO breaches a condition of its approval.
- 6.2 Paragraph 5 contains the conditions of approval.
- 6.3 Apart from where an SEO requests that its approval be cancelled or suspended, or it fails to renew its approval, the VRQA would normally undertake the following procedures before exercising its powers under section 4.5A.6:
 - a The SEO would be given notice in writing of the allegation, concern or other issue which the VRQA is investigating and given a reasonable opportunity to reply in writing to the matter. For serious matters, the SEO would normally be informed at this early stage that the VRQA has the powers referred to in paragraph 6.1 above.
 - b The time within which a response is requested will vary depending on whether enquiries need to be made overseas and the urgency of the matter.
 - c Further enquiries may need to be undertaken with the SEO and others. The SEO will be given the opportunity to comment on the results of any additional enquiries.
 - d After the enquiries have been completed, the SEO will be informed in writing whether the matter has been proved.
 - e If the VRQA considers the proved matter is of sufficient importance to consider suspending or cancelling the SEO's approval, or imposing conditions on its approval, the SEO will be given an opportunity to reply in writing whether its approval should be suspended or cancelled, or conditions imposed on its approval.

7 Reviews by VCAT

Section 4.8.1 of the ETR Act provides that unsuccessful applicants may apply to VCAT for a review of a decision not to approve or a decision to suspend or cancel an approval.

All enquiries regarding matters pertaining to overseas exchange students in Victorian schools should be addressed to:

Victorian Registration and Qualifications Authority

Address: GPO Box 2317

Phone: (03) 9637 2806

Fax: 9651 3244

Email: vrqa.student.exchange@edumail.vic.gov.au

Schedule 1

Section 4.5A.3

Education and Training Reform Act 2006

Application for approval to operate a student exchange program

(Persons completing this schedule should read paragraph 4.2 of the guidelines for further guidance)

1 Applicant details

Insert the following details of the person, organisation or registered school for whom or which approval is being sought to operate a SEP. This person, organisation or registered school is referred to in this schedule as the applicant.

Full name of applicant

ABN and ACN (if applicable)

Address (street and postal)

Phone

Email

2 Signatory's details

Insert the following details of the person signing this application:

Full name

Address

Phone

Email

3 Background history and structure of the applicant

Non-school applicants must provide an outline of the background, history, management and structure of the applicant named in paragraph 1, including relationships with other agencies in relation to student exchanges and other related programs, in sufficient detail to demonstrate the applicant's suitability to operate a SEP, and to act in the best interests of students undertaking the SEP.


School applicants must provide a brief outline of the background, history and structure of the school, including any sister school relationships or relationships with other agencies.



Attach documents if space is insufficient.

4 Purpose of student exchange

Demonstrate that the principal purpose of the SEP is to provide a broad educational experience for students and to further international/intercultural understanding.

 *Attach documents if space is insufficient.*

5 Administration and decision making

Non-school applicants must provide evidence that:

- the applicant has an organisational structure in Victoria and overseas that is effective and appropriate for the size of the SEP and has access to communication with parents, schools, students and officers of the VRQA
- that the organisational structure referred to above includes:
 - demonstrated local support structures for students and families in Victoria
 - a demonstrated system of policies and procedures for handling issues that arise
 - a demonstrated package of training and resource materials for volunteers
 - demonstrated availability of 24-hour, 7-days-a-week phone accessibility.

School applicants are required to show evidence of an organisational structure within Victoria and overseas that can provide support for a SEP, which has access to communication with parents, students and officers of the VRQA.

 *Attach documents if space is insufficient.*


6 Not-for-profit status and financial viability

Non-school applicants must provide evidence of:

- not-for-profit status (as explained at the ATO website at www.ato.gov.au)
- a letter from a chartered accountant, member of the National Institute of Accountants or certified practising accountant stating that they are financially viable or a copy of the most recent auditor’s report in the case of companies limited by guarantee.

This documentation must also demonstrate that students’ costs are reasonable and show revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

School applicants must provide evidence that exchange programs are not run for profit and provide documentation of financial and other resources they are prepared to commit to the SEP. This documentation must demonstrate that student costs are reasonable and that revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

 *Attach documents if space is insufficient.*

7 Privacy

Provide evidence that appropriate policies and procedures are in place to ensure the privacy rights of all parties are met. (Note: Policies must comply with the obligations placed on applicants under the following Acts in respect to the collection, use, disclosure, storage and other matters concerning information on individuals:

- the *Information Privacy Act 2000* (applies to government schools)
- the *Privacy Amendment (Private Sector) Act 2000* (applies to non-government schools and non-school organisations)
- section 13 of the *Charter of Human Rights and Responsibilities Act 2006*.

 *Attach documents if space is insufficient.*

8 Insurance

Provide details of the insurance/s in place that will provide at least \$10 million cover per event for the applicant named in paragraph 1 against liability for or arising from an injury to a person or damage to property during the period the applicant is approved to operate a SEP.



Attach documents if space is insufficient.

9 Duty of care

Provide details of how the applicant named in paragraph 1 will meet its obligations to all students (both incoming and outgoing), to take reasonable measures to protect the students against reasonably foreseeable risks of injury and provide support for the social, emotional and physical wellbeing of the exchange student at all times during the period of exchange.



Attach documents if space is insufficient.

10 Support for students and host families

Provide details of how the applicant named in paragraph 1 will make local assistance available to exchange students (both incoming and outgoing) and host families, and that the local assistance will cover appropriate reception, orientation, accommodation, transport and emergency arrangements as well as support and counselling networks for exchange students independent of the host family.



Attach documents if space is insufficient.

11 Selection of students – incoming and outgoing

Provide details of how the applicant named in paragraph 1 will ensure that an appropriate screening process for the selection of incoming and outgoing students occurs and that only students of appropriate maturity with the potential to benefit from the experience are selected, and that overseas students attending Victorian schools will be of an age compatible with secondary schooling.




Attach documents if space is insufficient.

12 Selection of host families

Provide evidence of the following matters:

- an appropriate and thorough screening, selection and matching process for the selection of host families (including by conducting an in-person interview with all host family members over 18 residing in the home) for both incoming and outgoing students. The matching process should have regard to dietary requirements, smoking habits, allergies, medical conditions, accommodation, pets, alcohol consumption, religion, the socio-economic status of the student and host family, accommodation and study facilities available to the student, whether the student will be required to share a bedroom and, if so, with whom
- an appropriate monitoring process for the placement of students and selection of host families. The monitoring process should incorporate attention to and support for the social, emotional and physical wellbeing of the student and ensure and verify that the host family is capable of providing a safe, comfortable and nurturing home environment and understands and agrees to meet the financial obligations of hosting
- a criminal record check has been undertaken (meaning, in Victoria, a satisfactory assessment notice under the Working with Children Act 2005 has been issued in the past five years), or will be undertaken or issued before the student exchange commences, of all members of the host family of or over 18 years for:
 - all incoming students
 - all outgoing students in those countries where criminal record checks are available
 - and that parents of students and the student are informed whether a criminal record check has or will be undertaken, and whether the results of that check are satisfactory; or if no criminal record check is to be undertaken, then the reasons why none is undertaken. (In circumstances where criminal record checks are not available, an SEO must implement alternative vetting procedures approved by the VRQA.)
- the parents of the student are informed in writing prior to the acceptance of the student in the student exchange of the child protection laws operating in the host country for outbound students and in Victoria for inbound students
- the selection of host families will not involve any payment at all including board or a subsidy to the host family or to any other party as a condition of the student's placement. (For some special programs, some SEOs may provide a subsidy to host families with the approval of the VRQA. SEOs may provide a program discount to the family of an outbound exchange student if they undertake to host an inbound student, provided that:
 - family members of the outbound exchange student meet the National Guidelines and the SEO's requirements for host families.
 - the discount is a maximum of 10% of the cost of an outbound student program; and
 - the discount is paid as a rebate at the end of the inbound student's exchange program

- the hosting of the student is voluntary and no contract binds a host family to continue hosting an exchange student in the event of difficulties arising
- prior to applying for Acceptance Advice for Secondary Student Exchange (AASES) forms, sufficient numbers of host families are in place to accommodate incoming students
- prior to the student applying for his or her visa, sufficient numbers of host families are in place to accommodate outbound students (the VRQA may approve a request from an SEO for the placement of more than one incoming student to be accommodated with the same host family)
- as a minimum, a monthly schedule of personal contact, face-to-face or by telephone, with all exchange students and host families is maintained
- no representative of the applicant will act both as a host family, coordinator or supervisor for a student, except in emergencies and with the approval of the VRQA.

 *Attach documents if space is insufficient.*

13 Resolution of problems


Demonstrate that appropriate and adequate grievance procedures are in place and adequate resources exist within the applicant’s means to resolve potential problems, and emergency situations, surrounding exchange students and their parents/guardians, host families and schools during the exchange, and that the grievance procedures are publicly accessible either through the internet, or offered and made available to applicants.

Note: The grievance procedures should provide for the movement of, or offer to move, a student to another school or host family should the original school or host family placement not be satisfactory on reasonable grounds to the student or other party.

 *Attach documents if space is insufficient.*

14 Orientation for students and host families

Demonstrate that an orientation and preparation program, both prior to departure from the home country and after arrival in the host country, is provided for incoming and outgoing exchange students and that there is a corresponding program for host families, both in Australia and overseas.

 *Attach documents if space is insufficient.*

15 School liaison

Demonstrate how the applicant will regularly monitor that the following conditions of a student visa are met:

- that the applicant can provide effective liaison with schools through an identified liaison officer and, for incoming students, this includes providing the school with host family and organisation contact details and providing information about the student, including copies of school and other reports as requested
- that the student is attending secondary school full time and is not undertaking other significant studies
- that the student abides by the conditions of his or her visa, including employment conditions
- that the student's school attendance, performance, progress and behaviour are in accordance with the school's requirements and policy.

 *Attach documents if space is insufficient.*

16 Travel

Demonstrate that the applicant can provide appropriate support for students en route between their parent /guardian and host families, including all transport connection arrangements (whether by air, train, bus, taxi, car etc.) and that it will advise and recommend that both incoming and outgoing exchange students consider taking out travel insurance to cover the following matters:

- non-medical cover
 - lost luggage
 - theft of goods, money
 - cancelled flights
 - disability cover
 - loss of income due to injury or illness
 - death and disability lump sums.
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Attach documents if space is insufficient.

17 Health insurance

Demonstrate how the applicant will ensure that all outgoing exchange students have adequate health insurance prior to departing from Victoria.

Note: It is compulsory for all incoming exchange students to take out Overseas Student Health Cover (OSHC) as a condition of holding a student visa. OSHC must be paid for prior to the visa being issued and entitles the student to health services.



Attach documents if space is insufficient.

18 Documentation

Attach all the current draft documentation used in promoting the applicant's exchange programs and in advising students, host families and program representatives of their exchange operations.

19 Emergency management plan

Provide evidence of the applicant’s emergency management plan that covers procedures for the host family, the SEO and parents/guardians being alerted to, responding to and providing support to inbound and outgoing students:

- being arrested or detained by the police or other authorities, or having any criminal charges laid against him or her, or engaging in any criminal behaviour
- being informed of the death of a member of the immediate family such as a parent or brother, or becoming seriously ill or pregnant
- threatening to harm him or herself or others, or being threatened with violence
- experiencing any other health, criminal or personal issue during the course of the exchange, or engaging in any behaviour or experiencing anything that may warrant medical assistance or personal or social support.

20 Third party arrangements

Provide the names of and the following information of all third party organisations used to support and deliver elements of the applicant’s exchange programs. Third party organisations are those that are not employees of the SEO but are engaged directly by the SEO either under contact or under other less formal arrangements to provide any element of the exchange program. For example, contractors employed by the SEO to meet students at airports. The information to be provided should include the type of arrangement made between the parties, a copy of the contract if any, information about the monitoring process and a periodic (annual or ongoing) evaluation of service delivery for both inbound and outbound students, which is to include post-program feedback on their services from students, parents and host families and implementing improvements in response to the evaluation outcomes.

21 Signatory’s authority

If the person named in paragraph 2 is applying for approval on behalf of an organisation or registered school, state how, or attach a statement showing that you have been authorised to apply on behalf of the school or organisation.

Signed by the person named in paragraph 2

Signature

Witnessed by (a person of or over 18 years of age)

Print name

Signature

Date

Schedule 2

Section 4.5A.6

Education and Training Reform Act 2006

Application for renewal of approval to operate a student exchange program

SEOs approved under Schedule 1

SEOs that are approved by the VRQA on the basis on information provided under Schedule 1 are required to renew their registration every six years, or such lesser period as approved by the VRQA.

It is proposed that unless otherwise required by the VRQA, an application for renewal of approval should not have to repeat all the information under Schedule 1, but should focus on any changes to the information previously provided.

It is proposed to develop this part of the Schedule with SEOs.