



Australian Government

VET **Student** Loans



# MANUAL FOR PROVIDERS

**VERSION 5.8 – OCTOBER 2024**

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## Change Register

**NOTE:** To assist identification of sections that have changed since the last published edition, revisions are in blue text.

Section	Change
1	Introduction: more detailed information regarding program design
1.2.4	What is a unit of study
1.2.8	What is a tuition fee?
1.4	Clarification regarding Tuition Protection Levy instrument
1.4	Contact: clarification that provider staff must be listed in HITS to receive sensitive provider information
1.5	Glossary updates
2.1	Update regarding Close of VET FEE-HELP
4.1.4	Update to Civil penalties and criminal offences – latest value of penalties
4.2	Course provider requirements: updated link to information on how to seek variations to provider conditions
4.3	Tuition Protection update of section and links to TPS website provided
4.5	Approved courses and loan caps: further information on how to view report that updates the courses on the Determination
4.5.3	Superseded, deleted and non-current courses – update to section
4.5.4	Loan Caps – added a new section entitled Which cap applies to superseded and replacement courses
4.5.5	Viewing students' accumulated debt amounts – added a new section
4.7.1	Student eligibility for VET Student Loans: clarification that both Australian citizenship certificate and/or extract of citizenship certificate are acceptable forms of documentation
4.7.1	Update to movement record
4.7.1	HELP loan limit – update to latest maximum amounts
4.7.1	HELP balance – further clarification about HELP balance being renewable
4.7.3	Determining genuine students and Progressions – further clarification provided
4.7.3	Triggering progressions – added new section to outline the types of student responses available
4.7.5	Student use of a VSL if they are required to repeat part of a unit of study – added new section
4.9	Census Days – further clarification provided
4.14	Data reporting – further clarification on VFH deadlines
4.14.4	Data reporting – further clarification on TCSI Reporting deadlines
5	Payments to approved course providers – further clarification referencing TCSI timeframes and payment assessment reports
5.1	Provider fee limit – further clarification provided
App M	Revocations Process – new section
Various	Removed references to data reporting statutory declaration requirement
4.7.1	Update to HELP Loan Limits
App M	Revocation process – edit to template
Various	Migration of My Skills functions to Your Career website
4.4.5	Removal of Annual Forecasting. Annual reporting introduced.
4.7.1	Pacific engagement visa holder
4.8.17	Notification of data breaches
4.8.15	References to Administrative Appeals Tribunal amended to Administrative Review Tribunal

## Purpose

The purpose of the VET Student Loans (VSL) Manual for Providers (the Manual) is to assist and guide approved course providers (you) in meeting the requirements under the VET Student Loans program.

The Manual is not a substitute for independent legal advice. If there is any ambiguity or inconsistency between this document and the *VET Student Loans Act 2016* (the Act) and the VET Student Loans Rules 2016 (the Rules), the Act and the Rules take precedence.

References to the *VET Student Loans Act 2016* will look like this: [\[Act s 25\]](#).

Reference to the VET Student Loans Rules 2016 will look like this: [\[Rules s 40\]](#).

References to Schedule 1A of the *Higher Education Support Act 2003* will look like this: [\[HESA clause 43\]](#).

**Elsewhere when there is reference to a 'section', this means a section in this Manual.**

**Note:** Where the department (we) update the Manual, we will send a notification to the person/s listed as the 'Primary contact –VET' in HITS.

You are reminded to update all contact details in HITS.

# 1 VET Student Loans (VSL)

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VSL is an income contingent loan program to assist eligible vocational education and training (VET) students to pay their tuition fees for selected courses at the Diploma level and above. The program is designed to provide financial loan support to students undertaking higher level training in courses that address workplace and industry needs, creating better opportunities for employment.

The VSL program is governed by the *VET Student Loans Act 2016* (the Act) and the VET Student Loans Rules 2016 (the Rules). The *VET Student Loans (Charges) Act 2016* allows for the imposition of an annual approved course provider charge on providers.

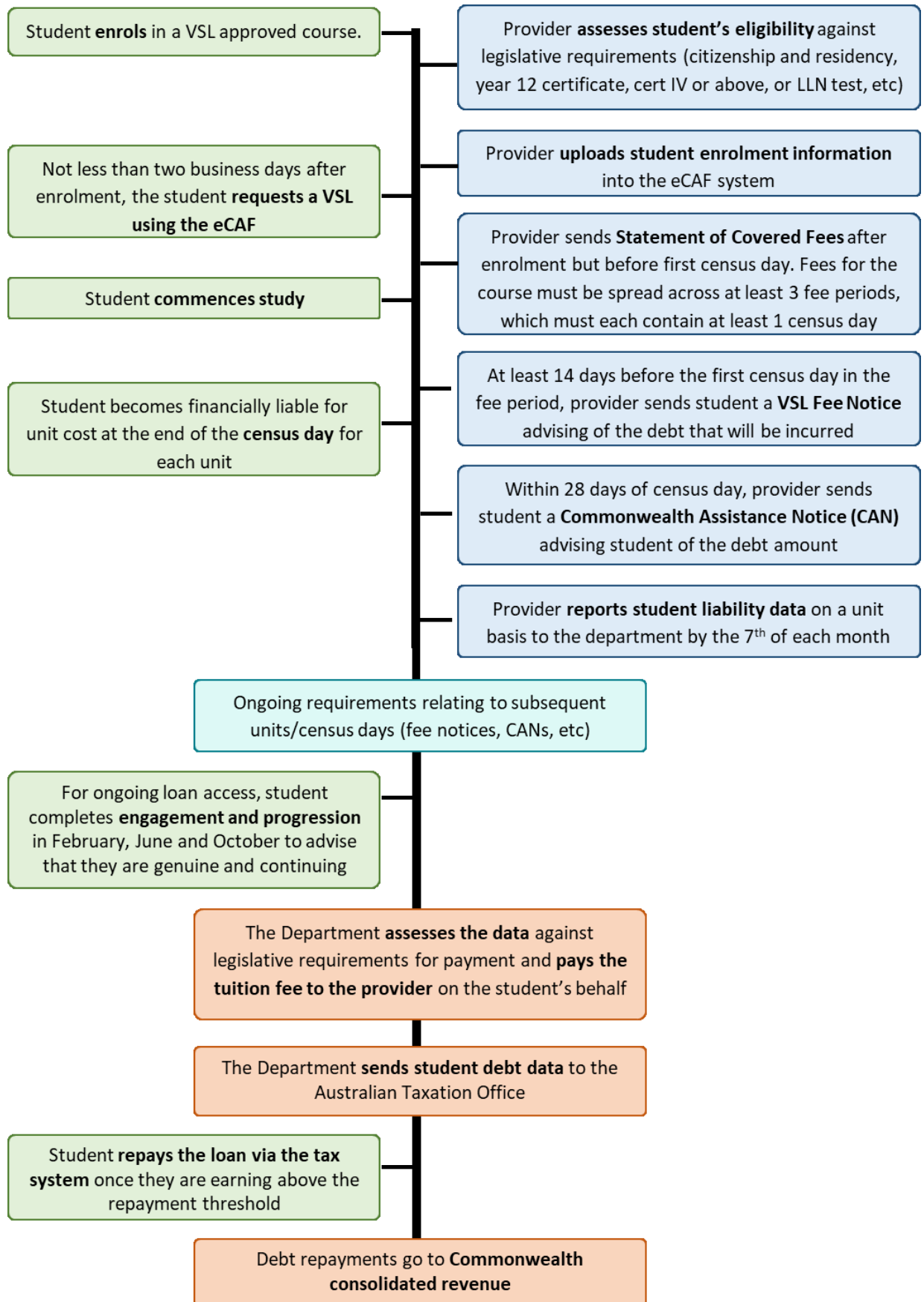
The VSL program has been designed to give VET sector students and providers the opportunity to meet industry needs and employment outcomes while ensuring only high quality providers deliver training under the program.

## 1.1 Key features

- **Course eligibility** that aligns with industry needs and employment outcomes. Courses that do not align with industry needs and job outcomes will be excluded from the program.
- **Loan caps** on all eligible courses (\$5,000, \$10,000 and \$15,000 (2017 rates, indexed annually) based on cost of delivery. Providers will be free to charge above the loan caps, but this will mean students will need to find the additional funds to complete their studies.
- **A student progression and engagement requirement** where students must log into an online IT system to demonstrate their continued engagement in their course.
- **An outcomes-focused application process** for providers to access the program, including an application fee and time-limited approvals.
- **A strong legislative, compliance and payment framework**, including the ability to impose loan limits on providers on a case-by-case basis to deal with rapid growth in enrolment, loans or course offerings.
- **A VET Student Loans Ombudsman (VSLO)** investigates complaints about the VET Student Loans (VSL) program and VET FEE-HELP scheme.
- **Banning brokers and restriction of third-party training** to VSL or TEQSA approved providers or bodies specifically approved by the department on application.
- **Tuition protections** to allow students affected by a provider default to continue studying a replacement course with another provider or, if a suitable replacement course is not available, receive a re-credit of their HELP balance.



## VSL flow chart



## 1.2 Program FAQs

### 1.2.1 Who can offer VET Student Loans (VSL)?

Only registered training organisations that have been approved by the Secretary of the Department of Employment and Workplace Relations can offer VSL to eligible students. See [Becoming an approved course provider](#).

### 1.2.2 What is an eligible student?

This is a student who meets all the eligibility requirements under Part 2 Division 2 of the Act. See [Student eligibility for VET Student Loans](#). See also ‘What is a “genuine student”?’ below.

### 1.2.3 What courses can a student apply for a VET Student Loan for?

- Eligible students may only access a VET Student Loan for an approved course at an approved course provider that has been approved to offer that particular approved course. See [Approved courses and loan caps](#). Different arrangements apply for full fee-paying and subsidised students.

### 1.2.4 What is a unit of study?

The components of training (subjects or competencies) needed to be undertaken by students as part of the course or qualification. Students incur the liability to pay tuition fees at the unit level. Preferably, a unit of study is equal to a unit of competency (or module in an accredited course). However, a unit of study may comprise a group of units of competency.

Many rules apply to you in respect of units of study, such as [Determining census days, publishing fees, issuing notices, Data reporting, fees and completions, and withdrawal and penalty provisions](#). Providers will determine, publish, charge and report tuition fees at the unit of study level. Census days (TCSI Element 489) are set for each unit, and providers will report enrolments and completions at the unit level. For reporting in TCSI, where units of study are equal to units of competency, unit codes (Element 354) will match the Subject Identifier used in the AVETMISS Standard.

### 1.2.5 What is a census day?

The day the student incurs financial liability for the unit of study. Students may cancel their enrolment on or before the census day without incurring tuition fees (or a HELP or VSL debt) for the course or the part of the course. See [4.8 Census days](#).

### 1.2.6 What is a course loan cap?

This is the total amount of loan an eligible student may access for a particular course. See [4.4.9 Loan caps](#).

### 1.2.7 What are ‘covered fees’?

The amount of the course tuition fees to be covered by a VSL. This will be set out on the student’s VSL Statement of Covered Fees.

### 1.2.8 What is a tuition fee?

The total fees to be charged to the student for the course (including the covered fees plus any gap fee). Tuition fees can include the cost of assessing academic suitability for the course, enrolment in and tuition and examination for the course and the award of a qualification for completion of the course. Additional fees for certain goods or services cannot be included. See [Determining tuition fees](#).

### 1.2.9 What is a gap fee?

- The difference between the covered fees and the total tuition fee for a course. See [Gap fees and Payment Plans](#).

### 1.2.10 What are fee periods?

The tuition fees for the course must be reasonably and proportionately distributed across at least 3 sequential fee periods. Each fee period must contain at least one census day. Therefore, there will be at least 3 census days/3 units over the course.

See [Fee periods](#).

### 1.2.11 What is the provider fee limit?

The maximum dollar amount for VSL that can be paid to an approved course provider for a particular period of time and/or for particular approved course(s). See [Provider fee limit](#).

### 1.2.12 What is the HELP loan limit?

The maximum amount a person can borrow over their lifetime for VSL, VET FEE-HELP, FEE-HELP, and HECS-HELP. (Note, only HECS-HELP incurred from 1 January 2020 counts towards the HELP loan limit). The HELP loan limit is indexed annually on 1 January. See [HELP loan limit](#).

### 1.2.13 What is the HELP balance?

A person's HELP limit minus any VSL, VET FEE-HELP, FEE-HELP and HECS-HELP loans they have used. See [HELP balance](#).

### 1.2.14 What is a genuine student?

Whether or not a student is a 'genuine student' is determined in accordance with factors set out at section 5 of the Rules. This is relevant, as the Secretary does not need to pay a loan amount for a student who is not genuine. Genuine student factors include considering whether students have demonstrated they are reasonably engaged in the course and have completed the student progression requirements. See [Determining genuine students](#).

### 1.2.15 When do providers get paid?

Providers will ordinarily be paid monthly in arrears of reported census days for genuine students. See [Payments to approved course providers](#).

### 1.2.16 What is the VSL tuition protection levy?

The VSL tuition protection levy is a risk-based annual levy, payable by leviable providers, to fund tuition protection arrangements for the VSL program. See [Tuition Protection](#).

## 1.3 Complying with other legislation

You and your key personnel must also comply with the requirements under other Commonwealth and state and territory legislation. Relevant legislation includes the *Privacy Act 1988*, the *National Vocational Education and Training Regulator Act 2011*, the *Higher Education Support Act 2003*, the *Standards for Registered Training Organisations (RTOs) 2015*, the *Crimes Act 1914*, the *Competition and Consumer Act 2010* and the *Corporations Act 2001*.

In addition to any consequences that may result under the specific legislation, a failure to comply with the law, and in particular any convictions for an offence or imposition of a pecuniary penalty order, may be taken into consideration in assessing whether the provider and its key personnel continue to satisfy the 'fit and proper person' course provider requirement. Being able to satisfy

this requirement is necessary for a provider to maintain its status as an approved course provider [Act para 25(2)(f) and Rules Division 2, Part 4].

## 1.4 Useful Links

### Legislation

- **VET Student Loans (current):**
  - [VET Student Loans Act 2016](#)
  - [VET Student Loans \(Approved Course Provider Application Fee\) Determination 2017](#)
  - [VET Student Loans \(Charges\) Act 2016](#)
  - [VET Student Loans \(Charges\) Regulations 2017](#)
  - [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#)
  - [VET Student Loans \(External Dispute Resolution Scheme\) Specification 2017](#)
  - [VET Student Loans Rules 2016](#)
  - [VET Student Loans \(VSL Tuition Protection Levy\) Act 2020](#)
  - [VET Student Loans \(VSL Tuition Protection Levy\) \(Administrative Fee\) Determination 2020](#)
- **VET Student Loans (now consolidated/former):**
  - [Education and Other Legislation Amendment \(VET Student Loan Debt Separation\) Act 2018](#)
  - [VET Student Loans \(Consequential Amendments and Transitional Provisions\) Act 2016](#)
  - [VET Student Loans \(Consequential Amendments and Transitional Provisions\) Rule 2016](#)
  - [VET Student Payment Arrangements \(Miscellaneous Amendments\) Act 2021](#)
  - [VET Student Loans \(VSL Tuition Protection Levy\) \(Risk Rated Premium and Special Tuition Protection Components\) Determination 2020](#) (New Instruments will be made for subsequent years).
- **Other:**
  - [Higher Education Support Act 2003](#)
  - [Registered Training Organisations \(RTOs\) 2015](#)
  - [Standards for VET Accredited Courses 2021](#)
  - [Standards for VET Regulators 2015](#)
  - [Student Identifier Act 2014](#)

### IT help

- [HELP Information Technology System \(HITS\) User Guide](#)
- [TCSI Support](#)
- [eCAF User Guide](#)
- [VET Student Loans website](#)

### Other

- [MySkills](#)
- [Your Career](#)
- [Study Assist](#)
- [myHELPbalance](#)

### Contact

Enquiries or notifications should be sent via the online VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#). Please ensure that provider staff contacting the department are listed in HITS as being authorised to receive sensitive provider information.

## 1.5 Glossary

Term	Explanation
AAT	Administrative Appeals Tribunal – ceased in 2024
ACSF	Australian Core Skills Framework
Act	<i>VET Student Loans Act 2016</i>
ADI	Authorised Deposit-Taking Institution
APP	Australian Privacy Principles, as defined in the <i>Privacy Act 1988</i>
AQF	Australian Qualifications Framework
ART	Administrative Review Tribunal
ASQA	Australian Skills Quality Authority
ATO	Australian Taxation Office
AVETMISS	Australian Vocational Education and Training Management Information Statistical Standard
business day	Any day other than a Saturday, a Sunday, or a public holiday in the place in which the relevant act is to be or may be done
CAN	Commonwealth Assistance Notice
census day	A date by which enrolment may be cancelled without incurring tuition fees for the course or the part of the course. See also section on census days in this manual.
CHESSN	Commonwealth Higher Education Student Support Number
course	A course listed in the VET Student Loans (Courses and Loan Caps) Determination 2016
Department	Commonwealth Department of Employment and Workplace Relations
eCAF	Electronic Commonwealth Assistance Form – the electronic application form for VSL.
EFTSL	Equivalent full-time student load
ETA	<i>Electronic Transactions Act 1999</i>
HEIMS	Higher Education Information Management System – the Department’s reporting system used prior to TCSI.
HEPCAT	Higher Education Provider Client Assistance Tool – the tool previously used with to report data into HEIMS
HESA	<i>Higher Education Support Act 2003</i>
HITS	HELP Information Technology System
Listed Course Provider	Refer s27 of the Act: an RTO that is a Table A or Table B provider (HESA), a TAFE established under state or territory legislation or a training organisation owned by the Commonwealth, or state or territory, or body specified in the Rules.
National VET Regulator	The Australian Skills Quality Authority (ASQA) is the national VET regulator. In Victoria, the Victorian Registration and Qualifications Authority (VRQA) also has regulatory powers, as does the Training Accreditation Council in Western Australia.

Minister	The Minister responsible for the administration of VSL
NVR	National Vocational Education and Training Regulator, or ASQA
NVR Act	<i>National Vocational Education and Training Regulator Act 2011</i>
provider	An RTO approved as a VSL approved course provider under the Act
RTO	registered training organisation as listed on the National Register of VET at <a href="http://training.gov.au">training.gov.au</a>
Rules	VET Student Loans Rules 2016
Secretary	a person holding, occupying or performing the duties of the position of Secretary of the department, responsible for the administration of VSL
Table A or Table B provider	Refer to the meaning outlined in HESA: Table A provider – a body listed in Table A in HESA section 16-15. Table B provider – a body listed in Table B in HESA section 16-20.
TCSI	Tertiary Collection of Student Information
TEQSA	Tertiary Education Quality and Standards Agency
TPA	Third party arrangement—where another person or body provides services on behalf of the VSL approved provider (which may require approval under the Act <a href="#">[Act s 15]</a> )
Units of competency	Components of a training package or VET accredited course that define the skills and knowledge needed, and how to apply them in a workplace context. Also known as modules for VET accredited courses.
USI	Unique Student Identifier issued under the <i>Student Identifiers Act 2014</i>
VET National Register	<a href="http://training.gov.au">Training.gov.au</a> is the National Register on Vocational Education and Training (VET) in Australia. <a href="http://training.gov.au">Training.gov.au</a> is the authoritative source of nationally recognised training and Registered Training Organisations
VETSL debt	VET Student Loan debt as defined in the Act (effective from 1 July 2019)
VRQA	Victorian Registration and Qualifications Authority
VSL	VET Student Loans
VSL Tuition Protection Director	Statutory appointed Director to manage the VSL tuition protection arrangements.
VSL Tuition Protection Fund	A sector-specific special account established to administer the VSL tuition protection arrangements.
VSL tuition protection levy	A levy payable by non-exempt providers for the purposes of funding VSL tuition protection arrangements.
VSL tuition protection levy framework	Levy framework developed by the Australian Government Actuary for the purposes of funding and administering VSL tuition protection arrangements.
WA TAC	Western Australia Training Accreditation Council

## 2. VET FEE-HELP

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### 2.1 Close of VET FEE-HELP

The VET FEE-HELP scheme operated between 2008 and 2016, with legislative and policy changes implemented from 1 April 2015. In 2017, VET FEE-HELP was replaced by VSL under the *VET Student Loans Act 2016*, with existing VET FEE-HELP students maintaining access to VET FEE-HELP until 31 December 2018 under 'grandfathering' provisions.

Information in relation to legislation and policy can be found on [VET Student Loans legislation and policy documents](#).

The following information is relevant only to providers that were **approved** for VET FEE-HELP.

The *VET Student Payment Arrangements (Miscellaneous Amendments) Act 2021* contains measures relating to the closure of the VET FEE-HELP scheme through:

- ending the Commonwealth's obligation to pay VET providers amounts of VET FEE-HELP assistance for a student unless the VET provider has confirmed the student's liability for tuition fees by specified deadlines (30 June 2021 and 31 December 2021)
- permitting the Commonwealth to offset VET FEE-HELP amounts owed by VET providers to the Commonwealth against FEE-HELP and VSL amounts payable to the provider, and
- on 1 July 2021, revoking the approval of all remaining providers that operated under the VET FEE-HELP scheme.

The effect of these provisions is as follows:

- providers have until 31 December 2021 to report any previously unreported outstanding VET FEE-HELP loan amounts that have census days in 2018.
- it is no longer possible for providers to report previously unreported outstanding VET FEE-HELP loan amounts, and increases to loan amounts, that have census days from 2009 to 2017 (as the reporting deadline was 30 June 2021)
- the deadlines above will be supported by TCSI validations
- for providers that have access to TCSI, VET FEE-HELP records may be deleted, re-credited or revised to a lower amount if appropriate and required.

If you do not have access to TCSI and need to make necessary adjustments, or if you have queries relating to VET FEE-HELP payments, please contact the department using the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Provider Operations' from the drop-down list and then choose 'Payments and Reporting'. Provide details in the enquiry text field and upload any relevant attachments.

## 3. Becoming an approved course provider

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Only a registered training organisation (RTO) that has the approval by the Secretary to operate as an approved course provider can offer approved courses through VSL [\[Act s 15\]](#).

To become an approved course provider, a body needs to:

- apply in the approved form [\[Act s 28\]](#)
- pay the [Application fee \[Act s 28\]](#)
- satisfy the Secretary that they meet the course provider requirements [\[Act s 25\]](#) and
- provide any further information requested.

Importantly, once a body has been approved to offer VSL, it needs to continue to meet the course provider requirements to maintain its approval [\[Act s 47\(2\)\]](#). These requirements are explained below at [4.2 Course provider requirements](#), with additional support material issued to providers during the on-boarding process after approval.

The length of time a body is approved will be set out in its approval documentation; however, the period of approval will not be more than 7 years [\[Act s 29\]](#). This aligns with the maximum length of registration as an RTO.

You may submit an application to become an approved VSL provider at any time. Information on how to apply to become an approved course provider is available at [VET Student Loans](#).

### Listing of approved VET Student Loans course providers and approved courses

The department publishes a list of VSL approved course providers that sets out the period of approval for each provider. The list is published at [VET Student Loans](#). VSL approved providers will also be identified on [Your Career](#) by checking the VET Student Loans tick box.

### 3.1 Application fee

RTOs must pay an application fee when applying to become an approved provider. This application fee assists with the recovery of the costs associated with processing and assessing applications.

The application fee is required to be paid each time a provider applies for approval as an approved course provider under the Act. The application fee is not refundable if an applicant is not approved. You need to pay the application fee each time you apply for approval, including when applying for re-approval.

The application fee amount is currently \$5,110.

The Secretary is not required to accept an application if it is not in an approved form. If the Secretary does not accept an application, the application fee must be refunded.

Further details can be found in the [Application fee and annual charge](#) fact sheet.

#### Annual charge

You will be required to pay an annual charge. The charge partially recovers costs associated with administering the program, such as compliance and auditing costs, payments, processing and actioning complaints, and provider and student management.

The amount payable for a financial year depends on the size of the provider, determined by the summation of all verified student enrolments as reported by you for payment purposes.



The size categories and final annual charge rates per provider are set out in the [VET Student Loans \(Charges\) Regulations 2017](#). The department anticipates it will invoice providers for the annual charge relating to the preceding financial year in or around August each year. For the 2020-21 financial year the annual charge, amounts were as follows:

- providers with fewer than **200 student enrolments** are charged the **small provider** annual charge rate (\$1,280\*)
- providers with at least **200 but up to and including 1,000 student enrolments** are charged the **medium provider** annual charge rate (\$12,480\*)
- providers with more than **1,000 student enrolments** are charged the **large provider** annual charge rate (\$62,870\*).

\*GST exclusive

You have 30 days from the date of invoice issue to pay the charge, after which a late payment penalty may apply.

Further details can be found in [Application fee and annual charge](#).

### 3.2 Tuition Protection arrangements and annual levy

All non-exempt providers are subject to sector funded VSL tuition protection arrangements. All non-exempt providers are required to pay annual levies, commensurate with their size and risk. The levies are used to fund the tuition protection arrangements. Further information about tuition protection is available at section [4.3 Tuition Protection](#).

## 4. Provider obligations

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VSL includes a range of measures to protect students and taxpayers. To this end, you must comply with certain legislative obligations. The Act and the Rules set out these obligations and consequences for failing to meet those obligations. You should familiarise themselves with these obligations. One of the consequences includes that you may be liable to civil penalties or criminal prosecution for breaches to these obligations. This section should be read in conjunction with [4.1.4 Civil penalties and criminal offences](#) and [Appendix A - Civil penalties and criminal offences](#).

### Chapter 4 Summary

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[Processes and procedures](#)

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[Census Days](#)

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### 4.1 Compliance

Our compliance strategy aims to encourage, enforce and strengthen compliance of approved course providers.

You are encouraged to use the Compliance Checklist at [Appendix L - VET Student Loans Compliance Checklist](#) which summarises VSL program administrative and publishing requirements.

Additional resources are located on the department's website on [Information for VSL approved providers](#). Further help can also be requested by completing the online VSL providers enquiry form at the bottom of the page.

We also work closely with the Australian Skills Quality Authority (ASQA), the Australian Competition and Consumer Commission (ACCC), the VET Student Loans Ombudsman (VSLO), the Australian Taxation Office (ATO) and other stakeholders to deal with matters involving VSL providers. This may involve the exchange of information, or more direct engagement in joint compliance activities.

Under section 24A of the NVR Act, compliance by a provider with the *VET Student Loans Act 2016* is a condition of registration as a registered training organisation (RTO). Failure to comply with either of these Acts could be grounds for ASQA to consider regulatory action under its legislation.

#### 4.1.1 Audits and responding to requests for information

##### Audits

You should be aware you may be audited at any time in relation to your compliance with the statutory requirements and/or in relation to whether your students are 'genuine students' [\[Act s 45\]](#). Failing to cooperate in audits can also lead to serious consequences (such as imposition of a civil penalty) [\[Act s 46\]](#).

Keeping accurate and detailed records will help you meet your obligations and assist you comply with audits.

### Secretary may request information

You should note that we may, by notice in writing, require you to give the Secretary information or documents relating to:

- the provision of vocational education and training by you, or
- your compliance with the Act (including Rules).

Where we make such a request, you must provide the information or documents in the form specified in the notice (for example, this may be in the form of a Statutory Declaration) and in accordance with any other requirements specified in the notice.

Contravening this requirement may give rise to a civil penalty and is a strict liability offence (both of 60 penalty units) [\[Act s 53\]](#).

#### 4.1.2 Regulatory powers

The *Regulatory Powers (Standard Provisions) Act 2014* (**Regulatory Powers Act**) provides a framework of standard regulatory powers, which can be adopted by Commonwealth regulators through primary legislation.

The *VET Student Loans Act 2016* incorporates the following regulatory powers from the Regulatory Powers Act:

- monitoring powers to determine whether the Act has been complied with, including powers of entry and inspection [\[Act, s 82\]](#)
- investigation powers to determine whether a provision has been contravened, including powers of entry, search and seizure [\[Act, s 83\]](#)
- enforcement of civil penalty provisions under Part 4 of the Regulatory Powers Act, including by obtaining an order for a person to pay a pecuniary penalty [\[Act, s 84\]](#)
- issuing infringement notices for contravention of an offence provision or a civil penalty provision [\[Act s 85\]](#)
- accepting and enforcing undertakings relating to compliance with provisions [\[Act, s 86\]](#)
- using injunctions to enforce provisions [\[Act, s 87\]](#)
- appointment of investigators [\[Act, s 88\]](#)

For the avoidance of doubt, taking action under the above provisions does not limit the department from taking action under any other provision of the Act [\[Act, s 90\]](#).

#### 4.1.3 Compliance action

Actions that could be taken against you for failing to meet obligations under the Act and the Rules include:

- the Secretary may determine not to pay a loan amount for student(s) of the provider [\[Act s 20\(f\)\]](#)
- conditions being placed on a provider's approval [\[Act s 34\]](#)
- compliance notice being issued [\[Act s 43\]](#)
- suspension or revocation of a provider's approval [\[Act s 36\]](#)
- issuing an infringement notice where there is a reasonable belief that the provider has contravened a civil penalty provision, and
- the imposition of a civil penalty by a court, where the provider has contravened a civil penalty provision.

#### 4.1.4 Civil penalties and criminal offences

The Act includes several civil penalties provisions for contravention of certain requirements. These include, by way of example:

- failing to have processes and procedures in place
- failing to cooperate with the department or ASQA
- failing to provide information under the Act and the Rules and
- specific provisions in relation to census days, fees, tuition protection, marketing and electronic communications.

The penalties range from 60 penalty units to 240 penalty units for individuals (\$13,320 – \$53,280) and 300 penalty units to 1200 penalty units (\$66,600 – \$266,400) for corporations. (Rates current as at 1 July 2020 – one penalty unit is an amount of \$222. A penalty unit is indexed pursuant to the *Crimes Act 1914* (s4AA). The current value of a penalty unit can be found on [Fines and penalties | ASIC](#)).

In addition to the imposition of penalties, you should be aware failure to meet certain obligations could amount to the commission of a criminal offence. The Act provides for several strict liability offences: this means it does not matter that you did not intend to commit the offence, it is enough that you engaged in the prohibited conduct. The Act provides a maximum fine payable for these offences. Contravention of certain requirements (specifically in relation to the misuse of personal information) may result in imprisonment for up to 2 years.

A summary of the civil penalties and criminal offences under the Act is at [Appendix A - Civil penalties and criminal offences](#).

#### 4.1.5 Personal liability for executive officers

You should note that under the Act executive officers of an approved course provider may be found personally liable for the actions of the provider. An executive officer of an approved course provider commits an offence if:

- the provider commits an offence against this Act, and
- the officer knew the offence would be committed, and
- the officer was in a position to influence the conduct of the provider in relation to the commission of the offence, and
- the officer failed to take all reasonable steps to prevent the commission of the offence [[Act s 65\(1\)](#)].

Where an executive officer is found personally liable, the maximum penalty for an offence is one-fifth of the maximum penalty that could be imposed for the offence committed by the provider – so where a provider would be subject to 60 penalty units (currently \$13,320) the executive officer would be subject to a maximum of 12 penalty units (\$2,664).

#### Civil penalty

An executive officer of an approved course provider contravenes subsection 65(3) of the Act if:

- the provider contravenes a civil penalty provision of the Act, and
- the officer knew the contravention would occur, and
- the officer was in a position to influence the conduct of the provider in relation to the contravention, and
- the officer failed to take all reasonable steps to prevent the contravention.

The maximum civil penalty for a contravention of subsection 65(3) is one-fifth of the maximum penalty that could be imposed for the contravention of the civil penalty provision by the provider.

## Reasonable steps to prevent offence or contravention

In determining whether an executive officer failed to take all reasonable steps to prevent the commission of an offence, or the contravention of a civil penalty provision, a court is to have regard to (among other things):

- what action (if any) the officer took towards ensuring the provider's employees, agents and contractors had a reasonable knowledge and understanding of the requirements to comply with the Act, in so far as those requirements affected the employees, agents or contractors concerned, and
- what action (if any) the officer took when he or she became aware of the offence or contravention.

## 4.2 Course provider requirements

### 4.2.1 Course provider requirements

In addition to satisfying the course provider requirements at the time of approval, you must continue to meet the course provider requirements [\[Act s 47\(2\)\]](#).

To meet the course provider requirements a body seeking approval as an approved course provider must meet all the following [\[Act s 25\]](#):

- be a body corporate that is not a trustee
- be established under the law of the Commonwealth, a state or a territory
- carry on business in Australia and have its central management and control in Australia
- be a registered training organisation
- meet the provider suitability requirements (see [section 4.2.3](#))
- be a fit and proper person (see [section 4.2.9](#))
- be a member of an approved external dispute resolution scheme (unless exempted by the Secretary [\[Act s 25\(3\)\]](#)) (see [section 4.8.9](#) Providers' obligations).

### 4.2.2 Imposition of conditions

You must comply with any conditions imposed on your approval [\[Act s 47\(1\)\]](#).

Conditions may be imposed for a variety of reasons, including the management of risks. All providers have conditions imposed on them limiting the total amount of VET Student Loans that may be paid to them in a year or period (provider fee limit). Some providers may also have a condition, imposing limits on the loan amounts that may be paid to them, for particular courses (provider course fee limits). It is your responsibility to stay within these limits. Information on seeking variations to conditions is available at [Varying the conditions of approval](#).

### 4.2.3 Provider suitability requirements

In addition to satisfying the provider suitability requirements at the time of approval, you must continue to meet these requirements [\[Act s 47\(2\)\]](#).

The purpose of the provider suitability requirements is to ensure that only quality providers participate in VSL. An overview of these requirements is set out below.

#### 4.2.4 General requirements

You must:

- be committed to delivery of high-quality vocational education and training and achieving best outcomes for students
- act efficiently, honestly and fairly in all dealings with students, stakeholders and the Commonwealth, including the National VET Regulator
- have a record of satisfactory conduct in relation to the provision of previous vocational education and training for which the Commonwealth, a state or territory provided funding [Rules s 22].

#### 4.2.5 Financial performance

You must be financially viable and be able to pay your debts as, and when, they are due and payable [Rules s 23].

We consider a range of information when considering whether you continue to be financially viable.

When undergoing the approval / reapproval process you must submit sufficient information to assist the Secretary in assessing the level of risk associated with your financial viability. This information should include audited financial statements.

Subsequently, you must provide, annually, accurate financial statements prepared by an independent qualified auditor (refer 4.4.3).

A qualified auditor means:

- (a) the Auditor-General of a state or territory or
  - (b) a registered company auditor (within the meaning of section 9 of the *Corporations Act 2001*) or
  - (c) a person approved by the Secretary in writing
- [Rules s 4 definitions].

The word 'independent' in this case is given its ordinary meaning that is a registered company auditor who is independent of the company being audited.

Note: These financial performance details are to be provided to the department via the HITS system and need to be accompanied by required information (Copies of notices given to other regulators 4.4.4).

Indicators of financial viability are [Rules s 23(3)]:

- the provider generated sufficient income to meet operating payments and debt commitments and allow growth
- the provider maintains a positive equity position and there is no evidence to suggest this might change
- if the provider has been operating for 3 or more years and is not a charitable or not-for-profit organisation registered with the Australian Charities and Not-for-profits Commission – it must have operated at a profit for at least 2 of the 3 most recent financial years
- if the provider had at least 100 enrolments in courses leading to awards of qualifications in the Australian Qualifications Framework – at least 20% of its total revenue for that previous financial year came from sources other than payments of Commonwealth assistance that gave rise to HELP debts or VETSL debts
- the provider has a net positive operating cash position from operating activities determined in accordance with accounting standards
- the provider is not providing guarantees, or loans, that could have a material effect on the provider's finances

- the provider is not offering its assets as security other than under a commercial loan arrangement with an ADI.

### **Dividends and related party transactions**

Your dividend distributions during a financial year must not exceed your after-tax profit for the previous financial year.

Your payments to key personnel and related parties for the provision of goods or services during a financial year must only be for goods and services which are reasonably necessary for your operations and on terms that comply with the accounting standards, including in relation to arm's length transactions [\[Rules s 24\]](#).

### **Insurance**

You must have workers' compensation insurance as required by law and adequate public liability insurance [\[Rules s 25\]](#).

These insurance requirements are necessary to ensure that you have adequate financial resources to respond to and handle claims relating to workers' compensation and public liability. If the total liability incurred by you under such a claim exceeds the amount for which you are insured, then you will be liable to pay the balance of the liability out of your own resources.

If you have in place workers' compensation insurance as required by the laws of each state and territory in which you have workers, you meet the workers' compensation insurance requirement.

The level of public liability insurance that is adequate for you to hold needs to be determined after an assessment of your risk exposure. You are best placed to conduct this assessment.

#### **4.2.6 Management and governance**

You must have robust and appropriate management and governance structures.

### **Processes and resources**

You must:

- have clearly defined decision-making processes that ensure accountability for decisions and actions
- have the resources necessary to support employees and students
- have systems in place to maintain student records, ensure data integrity and report data consistently, accurately and on time to the department [\[Rules s 26\]](#)
- have the organisational capacity and administrative resources to ensure you meet your responsibilities under the relevant laws and review on a regular basis your compliance with, and effectiveness of your operations in relation to, those laws [\[Rules s 29\]](#)
- comply with the processes and procedures outlined at [section 4.7](#)

## Staffing

You must:

- ensure key personnel and advisers have experience and expertise necessary to perform their duties and responsibilities including in delivery of education, financial and human resources management and administration [\[Rules s 27\]](#).
- not pay your staff commissions, benefits or bonuses (refer further information below) that have any connection with the number of students who are enrolled by you and whose tuition fees are paid (whether wholly or in part) using VSL [\[Rules s 28\]](#).

### Commissions for provider staff

Section 28 of the VET Student Loans Rules 2016 prohibits you from paying staff commissions, benefits or bonuses that have any connection with the number of students who enrol with you in a course (whose fees are paid in whole, or in part under VSL), as well as in subsequent units that form part of the course.

The words included in section 28 of the Rules '*any connection (whether direct or indirect)*' suggests the intention is for the provision to apply so as to prohibit a wide range of behaviours which would amount to you paying staff benefits/financial incentives connected to the numbers of students who are enrolled in approved courses.

Accordingly, paying staff commissions/financial incentives connected with the number of students who progress through a course is not consistent with section 28 – which relates not only to the initial enrolment of a student in an approved course, but also to enrolments by the student in subsequent units of study that form part of the course.

In addition, questionable training and assessment practices might result in a breach of the *National Vocational Education and Training Regulator Act 2011* (NVR Act) and/or the Standards for Registered Training Organisations 2015 (RTO Standards), specifically:

- if there is a suggestion that a provider may be allowing students to progress through a course where they do not meet the course competencies, or if the provider is not conducting the training or assessment appropriately, then this could be a breach of clause 1.1 and clause 1.8 of Standard 1 of the RTO Standards, and
- if the provider is issuing VET qualifications and/or VET statements of attainment without adequate assessment or without ensuring the student satisfied the requirements then this could be a breach of the offence and civil penalty provisions at sections 103 – 110 of the NVR Act.

## Compliance

You must:

- comply with relevant laws and continually meet the appropriate RTO quality standards for training and assessment [\[Rules s 29\]](#)
- meet the relevant standards applicable to their registration as an NVR RTO, or registration with the Western Australia Training Accreditation Council (WA TAC) or registration with the Victorian Registration and Qualifications Authority (VRQA) [\[Rules s 30\]](#).

### 4.2.7 Experience and course offerings

#### Track record

You must have experience in providing VET as an RTO. The following factors (among others) are relevant to determining whether the provider has such experience [\[Rules s 31\]](#):

- whether the provider has been registered as an RTO for at least 3 years
- the history of the provider and its key personnel in delivering high quality VET to genuine students



- the scope, and the level of qualifications, of the courses the provider and its key personnel have experience in providing. That is, whether they have a strong history of delivering Diploma and Advanced Diploma qualifications and courses.
- the history of the provider and its key personnel in delivering education through state and territory subsidy funding arrangements. That is, of providing state subsidised courses or being on a state preferred provider register.

### Minimum course offerings

To be approved, and maintain its approval, under VSL, you must be providing at least one approved course set out in the Courses and Loan Caps Determination [\[Rules s 32\]](#).

#### 4.2.8 Student outcomes and workplace relevance

### Completion rates

You must have adequate completion rates for each of your courses that lead to a diploma, advanced diploma, graduate certificate or graduate diploma. This is a requirement of the Rules [\[Rules s 33\]](#).

Unit and course completion is analysed each year. As part of our assessment of your student outcomes, and for the purposes of determining adequacy, training completion rates are compared against the national averages. These are identified in the table below; averages will alter each year as updated data becomes available.

National Average *		Low Risk		Medium Low Risk		Medium High Risk		High Risk	
Range (0%)		To	From	To	From	To	From	To	From
Competency	82.1	100	82	81	61	60	42	41	0
Course	52.9	100	52	51	39	38	27	26	0

Based on NCVET 2018 Australian vocational educational training statistics, VET program completion rates, 2012-2016 (Government funded for Diploma or higher), NCVET, Adelaide

Unit and course completion data must be submitted to the department. Providers and Senior Executives may contravene the Act or commit an offence for providing false or misleading information or for failing to provide required data.

### Student support

You must have genuine students with satisfactory levels of student engagement and student satisfaction. [Section 4.6.3](#) of this Manual provides guidance on what is a 'genuine student'.

You must assess student satisfaction in relation to each of your courses at least annually [\[Rules s 34\]](#). For example, this may be by way of an online survey.

### Workplace relevance

You must have established and maintained material, relevant and appropriate links with industry and other bodies to ensure your courses meet workplace needs and improve employment outcomes [\[Rules s 35\]](#).

#### 4.2.9 Fit and proper person

To be approved under VSL and to maintain approval, you (and your key personnel) must demonstrate they are 'fit and proper persons'. This is to ensure you and your key personnel meet sufficient standards of integrity, honesty and good character.

In considering whether a body is a fit and proper person, the Secretary may have regard to a range of factors in relation to the body or any of its key personnel. These factors are set out in sections 14 to 20 of the Rules.

The factors include history of compliance with laws, financial and management record and whether you or key personnel have ever provided false or misleading information and whether any key personnel of the provider have been disqualified from managing corporations under the *Corporations Act 2001*.

A single relevant matter may not necessarily indicate an applicant is not a fit and proper person. However, a pattern of conduct may demonstrate an attitude towards standards of proper conduct or honesty that indicates that a provider is not a fit and proper person to be an approved course provider.

### 4.3 Tuition Protection

The VSL tuition protection arrangements, as set out in the VSL Act [[Act Parts 5A and 5B](#); [Rules Part 6](#); and [Rules Subdivision J, Division 1, Part 7](#)] and the VSL Rules, provide assistance and protections for VSL students in the event their private education provider defaults.

TAFEs, other Government-owned providers and 'Table A' universities are exempt from the tuition protection arrangements, with the exception of obligations relating to providing information about replacement courses and obligations as replacement providers [[Act s 66A](#)]. The exemption of these providers reflects their very low risk of default, and their greater capacity and capability to place students in suitable replacement courses without the assistance of the VSL Tuition Protection Director if they do default.

However, to ensure students accessing VSL with publicly owned providers receive the same protections as those studying with private providers, conditions of approval have been imposed which require publicly owned providers to support their VSL students if they cease to provide any of their courses. This provides protection and assistance commensurate with that afforded to students accessing VSL with private providers, including facilitating replacement courses/providers or, where that is not available, re-crediting a student's HELP balance for affected parts of the course.

Further information in relation to VSL Tuition Protection Arrangements can be found at [VSL Students - Department of Education](#).

It is important to note that VSL tuition protection arrangements are limited to the tuition fees paid using a VSL. All providers, regardless of whether private or publicly owned, must also comply with fee protection requirements for any up-front fees charged to students, as set out in the Standards for Registered Training Organisations (RTOs) 2015.

#### 4.3.1 VSL Tuition Protection levy framework

The VSL tuition protection arrangements include a levy framework. Non-exempt providers are required to contribute annual levies, commensurate with their size and risk. The levy framework has been developed by the Australian Government Actuary to ensure the tuition protection arrangements are sustainable and can respond to trends in each sector.

The levy comprises an administrative fee component, a risk rated premium component and a special tuition protection component.

Parts of the levy are calculated using a provider's validated data from previous years. It is essential you ensure your reportable data is up to date, so the levy reflects your actual enrolments and risk.

The levy is collected in the second half of each calendar year. The levy is calculated in accordance with legislative instruments made by the Minister and the VSL Tuition Protection Director and reviewed annually, to ensure it remains appropriate to the sector. The levy is held in a sector-specific quarantined account and is used to support students and providers.

### 4.3.2 Student eligibility for Tuition Protection

VSL students studying with private VSL providers are eligible for tuition protection, delivered by the Government's Tuition Protection Service (TPS), if their provider defaults. The tuition protection arrangements do not apply to Table A providers, TAFEs and other public-owned providers as these bodies are considered low risk and are able to provide support to students if they cease to provide any of their courses.

The TPS assists VSL students affected by a provider default. If there is a suitable replacement course available, eligible VSL student will be assisted to continue their studies with a replacement provider. Where there is no suitable replacement course, eligible students will be provided with a re-credit to their HELP balance. This re-credit will be for tuition fees paid using VSL for the original course or parts of the course, which were not completed due to the provider's default.

Please see the [Tuition Protection Service](#) website for information regarding [VSL provider default obligations](#) [Act s66C and 66D; Rules s47 and s51; and civil penalty provisions Act s66D(4) and strict liability Act s66D(5)] and advice for [VSL providers](#) [civil penalty provisions Act 66F(3) and 66G(4) and strict liability Act s66F(4) and 66G(5)]. The applicable VSL Act and VSL Rules provisions that apply have provisions relating to the obligations of defaulting and replacement providers.

## 4.4 Ongoing information requirements

You are required to provide certain information to the department on an ongoing basis. Failure to do so may result in a civil penalty of 60 penalty units [Act s 52(4)] and is an offence of strict liability [Act s 52(5)]. The current value of penalty units is at [Appendix A - Civil penalties and criminal offences](#).

### 4.4.1 Notice of events

#### Students who do not want fees to be paid with VET Student Loans

Some students who have requested a loan for their course may decide to pay upfront for a particular unit or part of a course. If a student advises their provider, on or before the census day for a part of a course, that the student does not want the student's VET Student Loan to be used to pay tuition fees for the part of the course, the provider must inform the Secretary as soon as practicable [Rules s 107].

The provider informs the Secretary of the student's decision by reporting the student as 'paid upfront' for the unit or part of a course in line with the usual reporting requirements, with a zero-loan amount being reported.

If the student wishes to withdraw from study, they will need to follow the withdrawal procedure on your website. If the student has withdrawn on or before the census date, you will not be required to report the student in TCSI.

Note: You cannot delete an eCAF **once** it has been **submitted** by a student. However, you may be able to delete an eCAF that has not been submitted by the student if the student does not wish to access a VSL.

#### Events affecting capacity to comply with the Act

You must, as soon as practicable, notify the Secretary in writing of any event affecting you, any of your key personnel or of your related body corporate that is likely to affect your capacity to comply with the Act or any instrument made under the Act [Rules s 109]. For example, an event which goes to your or your key personnel's ability to meet the fit and proper person requirements – such as if a member of the key personnel goes bankrupt.

## Changes to provider

A provider must, as soon as practicable, notify the Secretary in writing of any of the following

[Rules s 110]:

- a change to the provider's legal name, or to the business name the provider uses for delivering vocational education and training
- a change to the provider's key personnel and the reason for the change
- planned changes to the ownership of the provider or the corporate structure of the provider
- any major projects undertaken by the provider
- any major purchases of assets by the provider.

## Giving notice to the Secretary

You give written notice to the Secretary of these events or changes by accessing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose 'Notice – Change to our Organisation' and provide details of the change in the enquiry text field and upload any relevant attachments.

Please refer when the [Secretary is not required to pay a loan amount to a provider](#) – this includes where the Secretary suspects, on reasonable grounds, that a provider is not complying with this Act [Act s 20]. The above-mentioned notifiable events may be relevant to the Secretary forming a view that the provider is not complying with the Act.

### 4.4.2 Other events

A provider must give written notice to the Secretary of any of the following events within 24 hours of the event occurring [Rules s 111(1)]:

- the provider defaults in relation to a student
- notice is served on the provider, or proceedings are taken to
  - cancel the provider's incorporation or registration under the *Corporations Act 2001* or similar legislation or
  - dissolve the provider as a legal entity
- the provider comes under a form of external administration referred to in subsection 600H(2) of the *Corporations Act 2001* or an equivalent arrangement
- the provider fails to comply with a statutory demand within the meaning of section 459F of the *Corporations Act 2001*
- the provider is unable to pay all of its debts when they become due
- proceedings are initiated for an order for the provider's winding up
- at a meeting of the provider, a resolution is made to wind up the provider.

If an approved course provider intends to default in relation to a student, the provider must give the Secretary written notice of the intention as soon as practicable [Rules s 111(2)].

You give written notice to the Secretary of other events by accessing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose the relevant Notice text from the drop-down list, such as 'Notice – Ceases to offer or provide course' or 'Notice – Other'. Provide details of the event in the enquiry text field and upload any relevant attachments.

#### 4.4.3 Annual financial statements

A provider (other than a Listed Course Provider) must give the Secretary general purpose financial statements for each financial year of the provider (within the meaning of section 323D of the *Corporations Act 2001*), within 4 months after the end of the financial year [Rules s 113(1)].

The Act does not allow extensions to be given for this timeframe.

The Rules and the Act do not allow for any providers to be exempt from providing general purpose financial statements. Special purpose financial statements are not an acceptable form of submission and are considered to be a compliance breach. Compliance action may be taken if the required information is not submitted within the statutory deadline. The financial statements must be [Rules s 113(2)]:

- prepared by a qualified accountant (within the meaning of the *Corporations Act 2001*) in accordance with applicable accounting standards, and
- audited by a qualified auditor who is independent of the provider.

The financial statements must be accompanied by the following [Rules s 113(3)]:

- a report by the auditor (independent auditor's report)
- a copy of the auditor's independence declaration required under section 307C of the *Corporations Act 2001*
- a declaration by a qualified accountant or auditor that the provider has, as at the date of the declaration, complied with all statutory obligations relating to the payment of the following:
  - company tax
  - goods and services tax
  - withholding tax, including withholding tax for employees
  - payroll tax
  - superannuation guarantee for employees.
- an updated and current workers' compensation and public liability insurance policy.

If you are part of a consolidated entity, the financial statements must be accompanied by [Rules s 113 (4)]:

- a copy of the most recent consolidated financial statements for the entity prepared in accordance with applicable accounting standards and
- such additional information related to the consolidated entity as determined by the Secretary.

#### Providing annual financial statements

The financial statements and accompanying documents and information must be given to the Secretary in a manner and form approved by the Secretary [Rules s 113(5)]. The required form is the HELP IT System (HITS). Financial documentation should be uploaded to your 'Document List' under 'Financial Requirements'. For assistance in uploading document in HITS, you should access the [HITS User Guide](#).

You are also required to complete the Financial Performance Detail section of HITS for each corresponding financial period (refer to HITS User Guide section labelled 'Financial Performance – Create a Financial Performance'). The financial information input should be consistent with the corresponding audited general-purpose financial statements submitted.

You should notify the department that you have uploaded your annual financial statements to HITS by submitting the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose 'Notice – Annual forecast/financial statements'. Provide details in the enquiry text field. Documents should be uploaded in HITS.

#### 4.4.4 Copies of notices given to other regulators

You must give the Secretary a copy of a notice given to the National VET Regulator under section 25 of the NVR Act, at the same time as the notice is given to the Regulator [\[Rules s 114\(1\)\]](#).

You give a copy of a notice to the VET Regulator to the Secretary by completing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose 'Notice – Other'. Provide details of the event in the enquiry text field and upload any relevant attachments.

You must give the Secretary a copy of a notice given to the Commissioner of the Australian Charities and Not-for-profits Commission under section 65-5 of the *Australian Charities and Not-for-profits Commission Act 2012*, at the same time as the notice is given to the Commissioner [\[Rules s 114\(2\)\]](#). When providing the notice to the Secretary, the provider should state what the notice relates to.

You must give the Secretary a copy of a notice given to the Commissioner of the Australian Charities and Not-for-profits Commission by accessing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose 'Notice – Other'. Provide details of the event in the enquiry text field and upload any relevant attachments.

#### 4.4.5 Annual reporting

You must give the following information to the Secretary by a specified date each year [\[Rules s 116\(1\)\]](#):

- information about the links the provider has with industry and other bodies [\[Rules s 35\]](#)
- information about any 'third party arrangements', whether approved or not, the provider has with a third party to deliver all or part of an approved course [\[Act 15\(1\)\(b\)\]](#).
- a report on the results of the provider's last annual assessment of student satisfaction in relation to each of its courses made [\[Rules 34\(2\)\]](#).
- any other information determined by the Secretary.

The Secretary may determine different information that must be given by different providers [\[Rules s 116\(2\)\]](#).

#### Providing your annual reporting

You will be notified of the date by email of the date by which you have to provide this information.

Your annual report should be uploaded to HITS. You must place the annual report in your 'Document List' under 'Compliance Requirements' or as otherwise directed at the time. For assistance in uploading a document in HITS, you should access the [HITS User Guide](#).

#### Approved courses and loan caps

The [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#) (the Determination) specifies the courses approved for VSL and the maximum loan amount for those courses. It also indicates the annual indexation of the loans.

#### Qualifying Courses

You must only offer VSL for those diploma level or above courses that have been agreed. That is, the courses must be (a) listed on the Determination as a specified course or a later version of a specified

course, and (b) approved for VSL as a condition of your approval. There are 3 Schedules to the Determination:

- **Schedule 1** sets out the approved VSL courses in 3 parts and loan caps for those courses in each part.
- **Schedule 2** sets out the approved courses in the Aviation Training Package and the loan caps for those courses.
- **Schedule 3** lists the approved courses for specific providers and the loan caps for those courses.

The applicable indexed amounts of the loan caps for each year are published in [VET Student Loans Course Caps Indexed Amounts \(for providers\)](#).

The Determination will be updated periodically, generally only once per year, so any changes to courses approved for VSL will appear on the Determination at those times.

Through the My Skills functionality, providers may view a report that updates the courses on the Determination nightly from the National Register ([training.gov.au](http://training.gov.au)). Viewing using this functionality 'refreshes' the VSL approved list to include replacement courses to courses listed on the Determination that have subsequently been superseded.

The report can be downloaded with the URL format:

<https://www.myskills.gov.au/Umbraco/api/DownloadApi/VSLCourseLists?batch=2021-09-30>.

You will need to alter the last 10 characters to reflect the current date for the most up-to-date list. Please note, the reports will not reflect approved courses prior to February 2019, so use 'as at' dates from March 2019 onwards only.

All courses you have been granted scope to deliver through [Training.gov.au](http://Training.gov.au) will be visible in HITS 'Course List'. Your VSL approved courses will be separately listed under 'VSL Course List and Fee Limits' in HITS marked **Active for VSL – Yes**.

Note: HITS will also display other VSL approved courses, and you may wish to apply to offer additional courses that are listed on Schedules 1 or 2 and are within your RTO scope. In general, you cannot apply to offer Schedule 3 courses that appear in the 'VSL Course List and Fee Limits' list. Schedule 3 courses are limited to specified providers, and a separate application process applies. (Refer to the [VET Student Loans Schedule 3 Application Guidelines](#) fact sheet).

You should be aware that approval to offer VSL for courses is dependent on the conditions imposed on your approval. Conditions of approval vary between providers and can be amended by the Secretary at any time. You must take care to operate in accordance with all your conditions of approval.

Where a course listed on the Determination is superseded (that is, replaced by the current course) the superseded courses will remain on the list until the next update. This better aligns with the teach out/transition periods of the standards for RTOs.

Any diploma or above level course identified on the VET National Register as a 'replacement course' is automatically approved for delivery by you if the superseded version of the course is:

- on the VET Student Loans (Courses and Caps) Determination 2016, and
- already included in Table One of the provider's existing conditions of approval.

If the 'replacement course' has not already been added to your 'VSL Course List and Fee Limits' list in HITS, please bring this to the attention of the department using the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Provider Operations' from the drop-down list and then choose 'Condition variations (Fees or Courses)'. Provide details of the superseded and replacement course in the enquiry text field with a request for the VSL List in HITS to be updated.

If you wish to offer an additional course under VSL to those outlined in your existing conditions of approval, you will need to submit an application to the Secretary using the appropriate form on our website (see [section 4.4.6 Process for an approved provider to vary its conditions of approval](#)).

Where a loan approval is given to a student (that is, eCAF submitted) for a course that is included in the VET Student Loans (Courses and Loan Caps) Determination 2016 at the time of approval, the loan will be honoured, even if the course is subsequently removed from the determination (and even if the student has not yet commenced study). We implement that outcome by providing a teach out date against the course in HITS. This means *new* students cannot have loans approved under VSL once a course is removed from the Determination, but payments can continue for students who already have a VSL approval.

Additionally, to confirm that outcome, all instruments that have previously made changes to the Determination have also expressly provided transitional arrangements for courses removed.

Typically, this is worded as:

*'For the absence of doubt, if before [the date of the instrument]: (a) the Secretary approved a VET Student Loan for a student for a course of study listed [for removal in the instrument]; and (b) the student had not completed the course of study; the Secretary may continue to pay amounts from that loan under section 19 of the VET Student Loans Act 2016 on or after [the date of the instrument], in relation to that course.'*

#### 4.4.6 Process for an approved provider to vary its conditions of approval

You can submit a request to the Secretary for your conditions of approval to be varied or your fee limits to be increased at any time. A submission may include requests for:

- the addition or removal of courses included in your existing VSL conditions of approval, and/or
  - the increase or decrease of your annual fee limits during the year of approval
- Note:** increases or decreases for the **following** year are considered in the annual forecasts process.

If you seek to vary your conditions of approval you must follow the instructions as found in [Varying the conditions of approval](#).

**Note:** applications for any condition variation submitted by you must include only courses that are both:

- on the current VET Student Loans (Courses and Loan Caps) Determination 2016, and
- within your current RTO scope of approval (see the National Register of VET at [Training.gov.au](#)).

Further information on the application process, including the business case requirements and the application form, can be found in [Varying the conditions of approval](#).

#### 4.4.7 Multiple qualifications

Approved courses must be courses that lead to a qualification of either a diploma, advanced diploma, graduate certificate or graduate diploma in the Australian Qualifications Framework [\[Act s 14\]](#).

The term 'double diploma' is not recognised in the Act or the Australian Qualifications Framework as an approved course type.



While students may undertake more than one course in the same study period, for the purposes of the VSL program, and notwithstanding any relationship between the courses, the student's enrolments are treated as separate enrolments and all requirements in the Act and the Rules apply with respect to each enrolment.

The Determination specifies the maximum loan amount for each approved course. A student may access a VSL for an amount up to the specified loan cap allocated for each approved course in which the student enrolls, provided the student meets all eligibility requirements [[Act Division 2 of Pt 2](#)].

You may set tuition fees for approved courses that are higher or lower than the [Loan caps](#) set out in the Determination. Where a student receives credit recognition or recognised prior learning for a particular approved course, it is open to you to set a lower tuition fee that is commensurate to the remaining portion of the course the student must complete.

You should have regard to section [4.7.10 Determining tuition fees](#) for further information.

**Note:** If you are in any doubt as to your compliance with the requirements of the Act or the Rules, you should seek independent legal advice.

#### **4.4.8 Superseded, deleted and non-current courses**

Training packages are regularly updated. In the case where a course becomes superseded, non-current, or deleted (as managed by the Australian Skills Quality Authority [ASQA] and reflected on [training.gov.au](#)), affected students accessing a VSL will continue to have an approved loan for the remainder of study in that course. If not all the loan has been paid out at the time when the course becomes superseded, non-current or deleted, the students can continue to receive loan payments through the student's provider for that course.

From the date the course is removed from the [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#) (the Determination), **no new students** can enrol under VSL in that course.

Courses that become superseded, non-current or deleted will be removed from the Determination in regular updates – expected to occur annually. Similarly, both replacement courses and courses that meet the prescribed methodology will be added from time to time to the Determination at the time of the annual update. For replacement courses, as noted at section 0 above, where the course replaces a superseded course on the Determination, the replacement will be *automatically* approved for VSL. Paragraph 5(1)(b) of the Determination references later/superseding/replacement versions of courses (as identified on the National Register of courses at [training.gov.au](#)) as also approved for VSL. This therefore allows later/superseding/replacement courses to those listed on the Determination to be 'automatically' approved for VSL during the year without registration of an amendment to the Determination.

Where students choose or are required to transition from the superseded to the replacement course, a **new** eCAF application will be required to be submitted by the student on or before the first census day in the replacement course and the student will have access to the maximum loan amount for the new (replacement) course if required.

If you are approved to deliver a course under VSL, and that course becomes superseded, subject to the course being on your RTO scope of registration, you are automatically approved to deliver the new course under VSL, with no change to your provider cap. HITS should be updated with the replacement course – as detailed above and below, contact us if this has not occurred.

To be able to raise an eCAF for the replacement course with the new course code, check the new course is listed in HITS. You can do this by checking your scope of registration on [training.gov.au](#). HITS will update with information from your scope on [training.gov.au](#) automatically overnight.

If the course is not included in your 'VSL Course List and Fee Limits' tab in HITS as 'Active for VSL: "Yes"', contact us (via the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#)) to request to add the course to HITS.

#### **Existing students transitioning from a superseded course to its VSL approved replacement course**

When students transition from a superseded course to its VSL approved replacement, the student is required to submit a **new** eCAF for the replacement course with the new course code. The student may have access to the maximum course cap that applies to the new (replacement) course and the students should be provided with clear and transparent tuition fee impacts, information, and relevant notices. The new eCAF must be submitted before the first census day of the replacement course if they wish to access a loan.

You must:

- upload the student's enrolment information for the replacement course into the eCAF system.
- monitor the eCAF system and ensure the student submits the eCAF for the replacement course prior to the first census day in the replacement course for which they wish the loan to apply.
- update and reissue Statement of Covered Fees, Fee Notices and Commonwealth Assistance Notices (CAN) applicable to the census days in the replacement course.

#### **4.4.9 Loan caps**

Most approved courses are subject to one of 3 loan caps, \$5,000, \$10,000 and \$15,000 (2017 rates, indexed annually), based on previous NSW Independent Pricing and Regulatory Tribunal (IPART) analysis. These loan caps apply irrespective of the mode of delivery of the course (face-to-face, online, or mixed mode). In recognition of the high costs of delivery and training, a loan cap of \$75,000 (2017 rate, indexed annually) applies to certain aviation courses.

The maximum loan caps that apply to courses at a point in time are as set out in the [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#) that is applicable to the approved course at the time of the loan approval. Indexation occurs annually from 1 January. The applicable indexed amounts of the loan caps for each year are published in [VET Student Loans Course Caps Indexed Amounts \(for providers\)](#).

Establishing loan caps on courses does not prevent you from setting tuition fees above the cap; rather, it sets a ceiling on the maximum loan amount the government may lend a student for tuition fees for the course. You must also comply with requirements that fees be reasonably apportioned across the course (refer [section 4.7.12](#)). Regardless of the year during which the student submits their eCAF request for a VSL, and regardless of the cap amount shown on the eCAF, the student will have access to the indexed amount that applies at the time of their study. This is based on the applicable census day of the unit and subject to compliance with other requirements such as the HELP loan limit. For example, if a student submits an eCAF in July 2017 with a course cap of \$5,000 and is still studying in 2018, for census days that occur in 2018 the student will have access to the indexed course cap of \$5,075. The original eCAF cannot, and should not, be amended or deleted. Wording in the eCAF provides this information to students:

*You request that the Government*

*- varies the amount of your VET Student Loan on each occasion that the course cap for your course is increased with indexation or otherwise, so as to make available to you those increases in the loan cap for your course...*

If a student wishes to undertake an approved course with an approved course provider charging above the allocated loan cap for the course, the student will need to pay for the difference (gap tuition fees) according to the provider's billing and payment arrangements, which must be consistent with charging

tuition fees over [fee periods](#). The rules requiring a provider to proportionately spread tuition fees over the [fee periods](#) of a course apply to the gap tuition fees as well as to the tuition fees covered by VSL.

### Changes to loan caps over time – with indexation

Under section 6 of the VET Student Loans (Courses and Loan Caps) Determination 2016, the maximum loan amount for a course is indexed on 1 January each year, by multiplying it by the indexation factor for the relevant year.

The eCAF system will automatically apply the indexed amount to the applicable loan for all loan approvals from 1 January each year. The maximum loan amount for courses approved in one year and that are continuing into the next year will also be increased by the indexed factor. This means that students who have had their loan amount approved in 2018 will not need to reapply to access the increased (indexed) amount in subsequent years.

There are situations where some students have asked for the indexation not to be applied as they do not want to have access to a greater loan amount. As indicated to students in the eCAF, the indexation is applied automatically to all current students. To reduce the loan amount accessed, you should advise students to make up-front payments in advance of the census days to reduce the amount of the loan cap that they wish to access for the course.

### Changes to loan caps – with Determination updates

There may be changes to the Determination over time where some courses move to a higher loan cap. Students with existing VSL approved loans may wish to have access to the increased loan cap amount to reduce their gap tuition fee payments (as per existing published amounts). Please note the following:

- no new eCAF is required. Wording in the existing eCAF for students notes that the student may access a higher amount if applicable.
- you must continue to reasonably apportion and spread tuition fees, reflecting the new course cap amount.
- the increased loan cap applies for the relevant courses to both new and continuing students in respect of units with census dates from the date the Determination comes into effect. The increased cap cannot be applied to census days that occur prior to the date the Determination comes into effect.
- course or unit prices **cannot** be increased for current student cohorts. Where course or unit fees have been published and therefore advised to the student, they cannot be increased (unless approved following the processes outlined regarding variations to tuition fees). You are reminded of the provisions relating to variation of tuition fees – which does **not** allow retrospective increases in tuition fees unless in circumstances approved on application to the Department's Secretary's delegate (refer sections [4.7.13](#) and [4.7.14](#)).
- if there is a change to the VSL amount the student wishes to access (where an increased loan cap applies), a new 'VET Student Loan Statement of Covered Fees' and 'VET Student Loan Fee Notice' need to be issued to the student. These documents assist students to understand the component of their fees covered by the VSL and the component that needs to be paid up front.

**Example:**

A student enrolled in an 18-month Diploma in 2019 and had a \$5,264 course cap. The tuition fee was \$8,000, meaning the student initially had a total \$2,736 gap payment. Loan amounts and gap fees had been spread across 3 x 6-month fee periods and 3 census days.

**Note:** this example uses the minimum 3 census days, but courses can have more.

The student had already passed the first census day and had been charged a proportionate amount (see Table 1 below).

Following the January 2020 Determination update, the course cap increased to \$10,528. The student has 2 remaining fee periods in 2020 and wishes to access more VSL to reduce their gap payments in 2020.

The student does not need to complete a new eCAF. However, you must now reasonably apportion tuition fees and loan amounts (to the higher cap) over the remainder of the course for the remaining fee periods (see Table 2 below). In this example, the student will have no further gap fees to pay for the remainder of their course.

An updated Statement of Covered Fees (and subsequent VSL Fee Notices and CANs) should be issued to the student, indicating the increased loan access.

**Table 1 – Original distribution of fees (based on 2019 loan cap of \$5,264)**

	Census day (Aug 2019) Fee period 1	Census day (Feb 2020) Fee period 2	Census day (Aug 2020) Fee period 3	Total	TCSI code
Loan Amount	\$1,755	\$1,755	\$1,754	<b>\$5,264</b>	558
Gap fee	\$912	\$912	\$912	<b>\$2,736</b>	381
<b>Total</b>	<b>\$2,667</b>	<b>\$2,667</b>	<b>\$2,666</b>	<b>\$8,000</b>	384

**Table 2 – Revised distribution of fees (with 2020 loan cap of \$10,528 for Fee periods 2 and 3)**

	Census day (Aug 2019) Fee period 1	Census day (Feb 2020) Fee period 2	Census day (Aug 2020) Fee period 3	Total	TCSI code
Loan Amount	\$1,755	\$2,667	\$2,666	<b>\$7,088</b>	558
Gap fee	\$912	\$0	\$0	<b>\$912</b>	381
<b>Total</b>	<b>\$2,667</b>	<b>\$2,667</b>	<b>\$2,666</b>	<b>\$8,000</b>	384

### Which cap applies to superseded and replacement courses?

Courses may replace superseded courses through the year. As noted in [4.4.8 Superseded, deleted and non-current courses](#), above, paragraph 5(1)(b) of the Determination allows for later/replacement versions of superseded VSL approved courses that are listed on the Determination to be ‘automatically’ approved for VSL during the year, without registration of an amendment to the Determination. There may be instances where a subsequent registered amendment to the Determination **removes** the superseded course. We will generally not remove the superseded course until a 12-month period has expired, allowing for a sufficient teach-out/transition period.

In most cases, where a replacement course is added to the Determination at the next update, the replacement course will have the same loan cap as the loan cap that applied to the related superseded course. However, this may not always be the case.

For example, there may be occasions where a subsequent registered amendment to the Determination adds the replacement course to the Determination with an increased loan cap, and the superseded course (for which the lower cap applied) has been removed from the Determination, however, may still be in teach out or transition. The higher caps will **not** apply to previous (superseded) courses that have been removed from the Determination.

### **Tracking students' course cap 'balance'**

A HELP loan limit as well as maximum VSL course caps apply to the amount of loan a student may access for a course. Students are required to meet the eligibility requirements for access to a loan, including ensuring the amount of the loan is not greater than the student's remaining [HELP balance](#) and that the student does not exceed the maximum course cap available. In terms of the maximum course cap available, if students change (transfer) providers and continue studying the same course, there is **no** increase to their course cap and their course cap does not 're-set'.

If the student has accessed a VSL in the past and is continuing to study the same course with you, a second provider, you should seek relevant information from the student as to when the student applied for the loan for the course (to determine the loan cap that applied at the time) and the amount of loan accessed to date. Further details are listed below on the various ways you can **check** the remaining loan balance available (VSL loan cap balance and HELP balance), which should supplement or confirm the student information.

### **When a student commences with the second provider**

Students will only be able to access a VSL to continue the course, up to the amount of the remainder of the total course cap (that is for a course with a \$15,000 maximum loan cap, if the student has already accessed \$10,000 for studies with the first provider, they will only have \$5,000 remaining for the course with the second provider).

When creating an eCAF for the student, the 'Applicable Loan Cap' field will be pre-populated with the maximum course cap drawn from the Courses and Loan Caps Determination list. It will **not** show the available remaining course cap for that individual student. If the course cap is updated before the student submits their eCAF (for example, updated for indexation on 1 January), the system will automatically reflect the most current maximum loan amount. As evidence of the amount of VSL already lent to the student for the course, you should request that the student provide copies of the 'Commonwealth Assistance Notices', which the student would have received from the first provider throughout the course. Students may also view their 'myHELPbalance' record to access reported data. Note, time lags in data reporting should be considered.

#### **4.4.10 Viewing students' accumulated debt amounts**

You can view a student's accumulated debt<sup>1</sup> against their HELP loan limit and VSL approved courses<sup>2</sup> as outlined below. There are several ways for you to check a student's HELP balance but only the eCAF will let you check a student's use of loans against the applicable VSL course cap. The other avenues will provide use against the HELP limit but will not display the information relevant to particular course codes (although course information will be available to the students on their login in *myHELPbalance*).

TCSI does not have the functionality to return VSL specific limits like course caps for students and providers.

**eCAF web interface:** By entering a student's Commonwealth Higher Education Student Support Number (CHESSN), when creating an enrolment in the eCAF system, you will be able to retrieve the

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<sup>1</sup> The accumulated debt is an indicative cumulative debt amount accrued by the student and as reported by providers in TCSI. This amount may be adjusted when payment claims are validated.

<sup>2</sup> If a student had previously accessed a VSL for the specified course.

student's HELP loan limit and total HELP consumption<sup>3</sup>, and the student's VET course debt amount for the specified course. The entered CHESSN will be validated against the student record reported in TCSI. In instances where more than one CHESSN exists for the student, the system will suggest the preferred CHESSN to be used.

**API:** This information is accessible via the eCAF Application Programming Interface (API) as well as the web interface.

You may optionally (though it **is** recommended) check these details prior to the creation of an enrolment record in eCAF. This functionality is only available for VSL and only at the time the eCAF is created. For more information, please refer to the *Help* section of the eCAF system (under Enrolments/Student debt information). Explanation of terms used:

- **accumulated debt** for course – this is an indicative cumulative debt amount accrued by the student for the VET course and as reported by providers in TCSI. This amount may be adjusted when payment claims are validated. [Note – this figure may include both VET FEE HELP and VET Student Loans accrued from 1 January 2017. The department plans to adjust the system so that only VSLs are included].
- **loan limit for course** – this is the loan limit (maximum VSL loan cap) for the VET course.
- **accumulated debt for FEE-HELP** (for HELP and VET Student Loans) – this is an *indicative* cumulative debt amount accrued by the student as reported by providers in TCSI. This amount may be adjusted when payment claims are validated. The accumulated debt is the composite of debt that has been accrued by the student as reported to date under: VET Student Loans; VET FEE-HELP; FEE-HELP; and HECS-HELP from 1 January 2020.
- **Loan limit for FEE-HELP** (HELP) – this is the combined HELP loan limit for HELP/VET Student Loans. This is the total amount available to a student under VET Student Loans, VET FEE-HELP, FEE-HELP and HECS HELP (HECS-HELP from 1 January 2020). The HELP loan limit amount is published in the [VSL Student Information Booklet](#) and on [StudyAssist – Combined HELP loan limit](#).

**Myhelpbalance:** You can log into [myHELPbalance](#) using your PRODA credentials and look up a student. If the student has not previously drawn on their HELP loan limit, you will see that they have the full HELP balance available – the HELP limit for 2021 is \$108,232 for most students (\$109,206 in 2022) and \$155,448 for aviation students studying certain aviation courses (\$156,847 in 2022). Where a student has already used some of their available HELP balance, myhelpbalance.gov.au will display the remaining available HELP balance.

Note: Students are able to see additional details of their HELP and VSL transactions when they log into myhelpbalance.gov.au, including the name of the VSL (or Higher Education) approved course provider they studied with, the course code and unit code details as well as the loan amounts and any loan fees they have incurred for each unit.

If the commencing student has not previously studied and is a new student commencing tertiary study for the first time, the student's USI will need to have been reported by the provider and verified in TCSI before the student is able to log in to myHELPbalance.gov.au.

**TCSI B2G API:** TCSI B2G APIs allow student management software to retrieve:

- [TCSI Support – Available HELP balance](#)
- [TCSI Support – HELP loan limit](#)
- [TCSI Support – Pending help balance](#).

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<sup>3</sup> 'HELP consumption' refers to previous access to FEE-HELP, VET FEE-HELP and VET Student Loans and HECS-HELP borrowing from 1 January 2020.

The glossary terms for each value are hyperlinked above and give detail on what is included.

**TCSI Data Entry:** TCSI Data Entry can perform the same API calls as described above.

To check a student's balance in TCSI Data Entry:

- Click on 'records'
- Search for the student
- Click on the hyperlinked Student ID Code (E313)
- Click the 'HELP Balances' tab above 'Student Details'.

The VSL payment assessment processing conducted each month checks that reported loans are within the VSL maximum course cap after data is accepted in TCSI. If a record has been held to be in error following VSL payment processing it will be assigned an error code. The report showing records that failed payment processing are available in HITS each month. A record that has failed payment validation 3 months in a row will be invalidated in TCSI.

It is recommended that you correct the invalidated records as soon they receive notification of an error in the Payment Report in HITS to avoid invalidation.

### Gap fees and Payment Plans

A tuition fee for a course includes the maximum amount covered by a VSL (the covered fee) and the remaining tuition cost not covered by the loan – the 'gap fee'. As part of the tuition fee, the gap fee does not include fees for non-tuition services such as items and equipment that become the student's physical property and are not consumed in the course (that is maps, charts, textbooks). See Appendix G - Fees that are not covered by VET Student Loans for a list of goods and services for which a charge must not be included in the tuition fee for a course. See Appendix H - Goods and services for which a separate fee must not be charged for a list of goods and services for which a fee must not be charged.

To assist students, pay a gap fee or pay all their tuition fees up-front, some providers offer payment plans, which allow payment in instalments or deferred payment.

Providers that offer payment plans should consider whether the terms of their payment plans (for example, if loan fees apply or interest is charged as part of the plan) mean that they are engaging in 'credit activity' as defined in the *National Consumer Credit Protection Act 2009* (NCCP Act). Credit activity includes activities relating to the provision of credit contracts and credit services (see section 6 of the NCCP Act).

This is relevant as you may be engaging in credit activities which will generally need either an Australian credit licence or an authorisation from a credit licensee to engage in credit activities as their representative. These requirements must be in place from the day the credit activities commence. Strict penalties may apply to persons who unlawfully engage in credit activities.

More information about Australian credit licences is available from the [Australian Securities & Investment Commission – Do you need a credit licence](#).

### Offering scholarships and bursaries

The offering of bursaries, scholarships, or other forms of tuition fee discounts or subsidies to students studying approved courses is not prohibited. However, the offering of any such benefit must not be reasonably likely to induce a prospective student to apply for a VSL for a course [Act s 61]. Whether this is reasonably likely in any particular case will depend on a variety of factors including but not limited to:

- how the benefits are marketed
- information provided to prospective students

- the eligibility criteria for access to the benefit
- the way in which the amount of the benefit is calculated.

We note the inherent difficulty in dissociating bursaries and so on from VSL when the bursaries are expressly or implicitly determined by reference to the gap between a provider's tuition fees for a course and the maximum VSL amount for that course.

Nevertheless, as for all course provider requirements under the VSL program, these are matters we expect individual providers to consider and manage to ensure compliance. See [Inappropriate inducements](#) for more information.

#### 4.4.11 Managing student access with changes to the Determination

The loan cap for an approved course set out in the Courses and Loan Caps Determination is indexed on 1 January each year.

In addition, the Minister may amend the Determination over time to add or remove courses or change the loan cap for certain courses.

The loan cap applicable for a student for a course is the amount specified in the Determination as at the date of the student's enrolment and loan application. Any changes to the loan cap after the date of a student's enrolment and loan application that reduce the loan cap, do not affect the student's loan cap for the course.

#### Example

A student commences an approved course and has a loan approved in 2017 with a loan cap of \$15,000 and continues their enrolment in that course in 2018. In 2018, the Determination is amended to reflect a revised cap amount of \$10,000. The student remains entitled to the \$15,000 cap but any student enrolling in the course/requesting a loan after the loan cap is changed to \$10,000 is only eligible for a \$10,000 VET Student Loan for the course.

Loan cap amounts will be indexed as provided for by the Act and according to the provisions set out in the VET Student Loans (Courses and Loan Caps) Determination 2016. VSL course and loan caps will be indexed using the same [indexation factor](#) as applies to the HELP loan limit under the HESA.

For students this will mean that on obtaining a VSL indexation will be applied automatically to both new and continuing students in respect of units with census dates after 1 January 2018. Refer to [4.4.9](#) above.

## 4.5 Provision and delivery

To ensure the quality of training under the Act, only an approved course provider may offer VSL to eligible students they have enrolled. However, to offer some flexibility to providers, section 15 of the Act makes provision for outsourcing the delivery of a course or part of a course to another body.

Section 15 of the Act restricts third party course delivery to (i) other VSL approved course providers; (ii) a person or body registered by TEQSA; or (iii) any other person or body the delegate of the Secretary has approved in writing to deliver the course [[Act s 15\(1\)](#)] (refer to section 4.6.3 below regarding third party approvals).

### 4.5.1 Definition of a third-party arrangement (TPA)

The Act itself does not define the meaning of a 'third party'. The definition used by the VSL program is similar to that included in the Glossary of the Registered Training Organisations Standards 2015, which are established under the *National Vocational Education and Training Regulator Act 2011*.



**Note:** Consistent with the definition of ‘third party’ set out in the Standards for Registered Training Organisations 2015, an individual in an employment arrangement with the relevant VSL approved course provider is not considered a third party for the purposes of section 15 of the Act. However, an individual engaged as an independent contractor is a third party for the purposes of section 15. VSL providers are reminded that section 15 only covers the delivery of training. Other related functions such as the enrolment of students are captured by section 49 of the Act – the prohibition on brokers and agents.

As a general guidance – the relationship between an approved course provider and a third party is one of principal and agent. The provider is the principal and must carry full responsibility for all aspects of delivery, including adherence to the Act and the Rules, quality and standards, teaching by qualified staff, adequate resources and facilities, and adequate measures to protect the welfare of students.

Students undertaking courses, which are delivered by third parties (that satisfy the requirements at s 15 of the Act), must be enrolled with the approved course provider.

The approved course provider must establish suitable data collection and reporting arrangements with the third-party delivering training on their behalf. The department may, at any time, issue data requests to the approved course provider seeking information on the third party or partner.

It is the approved course provider’s responsibility to ensure the third party or partner’s website does not contain incorrect or misleading VSL information and otherwise complies with the VSL marketing requirements (noting third parties may **not** use the VSL logo – refer to [4.9](#) and the *VET Student Loans Style Guide*).

#### **4.5.2 Obligations on TPA partners**

It is important that all VSL information is available to students as if they were studying at the approved course provider with whom the student has enrolled.

All contact with us must be made by the approved course provider and not the third-party or partner.

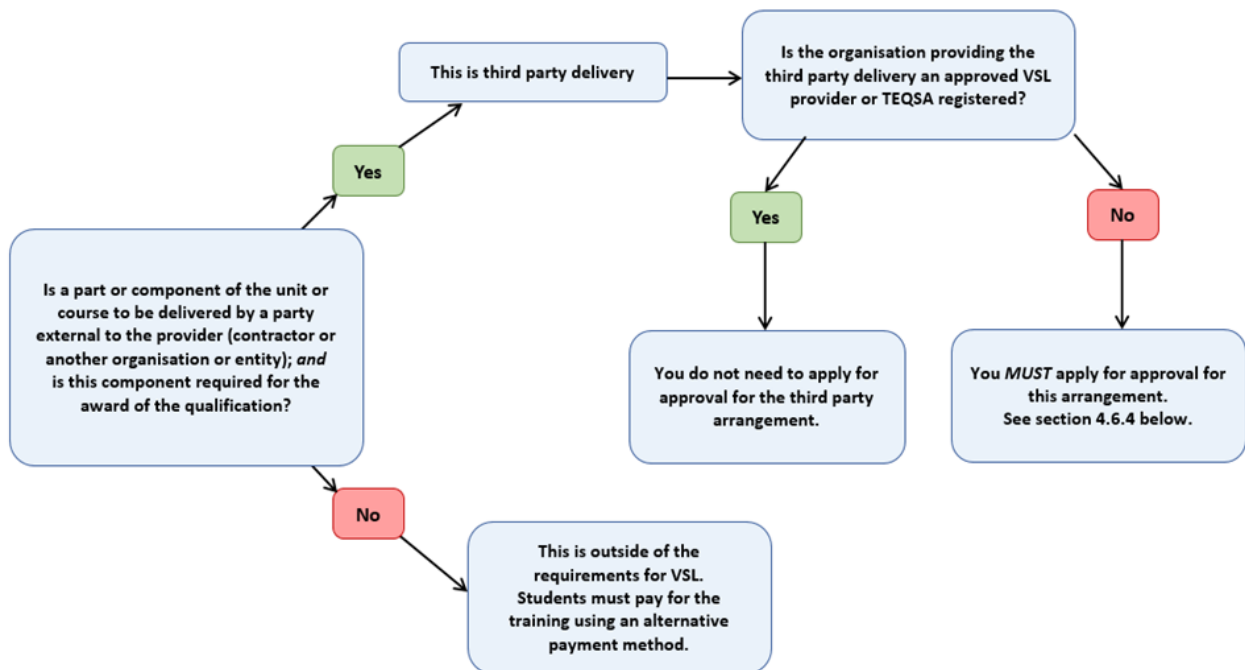
The provider is required to comply with all the requirements in the Act including:

- student eligibility for VSL
- the determination of census days for parts of courses or units
- student grievance provisions
- publishing and reporting requirements and
- considering applications for re-crediting a student’s HELP balance.

The identity of the approved course provider must be made clear and transparent in all documentation and marketing material. This information must not be misleading or imply that the third-party provider is the approved course provider.

### 4.5.3 Approval of TPA where the partner is not an approved course provider

**Workflow: Does a provider need to apply for approval of third-party delivery?**



If you wish to obtain approval of proposed third party delivery/ third party arrangements under subparagraph 15(1)(b)(iii) of the Act you need to request prior approval from us. For your convenience, we have established a procedure for applications as detailed below in the following sections. Deviation from this procedure may result in delays in a decision.

Applications must be uploaded to HITS and notification of the application must be sent to us via the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Provider Operations' from the drop-down list and then choose 'Third-Party Arrangement request'. Provide brief details of the request in the enquiry text field and upload all relevant documentation into HITS (refer HITS User Guide for instructions).

**Note:** Providers that deliver courses through unauthorised third-party delivery may be in breach of the legislation and will be subject to compliance action.

### 4.5.4 Procedure for assessing applications for third-party arrangements

#### Part A – Minimum requirements

An application cannot be assessed unless all the information below is included, or is available to the department:

1. where applicable
  - a. unit name and code
  - b. part of unit name and code (unit of competency information)
  - c. course name and code, or
  - d. part of course name and code

2. details of the nominated third-party including
  - a. legal and trading name
  - b. Australian Business Number (ABN)
  - c. registered training organisation (RTO) code (if applicable), and
  - d. key personnel
3. details of the technical expertise the nominated third-party provides including but not limited to:
  - a. licences
  - b. registration under regulations
  - c. qualifications of staff
  - d. membership of associations or peak bodies, or
  - e. industry links
4. details of the quality assurance and monitoring arrangements in place by the approved course provider to ensure the approved course provider is cognisant of the standard of delivery by the third-party and has quality and regulatory oversight. Details should include:
  - a. a contract outlining the arrangements for course delivery
  - b. a compliance strategy
  - c. roles responsible for oversight of compliance strategy, and
  - d. a communication strategy between the approved course provider and the third-party.

This information may be provided in the correspondence with the Secretary. Copies of agreements need not be sent with the application but may be requested during the assessment process.

5. an explanation as to why the nominated third-party cannot become an approved VSL provider or become TESQA approved, for example, the third-party
  - a. operates as a trust
  - b. is not an RTO or
  - c. has insufficient trading history.

All 5 elements in Part A must be addressed.

### **Part B – Listed providers**

Where all elements in Part A have been satisfied and the approved course provider is a Listed Course Provider, the proposed third-party arrangement will generally satisfy the requirements in this procedure for approval of a third-party arrangement under subparagraph 15(1)(b)(iii) of the Act, provided that none of the criteria at Part D apply.

### **Part C - Contributing factors (private approved course providers)**

The application must include an explanation as to why the unit, part of a unit, course or part of a course cannot be delivered by the approved course provider or any other approved course provider. The explanation must include, for example, the circumstances listed below:

1. There is no approved course provider in a particular geographic location whether the location is regional, rural, remote or interstate of the course provider.
2. For whatever reason the expertise required to deliver a unit, part of a unit, course or part of a course is not present at the approved course provider.
3. A student wishes to include in their course a particular elective in the relevant training package that is not offered by the approved course provider or at any other approved course provider.
4. In order to accommodate student demand, the approved course provider chooses to outsource a course and no other approved course provider in the vicinity offers the course in question.
5. Ownership relationship/arrangements exist between the third-party and the approved course provider.

## **Part D – approved course provider behaviour**

Notwithstanding whether the requirements under Part A, Part B and/or Part C have been met, the delegate may 'not approve' an application by an approved course provider if any of the following apply.

The approved course provider:

- does not deliver itself any of the approved courses on its scope of registration
- has the outcome of an audit by either the department or ASQA pending
- has received an adverse finding following an audit by the department or ASQA
- is subject to an investigation by any state, territory, or federal government agency
- any other matter that the delegate considers relevant where the approval of the application would be inappropriate.

### **Refusal to approve a third-party agreement is not a reviewable decision.**

Applications must be uploaded to HITS. See the chapter on 'Uploading a Document' in the [HITS User Guide](#) for further information.

You must make us aware that your application has been uploaded by accessing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Provider Operations' from the drop-down list and then choose 'Third-Party Arrangement request'. Provide brief details in the enquiry text field.

## 4.6 Student administration

This section provides information regarding the obligations on providers for managing students' access to VSL including:

[Student eligibility for VET Student Loans](#)

[Census Days](#)

[Determining genuine students](#)

[Marketing](#)

[Determining tuition fees](#)

[Provision of information to students](#)

[Processes and procedures relating to student complaints](#)

[Data reporting](#)

[Processes and procedures relating to re-crediting a HELP balance](#)

### 4.6.1 Student eligibility for VET Student Loans

To be eligible for VSL, a student must meet the following requirements:

- be studying an approved course [\[Act s 10\(1\)\(a\); 7\(1\)\(b\)\]](#)
  - be studying with an approved course provider
  - apply to the government using the approved form (eCAF) and include all relevant information [\[Act Part 2, Division 4\]](#)
  - confirm his or her engagement and continued progression to access the loan throughout the course, when required to do so by the department
  - has a HELP balance that is more than \$0 (that is, has not used all their HELP loan limit)
- meet the citizenship and residency requirements [\[Act s 11\]](#):
  - be an Australian citizen or
  - a qualifying New Zealand citizen or
  - a [permanent humanitarian visa holder](#), who is usually resident in Australia or
  - a Pacific Engagement visa holder, who is usually resident in Australia.

Permanent humanitarian visas and Pacific Engagement visas are defined in the *Migration Regulations 1994*, Volume 1, Part 1, Regulation 1.03 – Definitions.

See: [Migration Regulations 1994](#) for the latest version of the Migration Regulations
- meet the academic suitability requirements: the student must have been assessed by you as academically suited to undertake the approved course on the basis of either [\[Rules s 80\]](#):
  - providing their Australian Year 12 Certificate<sup>4</sup> or
  - providing their International Baccalaureate Diploma Programme (IB) diploma or
  - providing evidence of successful completion of a qualification that has been delivered in English and:
    - was at level 4 or above in the Australian Qualifications Framework (that is Certificate IV or higher qualification), or at a level in a framework that preceded the AQF that is equivalent to level 4 or above in the AQF, or
    - has been assessed by a federal, state or territory government agency which assesses overseas qualifications (or an organisation contracted by such an agency to undertake such assessments) as equivalent or comparable to: a qualification at level 4 or above in the Australian Qualifications Framework, or a qualification at a level in a framework that preceded the AQF that is equivalent to level 4 or above in the AQF, or
  - displaying competence at or above Exit Level 3 in the Australian Core Skills Framework in both reading and numeracy through an approved Language, Literacy and Numeracy test (and the provider reasonably believes the student displays that competence) and

<sup>4</sup> For students that have attained a *Victorian Certificate of Applied Learning (VCAL)* – only the VCAL Senior and VCAL Intermediate levels meet this requirement.

- in addition, the approved course provider must reasonably believe the student is academically suited to undertake the course; and the student must meet any other specified entry requirements for the course
- meet the enrolment and loan application requirements:
  - be enrolled with an approved course provider in an approved course
  - be undertaking the course primarily at a campus in Australia

**Note:** A student is not entitled to a VET Student Loan if the course is undertaken by the student primarily at an overseas campus [Act s 10(2)]. Similarly, a student may intend to study via online delivery while overseas for the majority of their course. However, this means they will not meet the requirement to undertake the course primarily at a campus in Australia. To clarify, ‘primarily’ indicates that the student will have an Australian residential address. They will also be intending to be in Australia for the majority of the course. The flexibility in this provision is intended to facilitate a student being able to continue their studies online. For example, they may study while visiting family overseas for a short period of time. It is not intended to provide VSL access for students who are primarily residing overseas.

- have applied for a VSL for the course in accordance with the loan application requirements. An application for a VSL must:
  - meet the Tax File Number (TFN) requirements – that is, include the student’s tax file number or a certificate from the Commissioner stating that the student has applied for a tax file number [Act s 17]
  - include the student’s Unique Student Identifier (USI) [Act s 17]
  - have been submitted by 11:59 pm AEST on or before the [Census Days](#) for the first unit of the course for which the student is requesting a loan, and no less than 2 business days after enrolling [Rules s 10]
  - be in the form approved by the Secretary for the loan [Act s 17] – which is an electronic Commonwealth Assistance Form or also known as an eCAF
  - where a student is under 18 years old, must [Rules s 85(2)(b)]:
    - have a parental consent form signed by a responsible parent of the student; (you must obtain the signed parental consent form prior to submitting enrolment information into the eCAF system), or
    - have evidence of the assessment of receipt of youth allowance on the basis the student is independent within the meaning of Part 2.11 of the *Social Security Act 1991*; (you should receive from the student evidence of this assessment in the form of their Centrelink Income Statement noting this assessment).

A copy of the [VET Student Loans – Parental Consent Form](#) can be downloaded from [Information for VET Student Loans Approved Providers](#).

### Determining citizenship and visa status

**Note:** It is the responsibility of the individual provider to ensure students meet the citizenship and residency eligibility for a VSL. The provider must collect and verify this information [Rules s 85(2)(c)]. The following information is given as guidance to assist providers in evidencing students’ citizenship status.

The VSL program has strict citizenship, visa and residency requirements. It is not available for all Australian residents. To be eligible, students must be either be:

- Australian citizens
- permanent humanitarian visa holders who are usually resident in Australia,

- Pacific Engagement visa holders who are usually resident in Australia<sup>5</sup>, or
- New Zealand citizens who hold a Special Category visa and meet certain qualifying requirements.

Other permanent residents/permanent visa holders are **not** eligible for a VSL.

**Note:** You are required to retain a copy (paper or electronic) of information collected in satisfying identity, citizenship and visa status for a period of 5 years, in accordance with the requirements of the Rules [[Rules s 85\(2\)\(c\) and s105\(d\)](#)].

### **Australian citizenship**

The department will accept a current Australian passport as suitable evidence of Australian citizenship.

If the applicant does **not** have a current Australian passport, the evidence required to demonstrate an applicant is an Australian citizen may differ depending on whether the applicant was:

- born in Australia before 20 August 1986
- born in Australia on or after 20 August 1986
- born overseas.

This is because different rules applied at different times. If the applicant does not have a current Australian passport, review the following paragraphs for suitable evidence of Australian citizenship.

#### **Applicants born in Australia before 20 August 1986**

Applicants **without** a current Australian passport born in Australia before 20 August 1986 must provide their full birth certificate issued by an Australian Registry of Births, Deaths and Marriages (RBDM).

An exception to this is where the applicant's parents were in Australia as diplomats or consular officers at the time of the applicant's birth. In these circumstances, the applicant will need to provide a citizenship certificate or extract of citizenship certificate as evidence they are an Australian citizen.

If the applicant does not have a citizenship certificate or extract of citizenship certificate they will need to lodge [Form 119 Application for evidence of Australian citizenship](#) with certified copies of the required documents and the application fee with the Department of Home Affairs.

#### **Applicants born in Australia on or after 20 August 1986 and one of their parents was an Australian citizen at the time of their birth**

Applicants in this category without a current Australian passport must provide their full birth certificate issued by an Australian RBDM.

If the student's full birth certificate shows at least one of their parents was born in Australia, and the parent was born before 20 August 1986, this is sufficient evidence to prove the student's Australian citizenship. If neither parent was born in Australia, the applicant can provide a parent's Australian citizenship certificate, or extract of citizenship certificate, to prove at least one of their parents was a citizen at the time of their birth to meet this requirement.

If their parent was born in Australia on or after 20 August 1986, the parent's full birth certificate issued by an Australian RBDM, or the parent's citizenship certificate, or extract of citizenship certificate, is still required.

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<sup>5</sup> VSL eligibility for Pacific Engagement visa holders usually resident in Australia applies to VSL courses of study and/or units which have census dates on or after 1 February 2024.

If the applicant cannot provide this they should apply for their own evidence of Australian citizenship by lodging [Form 119 Application for evidence of Australian citizenship](#) with certified copies of the required documents and the application fee with Home Affairs.

**Applicants born in Australia on or after 20 August 1986 and one of their parents was a permanent resident of Australia at the time of their birth**

Applicants in these circumstances **without** a current Australian passport must provide their Australian citizenship certificate or extract of citizenship certificate.

They can apply for evidence of Australian citizenship by lodging [Form 119 Application for evidence of Australian citizenship](#) with certified copies of the required documents and the application fee with Home Affairs.

**Applicants born in Australia on or after 20 August 1986 and neither parent was an Australian citizen or an Australian permanent resident at the time of the birth and the student was ordinarily resident in Australia for the first 10 years after they were born and therefore acquired Australian citizenship on their 10th birthday.**

Applicants in these circumstances **without** a current Australian passport must provide their Australian citizenship certificate or extract of citizenship certificate.

They can apply for evidence of Australian citizenship by lodging [Form 119 Application for evidence of Australian citizenship](#) with certified copies of the required documents and the application fee with Home Affairs.

**First Nations applicants not registered at birth by the relevant state/territory authority**

Applicants in these circumstances **without** a current Australian passport may submit a [Statutory Declaration Form - citizenship - First Nations student - birth not registered](#).

**Note:** The Statutory Declaration has been pre-populated and must only be used by applicants to whom these circumstances apply. The Statutory Declaration must be witnessed by a person included in the List of Occupations or the List of Persons provided in the template on the department's website mentioned above.

Statutory Declarations are not acceptable forms of proof of Australian citizenship for any applicants other than First Nations people whose birth was not registered by the relevant state/territory authority.

**Applicants born overseas and acquired Australian citizenship by application**

As a guide, please refer to the relevant category below:

Applicants will need to provide one of the following documents as evidence of their Australian citizenship:

- a current Australian passport
- an Australian citizenship certificate or extract of citizenship certificate
- a citizenship by descent extract

If an applicant does not have one of the above citizenship documents they will need to apply for evidence of Australian citizenship by lodging [Form 119 Application for evidence of Australian citizenship](#) with certified copies of the required documents and the application fee with Home Affairs.



## **Applicant or their parent was born in Papua New Guinea prior to 16 September 1975**

Papua New Guinea (PNG) became a sovereign nation on 16 September 1975 (PNG Independence Day). Assessing Australian citizenship status of people born in PNG prior to 16 September 1975 can be complex. Home Affairs is aware that in the past this cohort of people has been incorrectly issued with an Australian passport based on an incorrect assessment of their citizenship status. As such, the citizenship status of some applicants born in PNG prior to 16 September 1975 must be checked and verified with Home Affairs.

The applicant should be referred to Home Affairs to obtain evidence of Australian citizenship by lodging [Form 119 Application for evidence of Australian citizenship](#) if:

- evidence of citizenship was issued before 1 January 2009 and the applicant was born in PNG prior to 16 September 1975, or
- citizenship was acquired by descent before 1 January 2009 where the parent(s) was born in PNG before 16 September 1975.

A citizenship certificate or extract of citizenship certificate can be accepted as evidence that the applicant is an Australian citizen if the evidence of citizenship was issued on or after 1 January 2009 regardless of the acquisition date or date of birth.

Applicants need to take the Home Affairs' citizenship application processing times into account before applying for a VET Student Loan. Processing times are published on the [Department of Home Affairs](#) (Home Affairs) website.

### **Becoming an Australian citizen**

If a student acquires Australian citizenship part way through their course, they may be eligible for a VSL for parts of a course not yet completed, for which the census dates have not passed. This includes for parts of a course in which the student is currently enrolled. The student must submit an eCAF after acquiring Australian citizenship and on or before the next census day for their course.

Most applicants for Australian citizenship by conferral acquire citizenship only after making the Australian citizenship pledge and being issued with evidence of Australian citizenship from Home Affairs. For further information regarding Australian citizenship, visit [Department of Home Affairs](#).

Please refer to [Determining citizenship and visa status](#) above.

### **Permanent humanitarian visa holders**

To confirm if the visa class held by a person applying for a VSL is a permanent humanitarian visa, contact [Department of Home Affairs](#). Home Affairs' Visa Entitlement Verification Online (VEVO) allows visa holders, education providers and other organisations to check visa details and conditions, including information of the visa type and expiry date.

Permanent humanitarian visas are defined in the *Migration Regulations 1994*, Volume 1, Part 1, Division 1.2 – Interpretation, Regulation 1.03 – Definitions. See the [Migration Regulations](#) to ensure you access the latest and current version.

In determining whether a permanent humanitarian visa holder will be resident in Australia for the duration of their course, the provider must disregard any periods spent outside of Australia if the holder:

- cannot be reasonably regarded as indicating an intention to reside outside of Australia for the duration of the course or
- is required to leave Australia to complete the requirements of that course.

## **Pacific Engagement visa holders**

VSL eligibility for Pacific Engagement visa holders usually resident in Australia applies to VSL course of study and/or units which have census dates on or after 1 February 2024.

To confirm if the visa class held by a person applying for a VSL is a Pacific Engagement visa, contact Department of Home Affairs. Home Affairs' Visa Entitlement Verification Online (VEVO) allows visa holders, education providers and other organisations to check visa details and conditions, including information of the visa type and expiry date.

Pacific Engagement visas are defined in the Migration Regulations 1994, Volume 1, Part 1, Division 1.2 – Interpretation, Regulation 1.03 – Definitions. See the [Migration Regulations](#) to ensure you access the latest and current version.

In determining whether a Pacific Engagement visa holder will be resident in Australia for the duration of their course, the provider must disregard any periods spent outside of Australia if the holder:

- cannot be reasonably regarded as indicating an intention to reside outside of Australia for the duration of the course or
- is required to leave Australia to complete the requirements of that course.

## **New Zealand citizens**

A New Zealand citizen is eligible if they hold a Special Category visa and:

- has usually been resident in Australia for at least 10 years, and
- was a dependent child aged under 18 years of age when he or she first was usually resident in Australia and
- has been in Australia for periods totalling 8 years during the previous 10 years and
- has been in Australia for periods totalling 18 months during the previous two years [\[Act s 11\]](#).

Most New Zealand citizens who arrive in Australia are the holders of a temporary visa called a Special Category visa (SCV). This is not a permanent visa but allows its holder to visit, live and work in Australia indefinitely.

Providers must be satisfied that an applicant meets the eligibility criteria as a New Zealand SCV holder. The provider should not upload students' details into the eCAF unless the provider is satisfied the student has met the eligibility criteria.

## **What constitutes a New Zealand SCV holder?**

New Zealand citizens who arrive in Australia using a New Zealand passport and, in the absence of a valid Australian visa, automatically receive a SCV provided they meet certain security, character and health requirements. There are no prior forms, fees, or applications required for this. They can then stay and work in Australia indefinitely. The SCV is a temporary visa that remains in place for as long as they remain in Australia but expires as soon as the New Zealand citizen leaves Australia. A New Zealand citizen must therefore be an SCV holder on the day they apply for the loan and thus cannot apply for the loan while they are not in Australia.

Specific enquiries about the SCV, and other visas, should be directed to [Department of Home Affairs](#).

## **What evidence is required to be obtained from the New Zealand SCV holder regarding the qualifying requirements?**

Applicants will be required to provide evidence that they began living in Australia as a child at least 10 years before applying for the loan.

If necessary, applicants can obtain copies of their international movement records from the [Department of Home Affairs](#) by lodging a *Request for International Movement Records* form. Please ensure that the movement record is up to date and includes details during the last two years.

You should be satisfied that the applicant meets the citizenship criteria and has provided evidence of the eligibility criteria.

### **Would an eligible New Zealand citizen lose their VSL eligibility should they become a permanent resident?**

New Zealand citizens who gain permanent residency (PR) lose their SCV status and, as a PR visa holder, would **not** be eligible for a VSL from that point on. Note that a holder of a PR visa is generally on a pathway to Australian citizenship. Australian citizenship would confer eligibility to access a VSL from the date of their citizenship ceremony, or the approval of their citizenship application in some cases.

That is, if a person loses their NZ SCV status for any reason, they will become ineligible for a VSL for all units of study with census dates after the date their SCV status is lost.

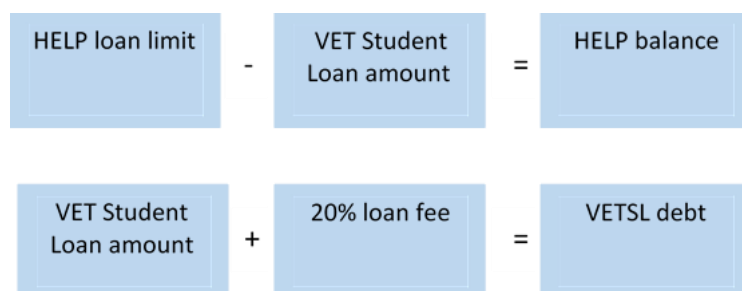
Students can access the [VSL eligibility check](#) on [Your Career](#) to check if they are likely to meet the eligibility requirements before applying.

### **HELP loan limit**

There is a set maximum amount a person can borrow over their lifetime for VSL, VET FEE-HELP, FEE-HELP and HECS-HELP (HECS-HELP from 1 January 2020 onwards). This is known as the HELP loan limit. [\[HESA s 120-28\]](#).

Students can access VSL to pay the amount of any tuition fees for a course up to the designated maximum VSL loan cap band, provided the amount does not exceed their HELP loan limit. We publish the HELP loan limit that applies for each year in the VSL student information booklet and on the [Study Assist](#) website. The combined HELP loan limit for 2023 is \$113,028 for most students (\$109,206 in 2022) and \$162,336 for aviation students studying certain aviation courses (\$156,847 in 2022).

As a person uses VSL, FEE-HELP, HECS-HELP or has used VET FEE-HELP to pay their tuition fees, the amount they may borrow in the future is reduced. Once a person has borrowed an amount equal to the HELP loan limit, they are no longer eligible for VSL, FEE-HELP or HECS-HELP to pay further tuition fees. However, a person's HELP loan limit is renewable. This means that any compulsory or voluntary amounts that are repaid from the 2019-20 income year onwards will be able to be re-borrowed, up to the HELP loan limit.



The HELP loan limit is indexed on 1 January each year. If a student has reached their HELP loan limit in a particular year and wishes to enrol in a subsequent or later year, they will be able to access any balance remaining up to the HELP loan limit, subject to the remaining VSL loan cap for their course.

## HELP balance

A student's HELP balance is the HELP loan limit subtracting any VSL and other HELP loans (VET FEE-HELP, FEE-HELP, HECS-HELP loans from 1 January 2020) they have used. Loan fees and indexation of outstanding debts are not included in a student's HELP balance. A student's HELP balance is renewable – this means any compulsory or voluntary amounts that are repaid from the 2019-20 financial year onwards will be able to be re-borrowed, up to the HELP loan limit. The HELP balance information available at myHELPbalance will be refreshed with any repayments made as the repayment information is transferred from the ATO.

It is your responsibility to ensure a student's eligibility for VSL, including confirming whether or not the student has accessed a VSL for parts of courses or units of study that may not have been reported at the time of enrolment. It is your responsibility to put in place enrolment procedures to check the student has sufficient remaining HELP balance to cover their loan amounts and to check if a student is likely to exceed their HELP loan limit.

### Example

Betty is a full fee-paying student who has a remaining HELP balance of \$2,000. She enrolls in 4 units of study with the same census date. The tuition fee for each unit of study is \$600. Even though the total amount of tuition fees for the units is \$2,400, Betty is only entitled to \$2,000.

Betty would need to pay the balance of \$400 to her provider and will not be able to access further loans until indexation is applied to the HELP loan limit (from 1 January of the following year) when she would have a small increase to her HELP loan limit based on indexation. This scenario is demonstrated in the table below.

Transaction	Fee	Loans accessed (\$)	Balance (\$)
HELP Loan Limit (2020)			106,319
HELP amount used during previous study	N/A	- 103,500	2,819
Tuition fee – Unit 1	800	- 800	2,019
Tuition fee – Unit 2	800	- 800	1,219
Tuition fee – Unit 3	800	- 800	419
Tuition fee – Unit 4	800	- 419	0
<b>Upfront payment required</b>			<b>381</b>
<b>HELP balance available</b>			<b>0</b>

### Where tuition fees exceed HELP balance remaining

If a student enrolls in a part of a course or unit of study and has sufficient loan cap available, where the tuition fee exceeds the HELP limit, the student will only receive a VSL equal to the remaining HELP balance. You are responsible for collecting the remaining tuition fee for the part of a course or unit of study.

### Students enrolled with more than one provider

Where a student does not have enough HELP balance to cover a part of a course or a unit of study, we will notify the affected provider via an exception report. The provider is responsible for recovering any outstanding tuition fees from students in line with the provider's own procedures. The Commonwealth will only pay the provider VSL and/or FEE-HELP or HECS-HELP up to the available amount of the student's HELP balance.

## Determining a student's HELP balance

A commencing student's HELP balance will be provided by the provider to the student at the same time as a student's CHESSN.

You can undertake an entitlement search at any time to obtain a student's remaining balance. Please see [Viewing students' accumulated debt amounts](#) above for details on how to undertake such a search.

See [TCSI Support Loan Processing for HECS-HELP, FEE-HELP and VSL loans](#) for more information on how to check a student's HELP balance.

### Notes:

1. Student entitlement calculations are undertaken by the Student Entitlement Management Engine component of TCSI, based on the data reported.
2. If the student's 'HELP assistance' includes liability incurred under VSL or VET FEE-HELP, the exact amount of their HELP debt or VETSL debt may not be accurate. There may be VET FEE-HELP debts or VETSL debts pending remission and reported VSL data may vary after it has been reported due to a retrospective validation process for payment purposes. The VSL payment validation process occurs monthly. Debts passing through the validation process will be sent to the ATO and the debt information will be updated at that time.

### 4.6.2 Loan fee

A loan fee of 20% applies to VSL for all courses other than state or territory subsidised courses. The amount of the VETSL debt is the amount of the VSL provided for a part of a course or unit, plus the loan fee. The loan fee is not included in a person's HELP balance but is included in a person's VETSL debt.

#### Example

Adam is an eligible full fee-paying student accessing a VSL for his course. The tuition fee for his first unit of study is \$1,000, plus a 20% loan fee.

$$\$1,000 \times 1.2 = \$1,200.$$

While Adam's HELP balance is reduced by \$1000, his VETSL debt for the unit is \$1,200.

Providers report whether a loan fee applies in TCSI data by reporting code '490 student status' and code '529 loan fee'.

**NOTE:** The loan fee does not apply to state and territory government-subsidised students [\[Rules s 12\]](#).

### 4.6.3 Determining genuine students

Students accessing VSL for their course are required to demonstrate they are genuine students. This can be achieved by completing progression forms and considering other factors as outlined in the VSL Rules [\[Rules s 12\]](#).

#### 4.6.3.1 Progressions

Students in receipt of a VSL need to confirm in regular intervals that they are genuinely studying. This is done via progression forms. Progression forms are issued by the provider through the eCAF system, triggering a notification sent to the student via email for the student to provide their response as appropriate. Students are required to complete a progression form issued by providers in the eCAF system.

## Progression points

By default, there are 3 standard progression points each year, at 4-month intervals, with delivery dates in February, June and October. The first progression should usually be triggered approximately 4 months after the eCAF submission and from then on, in 4-month intervals.

### Example

A student studying a 12-month diploma, full-time, is required to indicate progression twice (4 and 8 months into their study). A student studying a course over multiple years is required to indicate progression multiple times, confirming their continuity as a genuine student over the course duration.

These progression points will suit most providers and their students; however different progression points may be sought and agreed where the default progression points do not suit the course delivery model (for example, to better align progression points with the provider's teaching and assessment cycle).

You may request that the fixed progression point milestones in HITS be changed for your organisation by completing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#). You must include sufficient information in the request to support your case for varying the default progression points.

### Example

An organisation may have 4 intake points of students per year and triggering progressions quarterly may work better with the provider's term periods. You may therefore seek to trigger progressions at different intervals and change the Progression Form Reminders to quarterly commencing March each year.

## Triggering progressions

Progressions are triggered by you. This can be done at the individual student-level from their eCAF, in bulk by spreadsheet, or from your student management software.

Progression points must be triggered at some point within the identified month (exact timing at your discretion), or when you become aware of a change in a student's circumstances (for example, a student intends to defer or returns from a break in their studies).

Students have two weeks to submit the Progression Form after it is issued.

You are encouraged to:

- clearly explain to students the importance of completing the progression forms
- encourage students to participate in the student progression process
- explain to students that they need to complete and submit the form within 2 weeks of receiving the invitation email
- explain the response options as required.

**Note:** It is inappropriate for providers to direct students about the responses to provide, or to put students in a position where they are otherwise compelled, or reasonably feel compelled, to answer in a particular way.

The absence of a provider-initiated progression point will be taken to indicate the student is **no longer** a genuine student. As a general principle, we require you to trigger a progression for **all** students.

## Student response

Once a progression has been triggered, students have 2 weeks to submit their response to the progression form sent by you.

Using the progression form, students should indicate if they:

- are continuing their studies
- recommenced their studies after having previously deferred or withdrawn from the course (note: the recommenced status requires the student to include a date when they returned to their studies)
- are currently studying but intend to withdraw from their course in the next 4 months
- are currently studying but intend to defer their studies in the next 4 months
- completed their course and received their qualification
- have deferred or withdrawn from their studies
- never commenced this course.

Students are required to indicate that they are continuing to be a genuine student only after at least four months have elapsed since their eCAF application was submitted, or they last indicated they are a genuine student. A student doing a 12-month diploma, full-time, would therefore be required to indicate progression twice. A student studying a course over multiple years would be required to indicate progression a number of times, confirming their continuity as a genuine student over the course duration.

Demonstration of being a genuine student will be required at the course-level, not at the student-level. This means, a student studying 2 or more courses concurrently for which they receive a VSL will be required to complete 2 progression actions and surveys for both courses.

## Impact on VSL payments

Payments will only be made for students if the Secretary is satisfied, they are genuine students. This includes the requirement for students to have completed a valid eCAF and completed required progressions in the eCAF system.

Where a student fails to complete 2 consecutive progressions, or where a student indicates they have completed or withdrawn from their course, the department may take the view that the student should no longer be considered a genuine student, and consequently, payments will be impacted. Payments assessed as not valid will be errored and will appear in the monthly Payment Report in HITS.

## Viewing student progression status

Within the eCAF system, you can view the status of student progressions on the eCAF Dashboard or by going to the Progression tab and selecting the relevant radio button(s). Progressions that have been created, where the invitations have been sent and where the students have signed into the eCAF system but not completed the progression form, will be counted as outstanding progressions. You will be able to see which students have completed the progression and their intentions for study but will not have access to the survey responses. This information can also be exported into Excel for further analysis.

You are not required (but are encouraged) to monitor completions and students' intentions about future study (particularly in relation to cessation and deferral).

### 4.6.3.2 Genuine Students

When determining if a student is genuine, subsection 5(2) of the Rules lists a range of factors that may be considered.

### **Reasonably engaged in the course**

One of the factors relevant to determining whether a student is a genuine student is whether they are reasonably engaged in the course [\[Rules s 5\(2\)\(a\)\]](#). Please refer to [Factors that may indicate a lack of engagement](#) for further guidance on this topic.

Reasonable engagement includes where:

- the student has satisfied course requirements for the course or participated in assessment activities for the course [\[Rules s 5\(2\)\(c\)\]](#)
- if the course is an online course—the number of occasions on which the student has logged into the course is not insignificant [\[Rules s 5\(2\)\(d\)\]](#).

### **Student awareness**

Another factor is whether the student has knowledge of the course requirements, and the cost and duration of the course [\[Rules s 5\(2\)\(b\)\]](#).

In accordance with subsection 98(1) of the Rules, you must provide students with information prior to enrolment, including about tuition fees and other fees that apply to the course, and about their rights and obligations when enrolling in a course and applying for a VSL.

This is included in the checklist at [Appendix B - Checklist of information to be provided to students prior to enrolment](#). The checklist is provided for your convenience.

### **Student satisfies course requirements**

Another factor considered is whether the student has satisfied course requirements for the course or participated in assessment activities for the course [\[Rules s 5\(2\)\(c\)\]](#)

### **Student login to online course**

Another factor is, if the course is an online course, whether the number of occasions on which the student has logged into the course is not insignificant [\[Rules s 5\(2\)\(d\)\]](#). If the number of occasions is 'insignificant' then this suggests that the student is not genuine.

### **Study load**

Another factor is if the student is enrolled in more than one course – whether the number of enrolments and associated course loads would make successful completion of a course by the student impossible or highly improbable. If the number of the enrolments and associated course loads would make successful completion of a course by the student impossible or highly improbable, this suggests the student is not genuine [\[Rules s 5\(2\)\(f\)\]](#).

In determining whether the number of enrolments and associated course loads would make successful completion of a course impossible or improbable, you may consider:

- whether the student is studying full-time or part-time
- the number of contact hours for the course including practicums
- the nature of the assessments for the courses
- a student's employment commitments, and/or
- any family or caring responsibilities.

The above indicators are provided for guidance only and do not limit us from considering other relevant factors.



## Communication

Adequate communication between students, you and is essential in demonstrating that a student is a genuine student. You should encourage students to maintain up-to-date contact details.

The following factors are considered when determining whether a student is a genuine student:

- the student has provided up-to-date contact details to enable us to contact them and verify their enrolment in the course [\[Rules s 5\(2\)\(e\)\]](#), and
- when required to do so, the student has communicated his or her agreement for the Secretary of the department to continue to use the VSL to pay tuition fees for the course [\[Rules s 5\(2\)\(g\)\]](#).

In accordance with paragraph 98(2)(n) of the Rules, before enrolling a student in an approved course, you should inform students about the importance of notifying you of any change of contact details. This is included in the checklist at [Appendix B - Checklist of information to be provided to students prior to enrolment](#). The checklist is provided for your convenience.

## Factors that may indicate a lack of engagement

Factors which may suggest a student is not reasonably engaged with their course include:

- if the student has not satisfied course requirements for the course or participated in assessment activities for the course [\[Rules s 5\(2\)\(c\)\]](#)
- if the course is an online course—the number of occasions on which the student has logged into the course is not insignificant [\[Rules s 5\(2\)\(d\)\]](#).
- if the student has not logged into the student portal up to and including the day on or before the census day for a unit
- if the student has not accessed course materials
- if the student fails to attend more than a specified number of classes in a row and/or
- if the student has no communication with you after enrolment in the course.

The above indicators illustrating a lack of engagement are provided for guidance only and do not limit you from determining your own benchmarks for suitable progress.

It would be open to you to use your discretion whether to cancel a student's enrolment in a course or part of a course for poor attendance or insufficient progress. Where possible, you should consider exercising your discretion to cancel the student's enrolment on or before the census date for a unit or part of a course. Where you cancel a student's enrolment (for any reason) **after** the census date, you must comply with the [Processes and procedures – provider cancelling enrolment after the census date](#), which includes giving students 28 days to initiate grievance procedures before the cancellation takes final effect.

## Secretary not required to pay loan amounts

The Secretary is not required to pay a loan amount for a student for a course if the Secretary is satisfied the student is not a genuine student [\[Act s 20\(c\)\(iii\)\]](#). Further, the Secretary has the discretion to re-credit a student's HELP balance where satisfied the student is not a genuine student [\[Act s 71\(3\)\(b\)\]](#).

## Demonstrate adequate course completion rates

You will need to demonstrate adequate course completion rates and satisfactory levels of student engagement and satisfaction to maintain your approval. You will be required to submit unit of study and course completion data to us. Providers and Senior Executives may contravene the Act or commit an offence for providing false or misleading information or for failing to provide required data.

## Absence of student engagement

The absence of student engagement will also be monitored through compliance measures. The Secretary may require you to be audited to determine whether your students are genuine students [Act s 45(2)(b)]. In addition, the Secretary may impose conditions on your approval and issue a compliance notice or consider suspension or revocation. The revocation procedure can be found at [Appendix M – Revocations Process](#).

### 4.6.4 Students who fail a unit or part of a course

If a student who is accessing a VSL fails a unit and is required to re-sit the unit, the student may access a VSL in a subsequent attempt at that unit. However, the course cap and remaining HELP loan limit continue to apply.

You may provide the student with an updated [Providing a VSL Statement of Covered Fees](#), recognising the student's tuition fees for the course have changed. Although this statement is to be provided to the student after enrolment and on or before the first census date, the increased course cost for the student due to the failed unit will alter the information provided in the statement. Therefore, you must provide an updated statement with the student's next Providing a VSL Fee Notice.

It is a matter for you whether your policy and procedures provide for the cancellation of a student's enrolment in a course or part of a course for insufficient progress. If you elect to cancel a student's enrolment **after** the census day for a unit or part of a course, you must act in accordance with the [Processes and procedures – provider cancelling enrolment after the census date](#), which includes giving students at least 28 days to initiate grievance procedures before the cancellation takes final effect.

### 4.6.5 Student use of a VSL if they are required to repeat part of a unit of study

Repeating a whole unit of study is not usually required and is a financial disadvantage to the student. Providers are encouraged to have a structure where each unit of study represents a single unit of competency, thus providing transparency for students regarding charging and training being delivered.

You are required to comply with the RTO Standards regarding re-sits, and for VSL, the requirement is that it is up to you to determine and publish unit and course fees prior to enrolment, with course fees levied over at least 3 fee periods/census days as the student progresses through the course. Further information about re-sits is below.

As outlined in [Students who fail a unit or part of a course](#), if a student accessing a VSL fails a unit and is required to re-sit the unit with charges to apply, the student may access a VSL in a subsequent attempt at that unit if there is remaining course cap and remaining HELP balance available within the HELP limit. For students who fail a small component of a unit of study, such as one or 2 units of competency and only need to re-sit those competencies, the student can access a VSL to re-sit those units of competency if there is sufficient cap and limit available. It is for you to determine the relevant charges and issue required notices.

For components of units that are required to be redone, it is expected that you cover this scenario as part of determining and publishing fees prior to enrolment, by publishing individual competency charges or publishing advice to students such as where competencies are required to be redone in the event of failure, repeat unit charges would be **reduced** and levied on a pro-rata basis commensurate with the required components/competencies to be redone. This information should be available to students prior to enrolment as unit charges must be determined and published prior to enrolment allowing students to have sufficient information to make their study and payment decisions.

You are required to ensure students are provided the relevant notices or that the unit is included on fee notices yet to be provided: VSL Fee Notice and Commonwealth Assistance Notice. In the situation

of a re-sit, providers must issue the student with an updated Statement of Covered Fees, recognising that the student's total tuition fees for the course have changed.

#### **4.6.6 Student study deferment**

If a student has had a loan approved, the student does not need to submit a new eCAF if they are continuing to study with the same provider – even if there has been a break in the student's study or if there has been a break in the provider's approval.

This deferment of studies or 'break' should be managed with the student's completion of Progression Forms. When the student defers, you should issue a progression for the student's completion. The student completes the option that indicates they have deferred their studies.

When the student resumes study or access to a loan, the student completes the Progression Form indicating the date of resumption of studies/loan access.

## 4.7 Processes and procedures

You must have in place, and act in accordance with, the processes and procedures set out at section 48 of the Act.

The application of these requirements covers all approved course providers with respect to all students enrolled in approved courses who are or could be eligible for a VSL, whether they choose to apply for a loan or not. (This excludes students who do not meet the residency requirements, such as international students).

### Processes and procedures summary

- [Process and procedures relating to student entry](#)
- [Processes and procedures for enrolment in courses](#)
- [Processes and procedures relating to loan applications](#)
- [Processes and procedures relating to a student's withdrawal from a course](#)
- [Processes and procedures – provider cancelling enrolment after the census date](#)
- [Processes and procedures relating to student complaints](#)
- [Process and procedures relating to fees](#)
- [Processes and procedures relating to re-crediting a HELP balance](#)
- [Processes and procedures relating to handling information](#)

#### 4.7.1 Staff training in processes and procedures

You must train your officers on the processes and procedures relevant to the officer's duties and responsibilities [\[Rules s 78\]](#).

#### 4.7.2 Processes and procedures publishing requirements

You must publish the processes and procedures prominently on your website in a way that is easily accessible without the need for login information – that is, must not require a person to submit their personal information in order to view the information [\[Rules s 79\]](#).

Where the legislation identifies that you must publish information about VSL on your website, you should ensure the content is published in a way that meets the requirements of both the Rules and the Act. For example, some of the information you must publish includes:

- all the administrative requirements you must undertake to determine a student to be academically suited to undertake a particular approved course
- fee information for students for approved courses
- census days
- that students must submit their eCAFs by 11:59 pm AEST on or before the first census day for which they wish to access a loan and
- student grievance processes.

#### 4.7.3 Process and procedures relating to student entry

Your student entry procedure must:

- specify the requirements a student must meet to be determined to be academically suited to undertake a particular approved course [\[Rules s 80\]](#)
- specify that the results of assessing a student's competence in reading and numeracy under the procedure must be reported to:
  - the student as soon as practicable after the assessment and
  - the Secretary in the form, manner and by the time requested by the Secretary [\[Rule s 81\]](#)

- describe the process (including the tools) for validly and reliably assessing a student’s competence in reading and numeracy against the Australian Core Skills Framework [Rules s 82].

Documents obtained or assessments undertaken for the purposes of determining a student’s academic suitability must be retained for at least 5 years [Rules s 105]. You can be asked to produce these documents to demonstrate compliance with this requirement.

### When is a student academically suited?

The student entry procedure must specify that a student is academically suited to a course when:

- you reasonably believe the student is academically suited [Rules s 80(1)(c)] and
- the student satisfies any entry requirements for the course set out in your procedure [Rules s 80(1)(b)] and
- the student satisfies one of the following requirements:
  - you obtain a copy of a Senior Secondary Certificate of Education awarded to the student by an agency or authority of a state or territory for the student’s completion of year 12 [Rules s 80(2)(a)], or
  - you obtain a copy of a diploma awarded to the student for the student’s completion of the International Baccalaureate Diploma Programme [Rules s 80(2)(aa)], or
  - the student is assessed using an approved assessment tool, as displaying competence at or above Exit Level 3 in the Australian Core Skills Framework (ACSF) in both reading and numeracy and you reasonably believe the student displays that competence [Rules s 80(2)(b)], or
    - you obtain a copy of a certificate that a qualification at level 4 or above in the Australian Qualifications Framework (AQF) has been awarded to the student, or at a level in a framework that preceded the AQF (refer clarification below) that is equivalent to level 4 or above in the AQF. This certificate must be a document issued by a body registered to award the qualification in the AQF in Australia or
    - a letter or certificate issued by a federal, state or territory government agency which assesses overseas qualifications (or an organisation contracted by such an agency to undertake such assessments), that evidences that the student’s qualification has been assessed by that agency (or contracted organisation) and determined to be equivalent or comparable to a qualification in the AQF at level 4 or above<sup>6</sup>, or a qualification at a level in a framework that preceded the AQF, equivalent to level 4 or above in the AQF; and
  - the course for the qualification to meet this requirement was delivered in English [Rules s 80(2)(c)].

### Important clarification regarding qualifications issued prior to 1995

For the purposes of paragraph 80(2)(c) of the Rules, the reference to a framework that preceded the Australian Qualifications Framework (AQF) includes the:

- Australian Council on Awards in Advanced Education (ACAAE) [1971 – 1984]: Nomenclature and Guidelines for Awards in Advanced Education (1972) and Guidelines for the National Registration of Awards in Advanced Education

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<sup>6</sup> Each state and territory, except for NSW, has its own Overseas Qualifications Unit that can help Australian citizens and permanent residents to see how their overseas qualification compares in Australia. Information on these Overseas Qualification Units can be found at [Qualifications Recognition \(internationaleducation.gov.au\)](http://Qualifications Recognition (internationaleducation.gov.au)). For NSW, and for individuals who are not Australian citizens or permanent residents, the Department of Education provides an assessment of overseas qualifications service. Information on this service can be found at [Services for individuals \(internationaleducation.gov.au\)](http://Services for individuals (internationaleducation.gov.au)).

- The Australian Council on Tertiary Awards (ACTA) [1985 – 1989]: Guidelines for the National Registration of Awards
- Australian Education Council Register of Australian Tertiary Education (RATE) [1990 – 1999]

These documents are available on [Australian Qualifications Framework - Previous versions and pre-AQF equivalencies](#).

Further, the reference to ‘a qualification at level 4 or above’ is taken to be equivalent to an ‘Advanced Certificate’ or above, as described by the predecessor bodies ACTA and RATE, issued from 1985 onwards. It is taken to be equivalent to an ‘Associate Diploma’ or above, as issued by the predecessor body ACAAE from 1971 – 1984.

**Note:** Where a provider relies on a qualification issued under the AQF or a predecessor framework to the AQF to ascertain a student’s academic suitability to undertake a course, the provider must still satisfy the general requirement that the provider must also reasonably believe the student is academically suited to undertake the course [\[Rules s \(80\)\(1\)\(c\)\]](#).

### Senior Secondary Certificate requirements

You can only accept a copy of a year 12 certificate from an Australian state or territory<sup>7</sup>, or a copy of a diploma for completing the International Baccalaureate Diploma Programme. Alternatives that will not be accepted include:

- a letter from the student’s school confirming they completed year 12
- a lower-level VET qualification
- Tertiary Preparation Certificate and
- any program with reading and numeracy components that allow students to achieve Exit Level 3.

### Verification of results via Victorian Tertiary Admissions Centre’s (VTAC) online service

VTAC work closely with the Victorian Curriculum and Assessment Authority (VCAA) to calculate and issue the Australian Tertiary Admissions Rank (ATAR) for Victorian Certificate of Education (VCE) students. It is open to you to obtain electronic confirmation from VTAC’s online service of whether a student has been awarded a Senior Secondary Certificate of Education on completion of Year 12. We understand the certificate can be obtained through results published and accessed via the VTAC online tool (QualCheck).

There is no issue with you relying on your electronic access to the certificate via VTAC (rather than obtaining in hard copy from the student). However, you should have enrolment procedures, including how to interpret, use and record the information available via VTAC. You are accountable for your decisions including assessing suitability and must believe on reasonable grounds that the student is academically suited to undertake the course [\[Rules s \(80\)\(1\)\(c\)\]](#).

### Where a student cannot provide a copy of a certificate

If a student cannot provide a copy of a qualification certificate for their AQF level 4 or above qualification, you may accept from the student a copy of their authenticated transcript from the Student Identifiers Register, as specified under the Student Identifiers Regulation 2014 (section 5), as proof, provided it evidenced completion of the relevant qualification.

The Student Identifiers Regulation 2014 (section 5) specifies what a USI transcript must include. The USI transcript will only ever reflect study undertaken since 1 January 2015 that has been reported by a training provider through the AVETMISS process. In some circumstances, study may have been

<sup>7</sup> For students that have attained a *Victorian Certificate of Applied Learning (VCAL)* – only the VCAL Senior and VCAL Intermediate levels meet this requirement.

successfully completed by a student but not show on the individual's USI transcript. Examples of this situation include where the:

- training provider has not yet reported training through the AVETMISS reporting cycle (private providers only report annually, whereas TAFEs report quarterly)
- individual has requested and received a personal exemption from the Student Identifiers Registrar from obtaining a USI
- training provider has obtained an exemption from the Regulator from reporting the training to NCVER
- training provider has closed and has not reported training outcomes
- training provider did not include USI when reporting training outcomes to NCVER.

### **Assessing competency in reading and numeracy**

Your student entry procedure must:

- describe the process (including the tools) for validly and reliably assessing a student's competence in reading and numeracy against the ACSF
- specify the tool to be used as part of that process which is a tool approved by the Secretary and published on the department's website (see [VET Student Loans Language Literacy and Numeracy \(LLN\) assessment tool information](#)), and
- require the process to be conducted with honesty and integrity [\[Rules s 82\(1\)\]](#).

### **Results of assessments**

A provider's student entry procedure must specify that the results of assessing a student's competence in reading and numeracy under the procedure are to be reported:

- to the student as soon as practicable after the assessment and
- to the Secretary in the form, manner and by the time requested by the Secretary [\[Rules s 81\]](#).

Your student entry procedure must specify that you must retain these results for at least 5 years [\[Rules s 105\]](#).

### **LLN assessment re-sit**

If a student fails to achieve the required standard of language, literacy and numeracy (LLN) on sitting, the student may re-sit based on the provider's assessment of readiness. The Australian Council for Educational Research's (ACER's) recommendation is that at least 3 months between assessments should provide enough time for progress to be made and improvement to be able to be demonstrated. This allows time for the learner and the provider to implement any targeted LLN support and to have sufficient time for the learner to improve their LLN skills to the required level. Re-sit within 3 months will be a risk indicator.

Providers must retain the student's assessment undertaken as well as the results for 5 years and must provide these if requested by the Secretary or delegate.

Providers are reminded of the requirement for the assessment test and results of pre-requisite assessments to be retained for 5 years and reported to the Secretary when requested.

### **Approval of an external LLN assessment tool**

The Secretary may, on application by an approved course provider or a Commonwealth, state or territory government agency (refer to [Applications](#) below), approve a tool for assessing a student's competence in reading and numeracy [\[Rules s 82\(2\)\]](#). The Secretary must be satisfied the tool is a valid, reliable, fair and well-constructed way of assessing whether competence is at or above Exit Level 3 in the ACSF. The tool must be appropriately verified and evaluated using evidence-based assessment by a suitably qualified independent body (refer to [Independent review](#) below).

## Applications

An application from you must contain the following information, evidence and other material:

- your legal entity names
- contact information for the purposes of the application
- registered business name of the applicant approved course provider (if different)
- any other business name(s) of the applicant approved course provider
- business address of the applicant approved course provider
- name/description of the language, literacy and numeracy (LLN) testing tool(s) proposed for approval (including version and other relevant identifiers as necessary)
- name and other relevant details of body/person undertaking the review of the proposed LLN testing tool
- certification/information from the body/person undertaking the review of the proposed LLN testing tool, as follows:
  - name/description of the LLN testing tool(s) reviewed (including version and other relevant identifiers as necessary)
  - declaration of any potential conflicts of interest, or that there are no conflicts of interest, and specifically:
    - certification of their independence from the tool assessed
    - certification of their independence from 'selling' adult LLN assessment tools
    - certification of their independence from the applicant RTO
- details of their particular relevant qualifications, skills, knowledge and experience, and specifically:
  - details of their expertise in reviewing LLN testing tool(s)
  - details of their expertise in LLN assessment, including with the ACSF
- certification of their findings (including sufficient details of those findings, and relevant details of the evidence and other materials relied upon in reaching those findings), documented in accordance with Appendix J 'Checklist of auditable requirements for LLN testing instrument', to the document [Assessment of LLN testing tools and processes for the VET Student Loans Program](#), as published by the department. Copies of the evidence and other material relied upon in reaching the findings are to be submitted with the checklist.

Applications that do not meet the above requirements may be considered invalid.

Applications must be uploaded to HITS. See the chapter on 'Uploading a Document' in the [HITS User Guide](#) for further information.

The provider must alert the department to its application by completing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Provider Operations' from the drop-down list and then choose 'General administration'. Provide details into the enquiry text field, uploading the documents to HITS.

### Assessment of an application

Bodies wishing to apply for approval of an external LLN tool should access the 'Assessment of LLN testing tools and processes for the VSL program's publication on [Language literacy and numeracy \(LLN\) assessment tool information](#).

In deciding whether to approve an assessment tool we are required to have regard to:

- criteria for approval of tools for testing competence in reading and numeracy against the ACSF and
- measures for quality assurance of such tools.



## Independent review

Bodies wishing to apply for approval of an LLN tool must arrange to have the proposed assessment tool independently reviewed. In determining the appropriateness of the body or person that has undertaken the review, the department will give particular weight to the following:

- absence of real or apparent bias or conflict of interest, particularly indicated by:
  - independence from the product assessed (for example, absence of propriety, commercial or financial interest, not involved in its development, not involved in its use, not associated with an organisation that uses the tool)
  - independence from 'selling' adult LLN assessment tools (For example, no current material commercial, financial or similar interests)
  - independence from the applicant registered training organisation (RTO) (for example, not employed or subcontracted by the RTO to provide training and assessment, no other involvement or interest in the operations of the RTO and so on)
- has the necessary expertise, particularly indicated by:
  - expertise in conducting such approval or auditing processes, preferably within the VET sector
  - expertise in adult LLN assessment including with the ACSF.

The findings of the body or person, including sufficient details of those findings, and relevant details of the evidence and other materials relied on in reaching those findings, should be documented against the 'Checklist of Auditable Requirements for Foundation Skills assessments' included at Appendix I of [Assessment of LLN testing tools and processes for the VET Student Loans Program](#). The review by the independent expert must be evidence based.

The review and assessment of a body or person that does not meet the above criteria, or does not appropriately document findings, is unlikely to be given weight in the decision-making process.

## Decision not to approve an assessment tool

If an application for approval of an assessment tool is rejected, the applicant may apply to have the decision reviewed.

The application must:

- be in a form approved by the Secretary, and
- be made within 30 days after the day on which the written notice of the reviewable decision was given to the applicant, or within such further period as the Secretary allows [\[Rules s 83\(2\)\]](#).

Details as to the form of the request for review will be made available in the notification of decision.

## Use of a tool by providers

Provider use of the tool comes with the responsibility of developing a procedure for reporting the results of the assessments [\[Rules s 81\]](#).

An approved course provider's student entry procedure must specify that assessment results must be reported to the student as soon as practicable after the assessment and to the Secretary, if and when required [\[Rules s 81\]](#).

The assessment process must be conducted with honesty and integrity [\[Rules s 82\]](#).

You must retain documents obtained or assessments undertaken for the purposes of assessing a student's academic suitability for at least 5 years [\[Rules s 105\]](#).

As and when assessment tools are approved, details will be published on the department's website. Whenever feasible we will aim to approve an assessment tool not only for the applicant provider, but also for all providers.

The following are taken to have been approved:

- Core Skills Profile for Adults as mentioned in subparagraph 38(1)(b)(i) of the Higher Education Support (VET) Guideline 2015
- a tool for assessing a student's competence in reading and numeracy approved under subsection 38(2) of the [Higher Education Support \(VET\) Guideline 2015](#).

Approved LLN assessment tools available for VSL are listed on [Language literacy and numeracy \(LLN\) assessment tool information](#).

#### 4.7.4 Processes and procedures for enrolment in courses

Your processes and procedures must provide for equal and fair treatment of all students seeking to enrol in an approved course [\[Rules s 84\(1\)\]](#).

You must have open, fair and transparent procedures that you reasonably believe are based on merit for making decisions about:

- the selection of students seeking to enrol as VET students in VET units of with the provider and
- the treatment of such students [\[Rules s 84\(2\)\]](#).

However, this does not prevent you from considering that a student may be enrolled in an approved course in accordance with an arrangement that:

- was entered into between the you and an employer or industry body and
- limits or restricts enrolments in some or all of the places in the course [\[Rules s 84\(3\)\]](#).

#### 4.7.5 Processes and procedures relating to loan applications

The Government electronic Commonwealth Assistance Form (eCAF) was released on 1 January 2017. In accordance with paragraph 17(2)(a) of the Act, all approved course providers are required to use the eCAF as the student application form for a VSL from 1 July 2017. Approved course providers require access to the eCAF system.

**Students must submit the eCAF by 11:59 pm AEST on or before the first census day for which they wish to access a loan.** [\[Act s 17\(2\)\(c\); Rules s 10\(2\)\]](#).

**Note:** The eCAF system meets web accessibility requirements – and is web accessible for use with a screen reader. In exceptional circumstances only, and on a case-by-case basis on individual application to us, you may seek approval to use the paper form (CAF). See 'Paper CAFs' section below for more information.

#### Using the eCAF

To access the eCAF system, you must complete and return to the department the **eCAF System Access Request** form for each individual officer requesting access to the system, and/or the **eCAF API system access request** form for a provider service account. The completed forms must be sent to [VETStudentLoans@dewr.gov.au](mailto:VETStudentLoans@dewr.gov.au).

On accessing the eCAF system, you can find answers to frequently asked questions under the 'Help' tab. We will update these answers regularly, and for this reason you should check these periodically.

## Notes

1. You must supply accurate student enrolment information in the eCAF. If there are inaccuracies in this information, students will be directed to their respective providers for correction.
2. You cannot delete an eCAF once it has been submitted by a student. However, you may be able to delete an eCAF that has not been submitted by the student if the student does not wish to access a VSL.

## Paper CAFs

Should there be an exceptional circumstance of the student warranting use of a paper form, you are required to seek, in advance, case-by-case approval from us to use the paper form outlining the relevant circumstances applicable to the student. Approval outlining the exceptional circumstances must be sought for each individual student, well in advance of census days.

Exceptional circumstances are limited to disability that prevents screen or internet use, cultural or religious restrictions that preclude use of technology, detention in correctional facilities where internet access is not permitted and remote locality where internet is not available.

An up-to-date version of the paper form for the student's completion will be forwarded to you by us on each occasion if approval is granted. The form must be completed by students on or before the census day from which they wish the loan to apply. Special reporting requirements apply if approved, and these are detailed to you by us at the time of the individual approval.

**Note: technical system issues do not constitute exceptional circumstances.**

### 4.7.6 Electronic communications between students and the Commonwealth

The Secretary will not treat an application by a student for a VSL made by electronic communication as having been signed by the student if the communication does not contain:

- the student's student identifier (USI under the *Student Identifiers Act 2014*), and
- the student's TFN (or certificate from the Commissioner stating that the student has applied for a TFN), and
- an acknowledgement by the student that they have read and understood the application, and
- a confirmation by the student of the accuracy of the information in the application [[Rules s 152](#)].

## Collection and verification of certain information

Your processes and procedures must require the collection and verification of the following information and documents relating to a student applying for a student loan including:

- information about the student's identity and date of birth
- if the [student is under 18](#), information that:
  - one of the signatories to the application is a responsible parent of the student (by submission of the signed parental consent form available at [VET Student Loans – Parental Consent Form](#), or
  - the student has received youth allowance on the basis that the student is independent within the meaning of Part 2.11 of the *Social Security Act 1991* (you should receive evidence of this assessment from the student in the form of their Centrelink Income Statement)
- information and documents to establish that the student meets the citizenship and residency requirements in section 11 of the Act
- if the student has applied for, but not been issued with a TFN, a certificate from the Commissioner that the student has applied for a TFN.

## Students under the age of 18

You are required to obtain a parental consent form before entering new enrolment data for an intended eCAF.

**NOTE:** The Secretary is not required to pay a loan amount for a student for a course if the student has not given the Secretary the student's TFN [Act s 20(a)] or the student's student identifier [Act s 20(b)].

## Monitoring student engagement and progression

As part of stronger compliance measures, students will use the eCAF to demonstrate they are engaged with their training. Students are required to indicate continuing engagement after at least 4 months have elapsed since their eCAF application was submitted, or they last indicated engagement. The absence of student engagement will be monitored through compliance procedures and may prompt an investigation of student's lack of engagement which may trigger the remission of debts. See [Determining genuine students](#).

## Providing a TFN

**NOTE:** The Australian Taxation Office (ATO) will not provide TFNs to providers.

Neither the Act nor the Rules enable you to access a student's TFN directly from the ATO. You must seek TFNs from the eCAF system (or from students via the paper form in limited circumstances only where the provider has first sought approval from the department to use the paper form). You must have regard to the rules, processes, procedures and penalties regarding handling of TFNs.

## Provision of TFN by students

If a student cannot remember their TFN they can call the ATO on 13 28 61.

Students who do not have a TFN should apply for one by completing a *Tax file number – application or enquiry for individuals* (NAT1432) form available from the ATO.

Without a TFN included in the student's electronic application for a loan (eCAF), you will not be paid the loan amount [Act s 20(a)] and you cannot recover the course fee from students [Acts s 56]. You cannot recover course fees from the student where those fees were indicated in the Statement of Covered Fees as being covered by a loan.

As a TFN is usually provided within 28 days of application to the ATO, it is essential for students to apply early to ensure they have their TFN on or before the census date. If a student applies for a TFN less than one month on or before the relevant census date, the student should request one of the following:

- a Certificate of application for a TFN issued by the ATO
- a copy of their online application summary and barcode matched receipt issued by Australia Post.

If a student has not received their TFN by 10 days on or before the census date, the student should provide this certificate or receipt to you as proof of having applied so you may monitor subsequent provision of the TFN.

Where a student does not supply a TFN in the initial VSL application (eCAF), the student will still be able to complete the eCAF for a VSL by uploading their Certificate of application for a TFN. If the eCAF does not have either the TFN, or Certificate of Application for a TFN uploaded, it is not able to be submitted by the student and the student will need to pay for their studies upfront or alter their study plans.

## Updating the TFN where a Certificate of Application for a TFN was previously supplied

Once the student receives their TFN from the ATO, the student will need to contact you immediately. The student should ask you to re-open the eCAF to enable the student to update their TFN. You will put the eCAF into 'revision status' to enable the student to input their TFN. Once in 'revision status', the eCAF system will send an email to the student indicating they can update their TFN in their eCAF record. The student will update their TFN and re-submit the eCAF.

This must be completed within 6 weeks of the first census date included in the eCAF. It is important you advise students that even though they have uploaded a 'Certificate of application for a TFN', the student must provide the TFN as soon as they receive this from the ATO. Without a TFN, the loan amount will not be paid to you and the student will not be able to use the loan for that study period.

In addition, to ensure you are able to follow up on these students, you may run an eCAF exception report to identify all students who have not provided a TFN and have submitted a 'Certificate of application for a TFN'. The reports are available from the eCAF dashboard. You may also access and search for eCAFs without TFNs directly in the eCAF system or via the API links from the providers' student management systems. Refer to the eCAF Help guide for more information.

## Procedure for verifying TFNs

When you submit a student's VETSL debt record in TCSI, the TFN will be automatically sent for verification (by the ATO). If the student's TFN and personal details match, the student's VETSL debt will be transferred to the ATO.

TFN verification ensures each TFN is confirmed as belonging to a particular student before their associated VETSL debt is accepted by the ATO. The ATO verifies the TFNs by matching the details it has for the student with those the provider has reported to TCSI.

More information relating to the verification of TFNs can be found on [TCSI Support Reporting student HELP debts to the ATO](#).

## Tax file number mismatch and troubleshooting

If a student's TFN cannot be matched, you will receive an automated email to advise that the TFN verification has failed, and the debt will not be sent to the ATO. You can find the details of the failed records in your TFN Verification reports in [TCSI Analytics](#). In addition, provider payment reports will indicate where TFN Verification has failed.

The [Tax File Number \(TFN\) Fact Sheet](#) will help you with managing students who are providing TFN details which are not passing the TFN verification process. You can give this fact sheet to your students to help them understand why they have to provide a TFN, what happens if the TFN is not valid and what the student needs to do to ensure the TFN they are supplying can be validated.

## Retention of information relating to an application

Your processes and procedures must specify that the provider must retain for at least 5 years the documents collected for the purposes of applications by students for VSL [\[Rules s 105\]](#).

### 4.7.7 Processes and procedures relating to a student's withdrawal from a course

Your processes and procedures must include:

- procedures for a student to withdraw from an approved course, or a part of an approved course
- a procedure for a student to enrol in a part of an approved course with the provider in circumstances where the student had earlier withdrawn from the part of the course undertaken with the provider [\[Rules s 86\(1\)\]](#).

The procedures for a student to withdraw from an approved course, or a part of an approved course, on or before a census day for the course, or the part of the course, must not involve financial, administrative or other barriers to the withdrawal [\[Rules s 86\(2\)\]](#).

### **What should a withdrawal process and procedure include?**

You may require a student to follow your internal withdrawal procedure provided doing so does not impede a student's withdrawal on or before the census date for a unit or part of a course or whole course.

Your withdrawal process should include:

- any method determined by you for students to formally communicate their intentions, including an online or paper form generated by you
- confirmation to the student of their withdrawal, including the date and time of the student's withdrawal, the unit of study, part of a course or whole course from which the student withdrew and the relevant census day
- confirmation as to whether the student has incurred a debt for the unit, part of the course or whole course (noting that no debt may be incurred if the student withdraws on or before the census day)
- advice to the student regarding the special circumstance's requirements if applicable to the student's circumstances
- information about the refund of upfront payments (see [Refund of tuition fees where student withdraws on or before the census day](#)).

### **Can providers offer counselling to students who want to withdraw?**

A withdrawal procedure may include an optional counselling service for students wishing to withdraw from their studies, provided it:

- does not pressure a student into remaining enrolled
- does not pressure a student to enrol in a different course
- occurs within a timeframe that allows the student to withdraw on or before the census date if the student still so chooses.

### **What cannot be included in a withdrawal process and procedure?**

For withdrawals on or before the census day from a unit of study, part of a course or whole course, provider must not charge:

- a withdrawal fee
- an administration fee
- a fine or penalty
- a fee determined to be a disincentive to withdrawing from a unit, part of a course or whole course
- any portion of the tuition fees for the unit, part of the course or entire course from which the student is withdrawing.

### **Re-enrolling a student who has withdrawn**

If a student withdraws from an approved course, or a part of an approved course, you must not, after the withdrawal, re-enrol the student without the written permission of the student [\[Rules s 86\(3\)\]](#).

### **Refund of tuition fees where student withdraws on or before the census day**

Where a student withdraws their enrolment in an approved course on or before the census day, they must not incur tuition fees for the course or part of the course, to which the census day applies

[\[Act s 58\]](#).

This applies to all the tuition fees for the course or part of the course to which the census day relates. Therefore, it includes:

- VSL covered fees
- any gap fees
- upfront payment of tuition fees
- gap fees or tuition fees paid through a loan from the provider.

Where the student has paid tuition fees upfront to you or through a loan from you, you must refund this amount to the student.

### **No penalty for withdrawing enrolment on or before census day**

Where:

- you enrol a student in a course on the basis that some or all the tuition fees for the course are covered fees (that is, covered by a VET Student Loan), and
- on or before a census day for the course the student requests in writing that the provider cancels the enrolment, any of the following actions by you may give rise to a civil penalty of up to 120 penalty units
- you fail to cancel the enrolment on or before the census day [\[Act s 59\(1\)\]](#) or
- you charge a fee, however described, for cancelling the enrolment [\[Act s 59\(2\)\]](#).

Further, the following may also give rise to a civil penalty of up to 120 penalty units – where you enrol a student in a course on the basis that some, or all, of the tuition fees for the course are covered fees and you engage in conduct that:

- prevents the student from cancelling the enrolment, or
- unnecessarily inconveniences the student in relation to cancelling the enrolment [\[Act s 59\(3\)\]](#).

#### **4.7.8 Processes and procedures – provider cancelling enrolment after the census date**

The processes and procedures for cancelling a student’s enrolment, after the census date, must:

- requires you to inform the student concerned of a proposed cancellation
- provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect
- provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed
- set out the circumstances in which fees for the course, or the part of the course, concerned will, or will not be, refunded [\[Rules s 87\]](#).

#### **4.7.9 Processes and procedures relating to student complaints**

You must have a grievance procedure to deal with complaints from your students about academic matters and non-academic matters [\[Rules s 88\]](#).

The grievance procedure must:

- clearly set out the procedure, including required internal and external stages
- encourage the timely resolution of complaints, including specifying reasonable periods for dealing with each stage of a complaint
- contain the internal and external stages
- clearly state that there is no charge for the internal stage or external stage
- provide for implementation of decisions made in following the grievance procedure
- provide for due consideration of recommendations arising from the external stage
- require the provider to allow parties who have used the procedure to access the records of that use, but otherwise keep the records confidential [\[Rules s 88\(2\)\]](#).

## Internal stage

The internal stage of the grievance procedure must include:

- a process for the lodging and hearing of a formal complaint
- a requirement for written notice of a decision on the formal complaint to be given to the complainant, with the notice to include:
  - the reasons for the decision
  - advice about how to appeal the decision
- a process for appealing the decision to an independent senior officer of the provider, or to an internal committee or unit with appropriate expertise
- a requirement for written notice of the decision on appeal to be given to the appellant, with the notice to include:
  - the reasons for the decision
  - advice about how to have the decision reviewed
- a provision enabling each party to this stage of the procedure to be accompanied or assisted by another person, at that party's cost [Rules s 88(3)].

## External stage

The external stage of the grievance procedure must include:

- a process for having a decision on appeal reviewed by an external and independent person or body with appropriate expertise
- a provision enabling each party to the review to be accompanied or assisted by another person at the review, at that party's cost
- a requirement for written notice of the decision on review to be given to each party, with the notice to include the reasons for the decision [Rules s 88(4)].

## VET Student Loans Ombudsman (VSLO)

The establishment of a VSLO on 1 July 2017 does not remove the requirement for you to have an appealed decision reviewed by an appropriate external independent person. The VSLO will act as the external dispute resolution body to conduct investigations and make recommendations in relation to VET loan assistance (that is, VSL and VET FEE-HELP) and compliance by VET providers with the Act, the HESA and any legislative instruments under either of those Acts. The VSLO will report on its investigations and recommend providers and others to act, or stop certain behaviour, to address identified problems and provide redress to affected students.

For matters which do not fall within the scope of the VSLO's jurisdiction (for example, matters relating to personal information held by you or matters that do not relate to loan assistance disputes), you must ensure the external stage of the grievance procedure makes appropriate provision for external and independent review.

The provider must keep appropriate records, for at least 5 years, for each use of the grievance procedure [Rules s 105(g)].

## Providers' obligations

You are taken to be members of the external dispute resolution process for the purpose of meeting this obligation under the Act [Act s 25(2)(h)].

- You must:
  - comply with the requirements of the VSLO [Act s 42C]
  - fully cooperate with the VSLO to ensure compliance with the Act [Act s 46]



- For example, you may be required to produce information or documents relevant to an investigation where this has been requested by the VSLO. A breach of this obligation may result in a criminal offence (under section 36 of the Ombudsman Act) and/or a civil penalty [Act s 46].
- Further, where you do not take adequate and appropriate action within a reasonable time, following recommendations made by the VSLO, a report will be provided to the Minister, which will then be tabled in Parliament – making the actions of providers subject to public and Parliamentary scrutiny.
- We will monitor data detailing whether you have or have not implemented the recommendations of the VSLO.

Further information is available on the [VET Student Loans Ombudsman](#) website.

#### 4.7.10 Process and procedures relating to fees

Students may access a VSL for course tuition fees. As a VSL may only cover tuition fees, any other fees and charges must be borne by the student. The requirements around other fees incidental to study are to help ensure that any upfront costs to students are kept to a minimum and to what may reasonably and fairly be charged to a student.

#### Determining tuition fees

You must determine the tuition fees for each approved course it offers [Act s 55].

When determining tuition fees, you must not take into account the manner or timing of payment of tuition fees by students or payment of loan amounts by the Secretary to the provider. For example, different fees cannot be charged based on whether a student pays upfront, requests a loan, or pays prior to a certain date ahead of the census day.

In determining tuition fees, you must **not** have regard to:

- fees payable for anything other than assessing academic suitability for the course, enrolment in, and tuition and examination for the course and award of a qualification for completion of the course
- fees payable for goods and services essential to the course, or any fine or penalty that may be imposed on a student
- the provision to a student of a good or service not essential for all or part of the course
- fees payable for a Special admissions test (refer to [Appendix G](#)) [Rules s 118].

Note that section 118 of the Rules sets out in full other requirements in relation to determining tuition fees.

See also [What cannot be included in a withdrawal process and procedure?](#)

Examples of fees and charges that are not covered fees, and examples of fees and charges that may be charged in addition to tuition fees are set out in [Appendix G - Fees that are not covered by VET Student Loans](#).

#### Course content and activities must be necessary

The course must not include content or activities which do not contribute to achieving the qualification concerned [Rules s 8]. This requirement ensures students are being delivered the education required for their qualification and not in effect being charged tuition fees for material not relevant to their qualification. Therefore, when establishing tuition fees, you must not include costs for content which is neither necessary nor relevant to the qualification.

### **Students not liable for covered fees**

If you enrol a student in a course, you must give the student a written statement as to whether or not the enrolment is accepted on the basis of some or all of the tuition fees for the course will be covered by a VSL [\[Act s 56\]](#).

The statement must be given in accordance with section 129 of the Rules. See [4.10.2 Providing a VSL Statement of Covered Fees](#).

You contravene subsection 56(4) of the Act if you require a student to pay covered fees.

This means that where a student enrolls in a course with the understanding that part of the student's fees are covered fees, and the Secretary is not required to pay the loan amount for the student, you must not require or ask the student to pay you the amount of the covered fees.

A Civil penalty of 120 penalty units applies.

### **Providing and publishing fee information for students**

Before enrolling a student in an approved course, you must give the student information about (among other things) the tuition fees for the course and any fees other than tuition fees payable for the course [\[Rules s 98\(2\)\(b\) and \(c\)\]](#).

You must publish tuition fees for each part of the course (that is, unit/subject) on your website in a readily accessible way no later than the day before a student enrolls in a course (on the basis that some or all of the fees are covered by a VET Student Loan) [\[Act s 57\(b\)\]](#).

For tuition protection purposes, and to assist replacement providers, the publication of tuition fee schedules should outline the unit of competencies that fall within respective units of study for approved courses. This information supports determining suitable replacement courses and reducing any additional costs to students and replacement providers. It also improves information transparency for students. Where a unit of competency (UoC) runs across several units of study, the competency should be reported under each relevant unit of study as part X (i/ii) of Y.

For example, UoC xxxx (part 1 of Y-theory; UoC xxxx (part 2 of Y-practical).

Following a default, you must give the VSL Tuition Protection Director a written notice which specifies for each course you have defaulted in relation to a student, the name and code of each unit of competency as it appears on the National Register of VET [\[Rules s 47\(2\)\]](#).

## Example of unit of study publishing and charging where one unit of study is a unit of competency

Course: CUA51020 - Diploma of Screen and Media (Release 1)

Fee Period 1	Fee Period 2	Fee Period 3
<p><b>UoC1</b> CUAANM302 ELECTIVE Create 3D digital animations \$1,233/\$1,052.87/\$180.13*** Group A</p> <p><b>UoC2</b> CUAMUP411 ELECTIVE Design, apply and remove make-up \$1,233/\$1,052.87/\$180.13 Group B</p> <p><b>UoC3</b> CUAMUP412 ELECTIVE Maintain make-up and hair continuity \$1,233/\$1,052.87/\$180.13 Group B</p> <p><b>UoC4</b> CUAPPR515 CORE Establish and maintain safe creative practice \$1,233/\$1,052.87/\$180.13</p>	<p><b>UoC5</b> CUAIND412 CORE Provide freelance services \$1,233/\$1,052.87/\$180.13</p> <p><b>UoC6</b> CUAIND512 CORE Enhance professional practice using creative arts industry knowledge \$1,233/\$1,052.87/\$180.13</p> <p><b>UoC7</b> CUASFX411 ELECTIVE Create special effects items \$1,233/\$1,052.87/\$180.13 Group B</p> <p><b>UoC8</b> CUADIG518 ELECTIVE Refine digital art techniques \$1,233/\$1,052.87/\$180.13 Group C</p> <p><b>UoC9</b> CUASFX412 ELECTIVE Coordinate the logistics of special effects operations \$1,233/\$1,052.87/\$180.13 Group D</p>	<p><b>UoC10</b> CUAPPR411 CORE Realise a creative project \$1,233/\$1,052.87/\$180.13</p> <p><b>UoC11</b> CUADIG517 ELECTIVE Design digital transformations \$1,233/\$1,052.87/\$180.13 Group A</p> <p><b>UoC12</b> CUASOU504 ELECTIVE Produce sound recordings \$1,233/\$1,052.87/\$180.13 Group C</p> <p><b>UoC13</b> CUAPPR412 ELECTIVE Use casting and moulding techniques to make props \$1,233/\$1,052.87/\$180.13 Group D</p> <p><b>UoC14</b> CUAMUP413 ELECTIVE Style hair for productions \$1,233/\$1,052.87/\$180.13 Group B</p> <p><b>UoC15</b> CUAMUP414 ELECTIVE Style wigs and hairpieces for productions \$1,233/\$1,052.82/\$180.18 Group B</p>
Census Day	Census Days	Census Days
7/10/2020	2/12/2020 16/12/2020	3/02/2021 17/02/2021 3/03/2021

\* Based upon actual VSL Reporting at UoC \*\*\* Charged/Loan/Upfront

\*\* Four core units + eleven elective units, of which: at least 9 must be from Groups A, B or C up to 2 units may be from Groups A, B, C, or D or from any currently endorsed Certificate IV or above training package qualification or accredited course.

### Giving the Secretary a list of fees

You must give the Secretary, in the manner and form approved by the Secretary, in relation to each approved course offered by you, a list of the fees charged for the course including the tuition fees for each part of the course [Rules s 115(1)]. You must update the list whenever there is a change to the fees charged for the course [Rules s 115(2)].

The [MySkills](#) website is the required form for giving the Secretary the list of the current and up to date fee information, including tuition fees and other fees, for approved courses under the VSL program [Rules s 115(3)].

**Note:** You must publish course fees on MySkills for all approved courses for which you are approved to offer loans. The fees for each calendar year must be published by uploading the information to MySkills by 1 December of the previous year, or prior to enrolling students in approved courses, whichever is the earlier.

For guidance on how to publish tuition fees on the MySkills website, you should access the [MySkills User Guide - Add/Edit Course Price Information](#).

### MySkills fee information - provider status change from 'Non-current' to 'Current'

When the status of a provider or courses on a provider's scope changes from 'Non-current' to 'Current' (as advised by the relevant VET regulator), there are steps a provider must take to ensure course fees are still published on MySkills and to ensure it is not in breach of the requirement to publish course fees [Rules s 115(1)] and [Rules s 115(3)]. This is the case even when course fees were previously on MySkills as the change to 'Non-current' may have reset your information on the website.

You must:

- log into MySkills to ensure course fees are published for all approved courses for which you are approved to offer loans
- where course fees are not published add course fee information.

For guidance on how to publish course fees on the MySkills website, you should access the [MySkills User Guide - Add/Edit Course Price Information](#).

### **Charging of tuition fees**

Different requirements apply to charging of tuition fees by:

- approved course providers that are Table A providers
- other approved course providers.

Table A providers are the higher education providers listed at subsection 16-15(1) of HESA.

### **Charging of tuition fees by Table A providers**

An approved course provider that is a Table A provider may charge a student tuition fees for an approved course provided by the provider only in a way consistent with:

- the delivery of the course
- the student's participation in the course [\[Rules s 120\]](#).

### **Charging tuition fees by other approved course providers**

The following sections on 'Fee periods,' 'Length of fee periods,' 'Charging tuition fees over periods of the course' and 'Exemption from fee period requirements to comply with state or territory funding arrangements' apply to the charging of tuition fees by approved course providers, which are not Table A providers.

For information about refunding tuition fees see [Refund of tuition fees where student withdraws on or before the census day](#).

### **Fees other than tuition**

You must not charge fees other than tuition fees unless you have processes and procedures for ensuring that students understand the following:

- the fees are not for tuition
- the purpose of the fees
- the student's total liability for the fees
- when and how the fees are to be paid [\[Rules s 93\(1\)\]](#).

Examples of fees and charges that are not covered fees but are fees and charges that may be charged separately are set out in [Appendix G - Fees that are not covered by VET Student Loans](#).

Also note matters that cannot be regarded in [Determining tuition fees](#).

### **Fees that cannot be charged**

Your processes and procedures in relation to fees other than tuition fees must not require fees to be paid for:

- assessments to determine whether a student is academically suited to undertake a course
- applying for enrolment, or enrolling in, an approved course [\[Rules s 93\(2\)\]](#).

However, your processes and procedures may allow fees to be paid for a special admissions test [\[Rules s 93\(3\)\]](#). A special admissions test determines the suitability of a person seeking admission into a

specialist approved course that is necessary to establish the suitability of the person for admission into that course, and includes specialist auditions, tests and interviews that are different from the normal requirements for admissions.

Examples of other goods and services for which a provider must not charge a fee is at [Appendix H - Goods and services for which a separate fee must not be charged](#).

#### **4.7.11 Recognition of Prior Learning (RPL), fees and reporting requirements**

For the purposes of reporting Recognition of Prior Learning (RPL), RPL is defined as the acknowledgement of a person's skills and knowledge acquired through previous training, work or life experience, which may be used to grant status or credit in a unit. The granting of status or credit by an institution or training organisation to students for existing qualifications or units of competency completed or previously formally recognised at the same or another institution or training organisation does not constitute RPL.

The [Standards for Registered Training Organisations \(RTOs\) 2015](#) (the Standards) deal with RPL as a method of assessment against a training product's requirements (refer Standard 1). In the section titled [What clauses 1.8 to 1.12 mean for your RTO](#) it, relevantly states:

*'Recognition of prior learning is simply a form of assessment of a learner's competence. Recognition of prior learning uses evidence from formal, non-formal and informal learning (rather than from specific assessment activities directed by the RTO). This evidence is often combined with assessment activities sometimes known as 'challenge testing'. As such, recognition of prior learning must be conducted with the same rigour as any other form of assessment'.*

#### **Fees**

You must determine the tuition fees for each approved course you offer [\[Act s 55\]](#), summarised in [4.7.10 Process and procedures relating to fees](#). In determining tuition fees for an approved course, you must not regard fees payable for anything other than assessing whether a student is academically suited to undertake the course, enrolment in the course, tuition for the course, examination for the course and award of a qualification for completion of the course [\[Rules s 118\(1\)\(b\)\]](#). Note, this section of the Rules sets out in full other requirements in relation to determining tuition fees.

Where a student receives RPL for a particular approved course, it is open to you to set a lower tuition fee commensurate to the remaining portion of the course the student must complete. Determining tuition fees are discussed in [4.7.10 Process and procedures relating to fees](#).

If you are satisfied the fee that you charge for the assessment of RPL for the student is within the definition of tuition fees (noting the types of fees listed in paragraph 118(1)(b) of the Rules), a student can access a loan for a tuition fee that covers the charge for the assessment of RPL, as for other tuition fees.

Where your procedure is that only an 'RPL assessment fee' is charged (rather than providing additional tuition and requiring the student to enrol in the standard teaching unit, as only RPL assessment is required with no additional tuition), this RPL assessment fee can constitute a tuition fee for which the student can access a loan so long as you are satisfied that this RPL assessment fee satisfies the requirements of paragraph 118(1)(b) of the Rules. RPL unit enrolment is required and the tuition fee for RPL should be reported.

RPL unit reporting requirements are detailed below.

#### **Charging and reporting RPL**

Unless the exemption regarding compliance with state or territory subsidy funding arrangements

applies [\[Rules s 124\]](#), fees covered by VSL and other tuition fees for approved courses must meet the requirements of sequential and reasonably apportioned fee charging – that is, the fees must be spread across at least 3 census days over 3 periods for the course [\[Rules s 122 and 123\]](#). This includes RPL units. You should note the Secretary is not required to pay a loan amount for a student for a course if the Secretary suspects on reasonable grounds that you are not complying with the Act [\[Act s 20\(f\)\]](#). This includes where you fail to comply with the requirements of the Rules in relation to tuition fees such as sequential and reasonably apportioned fee charging.

If the tuition fee charged for a unit is purely an RPL assessment fee, this is required to be reported with a value against the RPL indicator. If the unit is fundamentally a teaching unit, the value against the RPL indicator will be zero. Full details of the reporting requirements are covered in the [TCSI Support](#) coding notes and glossary. The glossary provides a [Recognition of Prior Learning definition](#) as well as a PDF document with a [Reporting RPL Diagram](#) explaining how RPL should be reported.

#### **4.7.12 Fee periods**

You must determine at least 3 fee periods for an approved course and may determine different fee periods for different students. For example, part-time students may have longer fee periods [\[Rules s 123\]](#).

The fee periods of the course must be sequential and together equal the duration of the course, be of equal (or approximately equal) length based on the estimated duration of the course and each contain at least one census day for the course [\[Rules s 123\(2\)\]](#).

This requirement ensures students incur debts as they progress through a course and not in one hit at the commencement of the course.

#### **Length of fee periods**

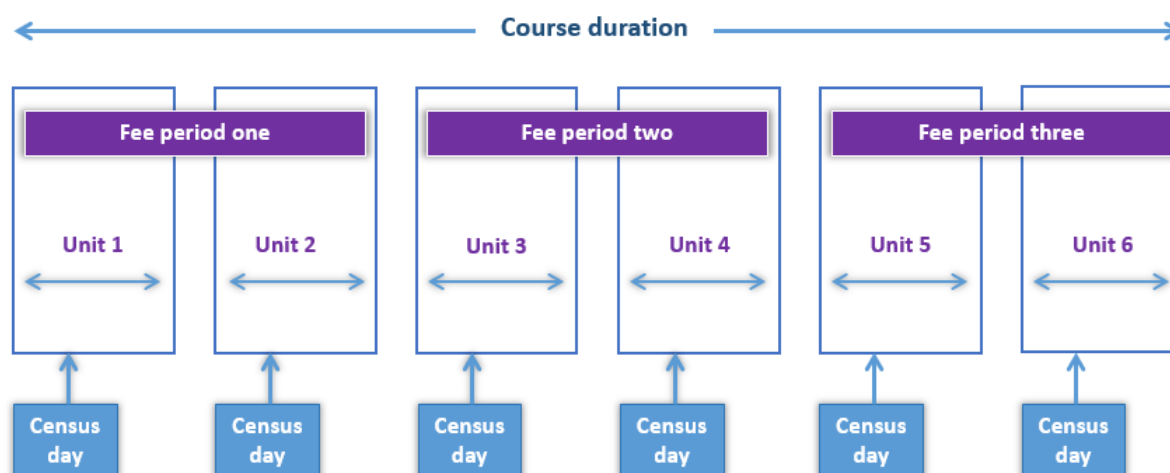
The length of a fee period depends on the duration of the course. You should structure your courses so there is sufficient time between enrolment and the start of a course to accommodate the 2 business-day gap for requesting a loan and the time period required for issuing Fee Notices. We may refer information to ASQA regarding the delivery of courses that do not appear to align with expected volume of learning as published in the AQF.

There is no requirement to publish fee periods, however there must be a minimum of one census day in each fee period, fee periods must be equal or approximately equal length and sequential. Refer to the Example Fee Period diagram below.

The length of fee periods yet to start may be changed proportionally to the change in time for the overall duration of the course. However, the changed fee periods must be of equal or approximately equal length. For example, if a student switches from full-time to part-time study, the length of their course – and consequently of their fee periods – may increase [\[Rules s 123\(3\)\]](#).

It will also allow students to indicate to us their progression and engagement throughout their course to continue to access the loan. See section [Fixed progression points](#).

## Example Fee Period diagram



## Charging tuition fees over periods for a course

An approved course provider that is not a Table A provider (that is, not a public university) must only charge tuition fees for an approved course as follows:

- the fees to be covered by VSL, and any other tuition fees, are to be reasonably apportioned over:
  - the fee periods for the course and
  - the parts of the course included in the fee periods and
- none of the tuition fees for the course are to be payable outside a fee period for the course [\[Rules s 122\]](#).

## Example

Distribution of fees					
Total course cost	\$16,300	Course loan cap	\$15,514		TCSI code
	1 <sup>st</sup> Fee period (e.g Term 1)	2 <sup>nd</sup> Fee period (eg Term 2)	3 <sup>rd</sup> Fee period (eg Term 3)		
	1 <sup>st</sup> census day	2 <sup>nd</sup> census day	3 <sup>rd</sup> census day	Totals	
Loan Amount	\$5,200	\$5,200	\$5,114	\$15,414	558
Gap fee	\$262	\$262	\$262	\$786	381
<b>Total</b>	<b>\$5,462</b>	<b>\$5,462</b>	<b>\$5,376</b>	<b>\$16,300</b>	384

You may charge, based on an estimate of tuition fees, if at the time the course begins you do not know:

- the total of the tuition fees for the course or
- the duration of the course or
- whether a student will need to pay all the tuition fees usually payable for the course [\[Rules s 122\(2\)\]](#).

The estimate cannot exceed the maximum tuition fees mentioned in marketing of the course. If the actual total of the tuition fees for the course exceeds the estimate, you may only charge the excess during the final fee period for the course [\[Rules s 122\(4\)\]](#).

## Fee periods and complying with state or territory funding arrangements

You do not have to comply with the fee period requirements if compliance with these requirements would be inconsistent with an arrangement you made with an authority of a state or territory, and:

- you are fully complying with that arrangement and
- you have provided a written notice to the Secretary describing the arrangement, your full compliance with the arrangement, and how the arrangement prevents you from complying with the above and the extent of the non-compliance [\[Rules s 124\]](#).

You give written notice to the Secretary of fee periods and complying with state or territory funding arrangements by accessing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose 'Notice – Fee Period Exemption'. Provide details in the enquiry text field and upload any relevant attachments.

We will liaise with you regarding providing required information.

### 4.7.13 Variations to tuition fees

You may only vary a published tuition fee for a course or a part of a course:

- if the Secretary has given you written approval of the proposed variation, or
- if the change:
  - occurs on or before the published census date
  - does not disadvantage students enrolled in, or seeking to enrol in that course or part of the course, and
  - is necessary to correct an administrative error or deal with a change in circumstances [\[Rules s 126\(1\)\]](#).

While you do not need to notify us of variations to tuition fees that do not disadvantage students, you must publish the varied information on your website as soon as practicable after making that decision.

This section does not apply in relation to a course offered under an arrangement that:

- was entered into between the provider and an employer or industry body and
- limits or restricts enrolments in some or all the places in the course [\[Rules s 126\(3\)\]](#).

### 4.7.14 Variations to tuition fees that disadvantage students

Approval of the Secretary of the department is required for proposed variations that will disadvantage students, such as increasing a tuition fee [\[Rules s 126\]](#).

The request must include:

- the name of the affected unit of study and unit of study code
- the course to which the unit forms a part
- what change is being made
- details of when the provider first became aware of the need to change
- the commencement date for the unit
- the current census day for the unit
- the current tuition fee
- the intended increase in the tuition fee
- the last day a person may enrol in the unit without incurring the increase
- the number of students who are eligible for VSL and enrolled in the unit of study
- whether the students have been advised of the possible variation



- why the Secretary should approve the request.

The Secretary will give written notification of the decision. The variation cannot be made unless the Secretary has provided notice of approval.

You can request approval by uploading the request into HITS. See the chapter on 'Uploading a Document' in the [HITS User Guide](#) for further information.

You must alert us to your request by accessing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Notifiable Event' from the drop-down list and then choose 'Other Variation requests'. Provide details in the enquiry text field and upload any relevant attachments.

#### **4.7.15 Processes and procedures relating to re-crediting a HELP balance**

You must have processes and procedures for explaining the re-crediting of students' HELP balances under Part 6 of the Act [\[Rules s 89\]](#).

The processes and procedures must explain [\[Rules s 89\]](#):

- that a student's HELP balance can be re-credited under Part 6 of the Act
- that a student may apply to you for the student's HELP balance to be re-credited under section 68 of the Act because of special circumstances
- that a student may apply to the Secretary for the student's HELP balance to be re-credited under section 71 of the Act because:
  - you, or a person acting on your behalf, engaged in unacceptable conduct in relation to the student's application for the VSL, or
  - you have failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
- that special circumstances are circumstances that are beyond the student's control, do not make their full impact on the student until on or after the census day for a course, or the part of a course and make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course
- that applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by you
- that applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned or within that period as extended by the Secretary
- the processes available to students in relation to reconsideration and review of decisions whether or not to re-credit HELP balances, including relevant time limits that apply (see [Appendix F](#))
- that there is no charge for reconsideration or review of decisions, other than review by the Administrative Review Tribunal (ART)
- that the Secretary may re-credit a student's HELP balance in relation to special circumstances if an approved course provider is unable to act or is being wound up or has been dissolved, or has failed to act and the Secretary is satisfied that the failure is unreasonable.

#### **Re-crediting by provider for special circumstances**

Section 68 of the Act provides for re-crediting of a student's HELP balance by you on behalf of the Secretary in [Meaning of 'special circumstances'](#).

Where you are satisfied special circumstances apply, you must re-credit the person's HELP balance with an amount equal to the VSL used to pay the tuition fees for the course or part of the course [\[Act s 68\]](#).

You must, on the Secretary's behalf, re-credit a student's HELP balance if:

- the student applies in writing to you for the re-credit
- the application is made:
  - within 12 months after the census day for the course, or the part of the course or
  - within such longer period for the application as allowed by you and
- you are satisfied that **special circumstances** prevented, or will prevent, the student from completing the requirements of the course or the part of the course.

Where you allow a person to defer completion of their studies regarding a course, or part of a course, the 12-month application period applies from the end of the extended period for the course.

You have the discretion to refund any other payments the person made in respect of the course in line with its own policies, which should be accessible to the student. It is open to providers to use the 'special circumstances test' in deciding whether to refund a student's upfront payment.

### **Meaning of 'special circumstances'**

Circumstances are special circumstances under the Act, if a student can demonstrate to the satisfaction of you that the circumstances were [\[Act s 68\]](#):

- beyond the student's control
- did not make their full impact on the student until on, or after, the census day for the course, or the part of the course, and
- made it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment.

### **Special circumstances beyond a person's control**

Examples of circumstances that may be considered beyond a person's control and may meet the criteria, might include a motor vehicle accident or the worsening of a serious illness.

### **Special circumstances that do not make full impact until on or after the census date**

Circumstances could be considered not to make their full impact on the person until on or after the census day for the VET unit of study if the person's circumstances occurred:

- on or before the census day, but worsen after that day
- on or before the census day, but the full effect or magnitude did not become apparent until after that day, or
- on or after the census day.

Students do not need to demonstrate they were unable to withdraw from the course on or before to the census day.

### **Special circumstances arising from pre-existing conditions**

A circumstance that first occurred on or before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a person may have an illness or other underlying, pre-existing condition or incapacity on or before the census day for a course, but the condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.

Alternatively, the full implications of a person's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study is not fully realised until after the census day.

You must consider whether the person's circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition which may have affected the person on or after the census day.

### **Circumstances that made it impracticable to complete a course**

The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means'. Please keep this definition in mind when deciding whether a student's circumstances made it impracticable for them to complete a course, or part of a course. In considering whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment, you must consider:

- whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements
- whether the student could complete any required assessable work, or demonstrate competencies required, and
- whether the student could complete any other requirements arising from the student's inability to do the above [\[Rules s 145\]](#).

Circumstances which make it impracticable for the person to complete the requirements for their course may include (among other things):

- medical circumstances – for example where a person's medical condition has changed to such an extent that they are unable to continue studying
- family or personal circumstances – for example death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies or
- the student's employment related circumstances – for example where a person's employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person's control [\[Rules s 146\]](#).

### **Requirements for making decisions**

You should consider the person's application and notify the person of your decision and the reasons for making the decision as soon as practicable [\[Act s 68\(5\)\]](#).

Decisions regarding re-crediting a person's HELP balance are reviewable [\[Act s 74\]](#). The person must be advised of the time limit for applying for a review of a decision is 28 days after the day on which the person was notified of the decision, or within such longer time as the decision maker allows [\[Act s 76\(2\)\]](#).

### **Reviewable decisions**

Certain decisions in the Act are 'reviewable decisions'. This means an affected person may request the decision maker to review the decision and apply to the Administrative Review Tribunal (ART) for a review of the reconsidered decision. These decisions are set out at section 74 and are:

- where the Secretary is the decision maker:
  - under section 18 – a decision to approve or not approve a VSL
  - under section 36 – a decision to revoke the approval of an approved course provider

- under section 68 – a decision not to re-credit a student’s HELP balance for special circumstances
- under section 71 – a decision to or not to re-credit a student’s HELP balance for unacceptable conduct
- where the course provider is the decision maker:
  - under section 68 – a decision not to re-credit a student’s HELP balance for special circumstances.

Where a decision is not a reviewable decision under the Act, the decision maker may still reconsider the decision if satisfied there is sufficient reasons to do so [\[Act s 81\]](#).

### **Provider decisions regarding re-crediting a student’s HELP balance**

A decision by you not to re-credit a person’s HELP balance is reviewable [\[Act s 74\]](#).

A review of a decision may be requested by the person affected by the original decision [\[Act s 76\]](#), or without a request if you are satisfied there is sufficient reason to do so [\[Act s 77\]](#).

You must appoint a review officer to reconsider reviewable decisions made by you – that is, a decision made under section 68 not to re-credit a person’s HELP balance (for special circumstances).

The review officer must be appointed by the chief executive officer of the provider or a delegate of the chief executive officer.

A review officer must not review a decision they were involved in making and must occupy a position that is not lower than that occupied by the person who made the original decision [\[Act s 79\]](#).

Each application should be examined and determined on its merits. You should consider the person’s claims, together with any independent supporting documentary evidence that substantiates these claims.

### **Review by review officer**

The review officer must reconsider the decision and either [\[Act s 76\(4\)\]](#):

- confirm the decision
- vary the decision or
- set the decision aside and substitute a new decision.

The review officer must provide written notice of the decision and provide a statement of the reasons for making the decision [\[Act s 76\(5\) and \(6\)\]](#). The review officer must advise, in the notice, of the person’s right to appeal to the ART for a review of the reviewer’s decision if the person is unsatisfied with the outcome [\[Administrative Review Tribunal Act 2024 Part 10 Notice and Information about administrative decision\]](#).

**[Note: The Administrative Review Tribunal commenced on 14 October 2024 and the former Administrative Appeals Tribunal has ceased. All cases before the AAT have transferred automatically to the new Tribunal.]**

If the reviewer does not give the person a notice of the decision within 45 days after receiving the person’s request, it is taken that the reviewer has confirmed the original decision [\[Act s 76\(8\)\]](#).

The provider may find it useful to maintain an up-to-date register of appointments of review officers. For further information on the review process see [Appendix F - Notice of rights of review](#).

## **Applications outside the time-period**

In circumstances where an application for review is made outside the application period (that is, 28 days after the person was notified of the decision), and you have not extended this time, the person should be advised the application has been refused on the basis the person is out of time. In these circumstances, it is not necessary for you to address whether the special circumstances test has been satisfied.

## **Review by the Administrative Review Tribunal**

A person may apply to the ART for review of a review officer's decision and may supply additional information to the ART they did not previously supply to you, including the review officer.

We will receive notification from the ART that a person has lodged an application for a review of a review officer's decision. We are the respondent for cases that are before the ART.

Once we have received notification from the ART that the person has applied for the reconsideration, under section 23 of the Administrative Review Tribunal Act 2024, we must lodge the following documents with the ART within 28 days:

- a statement of reasons for the decision and
- a copy of every other document that is in the possession or under the control of the decision - maker and relevant to the Tribunal's review of the decision.

Note: A review officer may, but is not required to, give the ART the same statement of reasons given to an applicant (whether under section 269 or 270 or otherwise).

We will notify you, in writing, that an appeal has been lodged. To enable us to meet the 28-day timeframe, you must, within a further 5 business days of being requested, provide us with copies of all the documents you hold that are relevant to the appeal.

We will ensure documents are provided in the prescribed form. The documents which are required to be given to the ART by a review officer on commencement of a review must:

- be in a text-searchable PDF
- be organised chronologically
- remove duplicate documents where not required for context
- be paginated
- be provided with an index.

Once the documents are received, we may choose to review the original decision.

Your review officer may also reconsider the decision even though an appeal has been made to the ART at any time up until the ART makes a final decision. If a decision is made to re-credit a person's HELP balance you must advise us.

However, until a person withdraws their ART appeal or the appeal is dismissed or otherwise dealt with by the ART, we are still required to comply with the requirement under section 23 of the Administrative Review Tribunal Act 2024 to lodge the statement, and relevant documents described in the 2 dot points above, with the ART. Therefore, you must still forward all relevant documents to us within 5 business days, unless advised not to do so by us. We will deal with cases from that point and advise you of the outcome.

## **Reporting the remission decision to the department**

Where a decision results in the re-crediting of a person's HELP balance, you will be notified and must report this outcome via submission of a TCSI revisions file. You are required to repay to the

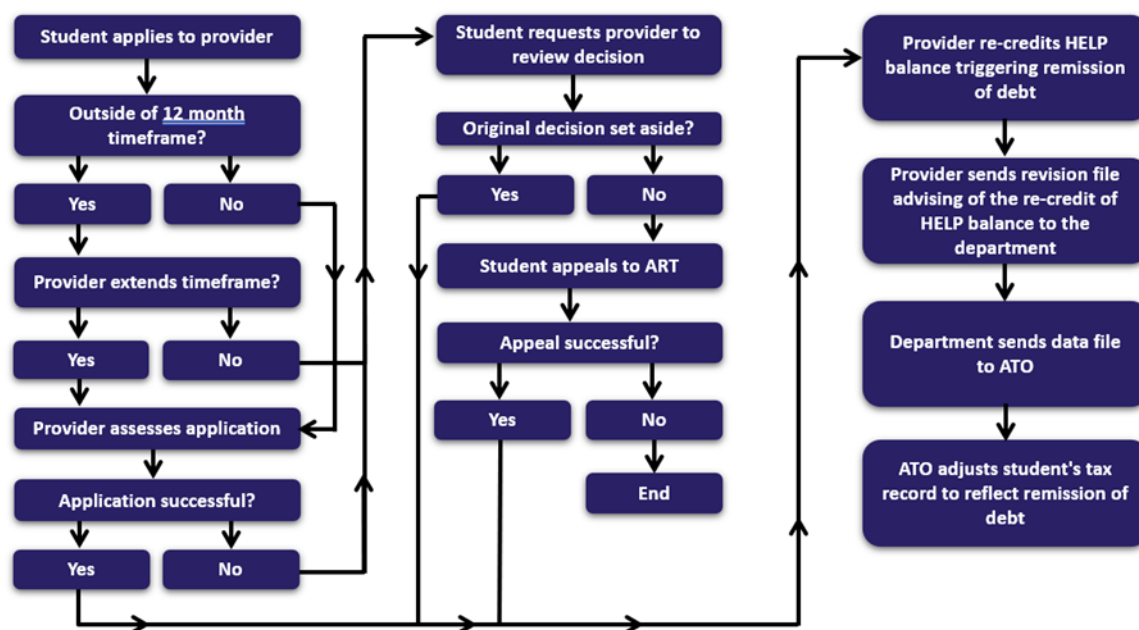
Commonwealth any amounts of the VSL you received from the Commonwealth on the person's behalf through subsequent reconciliations, unless we decide to issue a separate invoice [Act, s 22].

### Treatment of students seeking a review

Your processes and procedures must ensure a student is not victimised or discriminated against for:

- seeking a review or reconsideration of a decision
- using the provider grievance processes or procedures or
  - making an application for re-crediting the student's HELP balance [Rules s 90].

- **Figure 1: Review procedure flowchart**



### Re-crediting by Secretary

The Secretary may act in place of you and re-credit a student's HELP balance under section 68 of the Act, for special circumstances. The Secretary may exercise this discretion where you are unable to do so, are being wound up, have been dissolved or where you have unreasonably failed to act [Act s 70].

In addition, the Secretary may re-credit a person's HELP balance where the person has been subject to 'unacceptable conduct' within the meaning of Division 2 of the Rules [Act s 71(1)].

The Secretary may also re-credit a student's HELP balance if the Secretary is satisfied of one or more of the following:

- the student is not an eligible student
- the student is not a genuine student
- the student does not have a tax file number
- the student does not have a student identifier (that is a USI within the meaning of the *Student Identifiers Act 2014*) [Act s 71(3)].

Further, the Secretary may re-credit a student's HELP balance where:

- you have failed to comply with the Act (including the Rules, other instruments made under the Act, the HESA and any instrument made under the HESA to the extent they relate to the Act), and
- the failure has adversely affected the student [Act s 71(4)].

Finally, the Secretary must re-credit a student's HELP balance under section 72A of the Act where:

- the student has not completed the requirements for the course, or the part of the course, because you defaulted in relation to the student [\[Act s72A \(1\) \(a\)\]](#), and
- the VSL Tuition Protection Director is satisfied there is no suitable replacement course for the student [\[Act s72A \(1\) \(b\)\]](#).

The amount the Secretary re-credits under section 72A must equal the loan amount that has been used to pay tuition fees for the student for the affected part and must take into account any submissions received by the VSL Tuition Protection Director from you in relation to the amount to be re-credited. The Secretary must also give, as soon as practicable after the decision is made, the student and you written notice of the Secretary's decision in relation to the re-credited amount. [\[Act s 72A\]](#)

### Unacceptable conduct

A student may apply to the Secretary of the department for a re-credit of their HELP balance if you have engaged in unacceptable conduct in relation to an application for a VSL under sections 71 and 72 of the Act because:

- you, or a person acting on your behalf, engaged in unacceptable conduct in relation to the student's application for the VSL [\[Act s 71\(1\)\]](#) or
- you have failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student [\[Act s 71\(4\)\]](#).

Unacceptable conduct is defined as [\[Rules s 148\]](#):

- unconscionable conduct (whether or not a particular individual is identified as having been disadvantaged by the conduct) [\[Rules s 148\(1\)\(a\)\]](#)
- misleading or deceptive conduct [\[Rules s 148\(1\)\(b\)\]](#)
- the making of a representation with respect to any future matter, such as the doing of, or the refusing to do, any act, if the maker of the representation does not have reasonable grounds for making the representation [\[Rules s 148\(1\)\(c\)\]](#)
- advertising tuition fees for the course where there are reasonable grounds for believing you will not be able to provide the course for those fees [\[Rules s 148\(1\)\(d\)\]](#)
- use of physical force, or harassment or coercion, in connection with the application or enrolment in the course [\[Rules s 148\(1\)\(e\)\]](#)

These definitions do not limit one another [\[Rules s 148\(2\)\]](#).

### Making of a representation with respect to any future matter - guidance about what this means

- **making of a representation** means through words or actions stating or suggesting something. For example, this would cover a statement made in your promotional material or made verbally to a student when they were enrolling.
- **future matter** means anything that is to happen in the future, whether it is a prediction, a forecast or a certainty. For example, this would include whether a course will be an approved course in the future, or whether you will be approved under the VSL program.
- **reasonable grounds** means knowledge or evidence which would lead a reasonable person to come to the same conclusion. For example, if you have received a letter of confirmation from the department about a particular matter then this would be 'reasonable grounds' for believing that it would occur, but if you have heard this from a friend of a friend about a particular matter, then this would not be reasonable grounds.

Under paragraph 148(1)(c) of the Rules it is unacceptable conduct for you to:

- tell a student that they should enrol in a course as a VSL will be available for the course in the future when there is no basis for this, or
- suggest that your fee limit or conditions of approval allow you to enrol a student in a course on the basis that a VSL will be available when your fee limit or condition of approval does not allow this.

### **What is unconscionable conduct?**

In deciding whether conduct is unconscionable, the Secretary may consider the following [Rules s 148(3)]:

- the relative strengths of the bargaining positions of the persons concerned
- whether the student was required to comply with conditions that were not reasonably necessary for the protection of the legitimate interests of another person
- whether the student was able to understand any documents related to the application for the VSL
- whether any undue influence or pressure was exerted on, or any unfair tactics were used against, the student or a person acting on behalf of the student
- whether you, or person acting on your behalf, failed to disclose anything to the student
- the extent to which you, or person acting on your behalf, acted in good faith.

### **Timing**

A student has 5 years from the census day for the course, or part of the course concerned, to apply for a re-credit of their HELP balance based on provider [unacceptable conduct](#) or the circumstances set out in subsection 71(3) and 71(4) of the Act [Rules s 149(2)]. However, the Secretary may extend this period [Rules s 149(3)].

### **Applications**

The application must set out the grounds on which the applicant's HELP balance is to be re-credited [Rules s 149(4)].

The application must include the following to the extent that they are known to the applicant [Rules s 149(5)]:

- details of the course to which the application relates
- details of the provider of that course
- the loan amount that is to be re-credited
- the applicant's student identifier (if any), and
- any documents supporting the application.

### **Application process**

We will assess an application by a student for re-credit of their HELP balance in cases of provider or agent unacceptable conduct. Before deciding, the delegate for the Secretary of the department must give you a notice in writing stating we are considering making the decision. The notice will describe the proposed decision and state the reasons why the delegate is considering making it.

The notice will invite you to make a written submission to the department (within 28 days) on why that decision should not be made [Act s 73(2)]. In deciding whether to make the decision the delegate must consider any submissions received within the 28-day period [Act s 73(2)].

The delegate will give the student and you a written notice of the decision and reasons for the decision as soon as practicable after the decision is made [Act s 73(3)].

Students wanting more information should be directed to our [Debt complaints](#) page.



#### 4.7.16 Processes and procedures relating to handling information

You must have processes and procedures for handling information [\[Rules s 94\(1\)\]](#).

The processes and procedures must:

- provide for the management of students' personal information in accordance with the Australian Privacy Principles
- provide for students to access their personal information
- provide for students to have incorrect personal information corrected
- provide accurate information about the use and disclosure of personal information collected by the provider, including that the information may be disclosed to the Commonwealth.

[\[Rules s 94\(2\)\]](#).

#### 4.7.17 Notification of data breaches

You must notify the department (via email to [vetstudentloans@dewr.gov.au](mailto:vetstudentloans@dewr.gov.au)) within one business day of becoming aware that there are reasonable grounds to suspect that personal information that you (or your subcontractors) hold in connection with the VSL program may have been subject to unauthorised access or unauthorised disclosure, or has been lost in circumstances where the loss is likely to result in the personal information being subject to unauthorised access or unauthorised disclosure (each of these things being a **data breach**).

You must ensure that, in respect of any data breach reported to the department, you:

- promptly update the department in respect of any developments about the data breach
- promptly provide all information and assistance requested by the department in relation to the data breach and
- comply with any reasonable direction of the department in relation to the management of that data breach.

## 4.8 Census Days

A census day is a date by which a student's enrolment in the course or part of the course can be cancelled without the student incurring tuition fees for the course or part of the course [Act s 58(3)].

Although a student requests a loan for a course, the student becomes financially liable for the tuition fees on a 'part of a course' (or unit of study) basis at the end of the census day.

Whether the census day is applied to a group of units of competency, or one unit of competency/study is a matter for you to determine. The only requirement is that the tuition fees for the course must be reasonably and proportionately distributed across at least 3 sequential fee periods (therefore at least 3 census days/3 units) over the course.

Many rules apply at a unit level, such as publishing fees, issuing notices, reporting fees and withdrawal and penalty provisions.

Providers are encouraged to have a structure where each unit of study represents a single unit of competency, thus providing transparency for students regarding charging and training being delivered.

### 4.8.1 Determining census days

You must set census days for each course [Act s 58(2)]. There must be at least 3 census days for the course. Each census day for part of the course must be at least 20% of the way between when that part of the course starts to be provided and when a student is reasonably expected to complete that part of the course [Rules s 131].

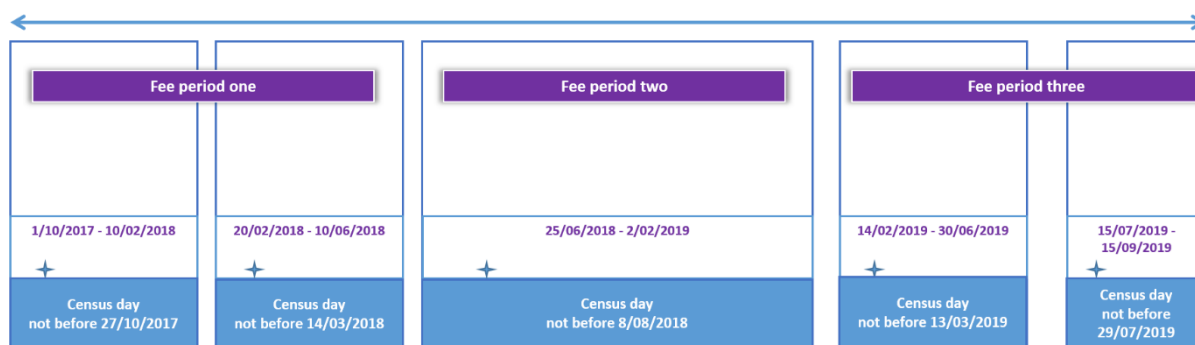
The duration of a course should include any normal study breaks, assessments and/or exam periods. Supplementary exams should not be included, as all students do not normally undertake these. If final exam dates are unknown, the last day of the exam period is used as the end of the course or part of course. Census days must not fall on a day when a student cannot lodge a withdrawal from their course. The census date should not fall on non-business days. This information must be made clear to students. Refer to section [4.7.7 Processes and procedures relating to a student's withdrawal from a course](#) regarding barriers to withdrawal.

A [census day calculator](#) is available on the department's website. If using a Microsoft Excel workbook, the formula  $=((B1-A1)*0.2)+A1$  may be used, where column A equals commencement date and column B equals completion date.

**Note:** The calculator does not return dates occurring on a Saturday or Sunday. Where a calculated date occurs on a weekend, the date of the following Monday is returned. It is your responsibility to check whether the date returned is a public holiday. Where the date returned is a public holiday it is advisable to set the census date on a subsequent business day.

#### Example

A part of a course has a start date of 10 July 2017 and an end date of 12 December 2017. The census date cannot be set before 10 August 2017, which is 20% of the way through the part of the course.



#### 4.8.2 Flexible enrolments

A census day to accommodate rolling intakes or flexible enrolments can be a statement indicating when the census day falls. For example, if part of the course is 12-weeks duration, a statement that the census day falls on day one of week 4 satisfies this requirement. A census day cannot be earlier than 20% of the way through the part of the course.

#### 4.8.3 Publishing census days

You must publish census days for each course you provide or intend to provide on or before the earliest enrolment date for a course, or part of a course, enabling students to access information about the census date before they enrol. The information must be in an easily accessible location displayed prominently on your website and which does not require login information [\[Rules s 132\]](#).

#### 4.8.4 Variations to census days

You may only vary a published census day if the change:

- occurs on or before the census day
- does not disadvantage students enrolled in that course and
- is necessary to correct an administrative error or to deal with a change in circumstances.

[\[Rules s 133\(1\)\]](#).

In any other circumstances, you must obtain the Secretary's approval before varying the census day [\[Rules s 133\(1\)\(a\)\]](#).

The Explanatory Statement to the Rules indicates an example of an administrative error as 'a typographical error in the published census day'. It is up to you to apply this provision in accordance with the overall intent of the section, and the particular circumstances of the student.

This section does not apply in relation to a course offered under an arrangement that:

- was entered into between the provider and an employer or industry body and
- limits or restricts enrolments in some or all the places in the course [\[Rules s 133\(3\)\]](#).

You must publish prominently on your website any variation to a census day as soon as practicable [\[Rules s 134\]](#).

#### 4.8.5 Variations to census days that disadvantage students

Approval of the Secretary is required for proposed variations to census days that do not satisfy section 4.9.4 of this Manual, such as bringing the published census day forward in time [\[Rules s 133\(1\)\(a\) and s 133\(2\)\]](#).

The request must provide all information and include:

- the name of the affected unit of study and unit of study code
- the course to which the unit forms a part
- what change is being made
- details of when you first became aware of the need to change
- the commencement date for the unit
- the end date for the unit
- the current census day for the unit
- the last day a person may enrol in the unit without incurring tuition fees
- the number of students who are eligible for VSL and enrolled in the unit of study
- whether the students have been advised of the possible variation, and
- why the Secretary should approve the request.

The Secretary will give written advice of the decision. The variation cannot be made unless approval has been advised.

You can request approval by uploading the request into HITS. See the chapter on 'Uploading a Document' in the [HITS User Guide](#) for further information.

You must alert us to your request by completing the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).

Choose 'Provider Operations' from the drop-down list then choose 'Other Variation requests' and provide details in the enquiry text field, uploading attachments into HITS.

## 4.9 Marketing

The Act and the Rules contain several provisions relating to marketing. It is your responsibility to implement business practices in line with the legislative requirements and to assess the risk of those practices not meeting the legislative requirements.

You should note the marketing provisions (section 60 – 64 of the Act) are civil penalty provisions. Breaching section 60 (misrepresenting VSL) may give rise to a maximum civil penalty of up to 240 penalty units. Breaching section 61 (offering certain inducements) may give rise to a maximum civil penalty of up to 120 penalty units. Breaching any of sections 62 (engaging in cold calling), 63 (use of third-party contact lists) or 64 (other marketing requirements) may give rise to a maximum civil penalty of up to 60 penalty units.

### 4.9.1 Misrepresenting VET Student Loans

You must not represent that a VSL is not a loan or does not have to be repaid [\[Act s 60\]](#)

### 4.9.2 Offering inducements

You must not offer or provide a benefit or cause a benefit to be offered or provided which would be reasonably likely to induce a person to apply for a VSL for a course [\[Act s 61\]](#).

This does not apply in relation to the following benefits [\[Rules s 136\]](#):

- the content and quality of the course
- the amount of the tuition fees for the course
- the availability of a VSL for the course
- marketing merchandise of up to a total value of \$30 per person.

### Inappropriate inducements

Inappropriate inducements include items which could be used by the student outside of the period of the VET unit or course of study, or are unrelated to the course such as travel, entertainment, hospitality or accommodation services, vouchers redeemable for goods or services and money.

You may have regard to the following when determining whether a benefit represents an inappropriate inducement – depending on the circumstances, these factors would be less likely to suggest the benefit is an inappropriate benefit:

- there is no immediate benefit to the person, as the person would still be required to complete the course to obtain the benefit
- the benefits in itself would not be a replacement for the course of study
- the monetary value of the benefit is unlikely to induce a student to enrol in a course.

## Disclaimer:

This information is provided as a basic guide to assist you determine whether you require independent legal advice to ensure compliance. It should **not** be relied upon as legal advice or as an excuse for inappropriate behaviour.

### 4.9.3 Engaging in cold calling

You must not when cold calling another person to market, advertise or promote a course, mention the possible availability of a VSL for students undertaking the course [\[Act s 62\(1\)\]](#).

Cold calling includes making unsolicited contact with a student (or prospective student) in person, or by telephone, email or other form of electronic communication [\[Act s 62\(2\)\]](#).

### 4.9.4 Use of third-party contact lists

You must not use contact details received from another person to contact a student (or prospective student) to market, advertise or promote a course or enrol the student in a course, and in so doing mention the possible availability of a VSL [\[Act s 63\]](#).

This does not apply where the student (or prospective student) has given express consent to be contacted by you [\[Rules s 138\(1\)\]](#). A student is taken to have provided express consent if all the following are met [\[Rules s 138\(2\)\]](#):

- information in the request was presented clearly, and set out the specific purpose for which the student's personal information would be used if consent were given
- the request was prominent
- the student was able to give consent in a separate optional tick box from other consents
- the request was not a required field to be answered for a person to submit other information
- the request did not include a default tick for consent
- the request named the provider
- the request detailed any referral fee or other fee that would be paid to the person who made the request and any other benefit that would be provided to the person who made the request.

A student is also taken to have provided express consent if the student initiates contact with a third party for the purposes of giving information to you, or getting information from you, relating to education and training [\[Rules s 138\(3\)\]](#). The purpose of this provision is to allow students who are deliberately seeking information on courses from a particular provider to agree to being contacted.

### 4.9.5 Other marketing requirements

You must ensure that any marketing of an approved course you offer or provide prominently mentions [\[Rules s 140\]](#):

- your name, registered business name (if any), and any other business name you use
- the code as a registered training organisation on the National Register and
- the maximum tuition fees for the course.

### 4.9.6 Information about fees

You must not be marketed unless the tuition fees for the course (including tuition fees for units/parts of courses) have been published on your website in way that is readily accessible by the public. In addition, maximum course fees must be published on the [MySkills](#) website. [\[Rules s 141\]](#). ([See Giving the Secretary a list of fees](#))

#### 4.9.7 Marketing that mentions VET Student Loans

You must ensure any marketing in which you mention the possible availability of a VSL (however described) for students undertaking a course [\[Rules s 142\]](#):

- prominently mentions:
  - your name and any registered business name or other business name you use
  - your RTO registration code
  - that VSL will not be approved for students who do not meet eligibility requirements and
  - that a VSL gives rise to a VETSL debt which continues to be a debt due to the Commonwealth until it is repaid
- presents the information above in a font size approximately the same as any other marketing information that accompanies it
- if the marketing is online, presents the information covered above on the same webpage as the other marketing of the course and
- if the marketing uses the VSL logo, presents the logo in accordance with the style guide for the use of the logo published on our website (see [4.9.9 Branding](#)).

#### 4.9.8 Social Media

You must ensure any marketing you or your courses through social media does not mention the possible availability of a VSL for students undertaking a course [\[Rules s 143\]](#).

Social media includes, for example, Facebook, Instagram and Twitter. This list is not intended to be exhaustive. The Explanatory Statement to the VET Student Loans Rules 2016 provides as follows:

*Section 143 prohibits an approved course provider from marketing the provider or its approved courses through social media in a way that mentions the possible availability of a VET student loan (however described). The section is intended to enhance the protection of students by prohibiting aggressive marketing practices. Social media includes, for example, Facebook, Instagram and Twitter.*

YouTube is considered to be a social media platform and should not mention the possible availability of a VSL.

#### 4.9.9 Branding

You must ensure the approved VSL logo is used in its complete and original form as provided by us. It cannot be rearranged or split into individual elements.

You may use or co-brand the VSL logo with your own organisation's logo and visual identity. The approved placement for the VSL logo is to the right of your own logo.

The VSL logo may be published on your website on the page outlining information about VSL. It may not be used on any other materials or printed publications such as office stationery, business cards, letterheads, signs and pamphlets. The VSL logo may not be used by third parties.

**Note:** You are only to use the VSL logo on your own website on the page which provides information about VSL, not on your homepage, or in multiple locations throughout the website. You must also provide a link back to [VET Student Loans](#). The logo is not to be used on any other materials or printed publications such as office stationery, business cards, letterheads, signs and pamphlets. This information is in accordance with the published [VET Student Loans Style Guide](#).

#### 4.9.10 Use of Brokers or Agents

As part of ensuring only quality providers are responsible for providing approved courses and enrolling students, there are strict limits on your use of brokers or agents.

You must not enter into an arrangement with another person for that person to do any of the following in relation to an approved course [\[Act s 49\]](#):

- enrol students, or accept an application to enrol students, in the course
- provide information or advice in relation to VSL for the course
- assist students to complete or submit applications for a VSL for the course
- assist, or provide support for, students who could be eligible for a VSL for the course to complete any assessments required to show that students are academically suited to undertake the course.

This prohibition against arrangements with brokers or agents applies whether the arrangement is in writing or not.

This prohibition does not apply in relation to an arrangement that is a contract of employment [\[Act s 49\]](#) or with a member of the Australasian Conference of Tertiary Admission Centres [\[Rules s 96\]](#).

This is a civil penalty provision, giving rise to a civil penalty of up to 60 penalty units.

### 4.10 Provision of information to students

#### Provider administration obligations for approved VSL courses

There are many aspects of the legislation that will apply across all VSL courses you are approved to offer.

Your obligations, in some cases, extend to all current and prospective students undertaking an approved course regardless of whether the student is accessing a VSL. The definition of a student, for the purposes of VSL, includes prospective students. This means you must ensure that the same administrative processes apply for any student undertaking an approved course.

##### 4.10.1 Providing information before enrolment

Before enrolling a student in an approved course, you must give the student a range of information. This information is listed at section 98 of the Rules. An optional checklist is at [Appendix B](#). These obligations apply to all current and prospective students undertaking an approved course with a provider regardless of whether the student is accessing a VSL.

##### 4.10.2 Providing a VSL Statement of Covered Fees

When you have enrolled a student in a course, you must give the student a written statement as to whether or not the enrolment is accepted on the basis that some or all of the tuition fees for the course will be covered by a VSL. Where tuition fees are covered by a VSL, they are known as 'covered fees' [\[Act s 56\]](#).

The statement must:

- be titled the 'VET Student Loan Statement of Covered Fees' [\[Rules s 129\]](#), and
- must include certain information about you and course [\[Rules s 129 and 99\(4\)\(a\) to \(i\)\]](#):
  - the student's name, residential address, phone number and email address
  - your name, any other business name you use and your RTO registration code
  - the date of the notice
  - the student's student identification number as issued by you

- the student’s Commonwealth Higher Education Student Support Number (CHESSN), if available
- the student’s student identifier (USI)
- the name of the course.

If the enrolment is accepted on the basis that only some of the tuition fees for the course will be covered—show the amounts of the tuition fees that will, and will not, be covered by the VSL [\[Act s 56\(2\)\(b\)\]](#).

You must give the notice to the student after the student enrolls in the course and before the first census day for the course.

A sample of a VSL Statement of Covered Fees is provided at [Appendix C](#). However, you are responsible for ensuring their VSL Statement of Covered Fees meets the requirements of section 56 of the Act and section 129 of the Rules.

The VSL Statement of Covered Fees can be given at the same time and as part of the same notice as the VSL Fee Notice for the first fee period of the course [\[Rules s 129\(3\)\]](#).

#### **4.10.3 Providing a VSL Fee Notice**

You must provide a student enrolled in an approved course, regardless of whether the student wishes to access a VSL, with a ‘VET Student Loan Fee Notice’ in relation to each fee period [\[Rules s 99\]](#).

The requirement is that you must give a student enrolled in an approved course a ‘VET Student Loan Fee Notice’. This requirement applies in relation to students who are enrolled in an approved course who are potentially eligible for VSL and those who have applied for a VSL. This requirement does not apply for those students who clearly do not satisfy the citizenship and residency requirements, such as international students.

The VSL Fee Notice must be provided to the student at least 14 days before the first census day in the fee period. More than one census day can be included in the fee notice – for example, you may wish to provide one fee notice for a term or semester’s study.

Providers that are not public universities must not give the notice to the student more than 42 days before the beginning of the fee period.

Information to be included in the VSL Fee Notice is at subsection 99(4) of the Rules and includes the following:

- the student’s name, residential address, phone number and email address
- your name, any other business name you use and your RTO registration code
- the date of the notice
- the student’s student identification number as issued by you
- the student’s Commonwealth Higher Education Student Support Number (CHESSN) if available
- the student’s student identifier (USI)
- the name of the course
- the names of the parts of the course included in the fee period
- an identifying code for each part of the course included in the fee period
- the census day for each part of the course included in the fee period
- for each part of the course included in the fee period:
  - the amount of the tuition fees covered by a VSL
  - the amount of VETSL debt the student will accrue (which could be up to 120% of the loan amount concerned if the loan fee applies to the student – see section Loan fee) and
  - the amount of the tuition fees to be paid by the student, and when the amount must be paid



- a statement that:
  - withdrawal of the student’s enrolment in a part of the course on or before the census day for the part of the course must be in accordance with your procedure and
  - if the student withdraws from a part of the course on or before the census day for the part of the course, the student will not incur a VSL debt for the part of the course and will receive a refund for any up-front payment of tuition fees
- information about how to withdraw, including where to find a copy of your procedure for withdrawal
- information on the student’s right to request the correction of information contained in the notice in accordance with your information handling procedure
- advice that the student may be required to communicate the student’s agreement for the Secretary to continue to use a VSL to pay tuition fees for the course
- advice that a VSL will not be used to pay the covered fees for a part of the course if the student advises you on or before the census day for the part of the course that the student does not want the tuition fees to be paid using a loan
- advice that any VSL debt will remain a personal debt until it is repaid to the Commonwealth.

A sample VSL Fee Notice is at [Appendix D - Sample VET Student Loans Fee Notice](#). However, this sample is provided for guidance only and you are responsible for ensuring that they meet the legislative requirements.

#### **4.10.4 Providing a Commonwealth Assistance Notice**

You must give a student who is enrolled in a part of course on or after the census day for that part of the course, and who has a VSL for the course, a notice that is known as a ‘Commonwealth Assistance Notice’ [\[Rules s 100\]](#).

The notice needs to be given to the student between the census day for the part of the course and 28 days after the census day. A notice can cover more than one part of the course (that is, include more than one census day) provided the information is provided in relation to each part of the course and is compliant with the 28-day timeframe in all cases.

Information to be included in the Commonwealth Assistance Notice is at paragraph 100(4) of the Rules and includes the following:

- the student’s name, residential address, phone number and email address
- your name and any other business name that you use
- the date of the notice
- the student’s student identification number as issued by you
- the student’s Commonwealth Higher Education Student Support Number (CHESSN)
- the student’s student identifier (USI)
- the name of the course
- the name of the part of the course
- an identifying code for the part of the course
- the census day for the part of the course
- the student’s tuition fees for the part of the course
- the amount of the student’s tuition fees that are covered by a VSL
- the amount of VETSL debt the student will accrue (which could be up to 120% of the loan amount if the loan fee applies to the student – see section [Loan fee](#))
- the amounts of any payments of the tuition fees made by the student
- information on the student’s right to request the correction of information contained in the notice in accordance with the provider’s information handling procedure.

A sample notice for the Commonwealth Assistance Notice is at [Appendix E - Sample Commonwealth Assistance Notice](#). However, this sample is provided for guidance only and providers are responsible for ensuring that they meet the legislative requirements.

#### 4.10.5 How notices are to be provided

You must send the VSL Fee Notice and the Commonwealth Assistance Notice to:

- the student's personal email or
- the student's postal address or
- to the student by another method agreed by the student [\[Rules s 99\(8\) and 100\(7\)\]](#).

You should note that a student's email address issued by you, or your agent, is not considered the student's personal email address.

#### 4.10.6 Electronic communications

If a student is required or permitted to sign an electronic communication to you, you must have in place a method the student can use to identify themselves in the communication and to indicate their approval of the information communicated [\[Rules s 151\]](#).

Where the method is used, the student is taken to have signed the communication and indicated their approval of the information.

For example, the identification method could involve the student using a student identification number issued by you. However, where it does, you must:

- verify the identity of each student to whom you issue a student identification number
- take all reasonable precautions to ensure there is no unauthorised access to, or use of, a student identification number issued by you, and
- ensure that each student to whom you issue a student identification number is advised that the student is personally responsible for protecting their student identification number.

Electronic communications between you and students or between you and the Commonwealth must be conducted by means of systems that:

- are secure
- provide for disaster recovery and
- are sufficiently up to date [\[Rules s 154\]](#).

#### 4.10.7 Electronic communications between students and providers

If a student is required or permitted to give information or a document to you by way of a fax, email, web-based communication or any other form of electronic communication, you must ensure the information technology system to be used for giving the information is [\[Rules s 153\]](#):

- accessible –you have informed the student the information or document is to be given using the system, and has authorised the student to use the system
- secure – so the student's information or documents can be accessed only by persons authorised by the student
- able to store information so it is readily accessible by the student
- accessible in respect of applications for a VSL
- for a student who makes a VSL application electronically (noting section [4.7.5 Processes and procedures relating to loan applications](#) regarding eCAF applications directly to the Commonwealth):
  - accessible by the student using a student identifier
  - able to automatically generate a date field on the request, and

- is able to generate printable receipts for the student.

## 4.11 Retaining information

You must retain documents and information related to the operation of the Act and the Rules for 7 years or as otherwise specified in the Rules [\[Act s 51\]](#). The Rules provide that the following information and documents must be retained for 5 years [\[Rules s 105\]](#):

- the information provided to a student under section 98 before the student enrolled in an approved course
- documents obtained or assessments undertaken for the purposes of determining a student's academic suitability
- records of the student's enrolment, including the day and time the student enrolls in the course or a part of the course
- information and documents collected for the purposes of, or in relation to, an application by a student for a VSL
- if applicable, the day and time the student gives you an application for a VSL
- all correspondence between you and the student (or the student's parent or guardian) in relation to the course, including notices issued to the student
- records of each use of your grievance procedure
- the census days and tuition fees for approved courses
- a copy of each version of a process or procedure required under this instrument, and the dates when the version was current
- marketing and promotional material relating to approved courses.

## 4.12 Dealing with personal information

You must comply with the Australian Privacy Principles (APP) in relation to personal information obtained for the purposes of the Act. The APPs are set out in the *Privacy Act 1988* (Privacy Act) and deal with the collection and management of personal information [\[Act s 54\]](#).

Where you fail to comply with the APPs, this constitutes an act or practice involving an interference with the privacy of the individual concerned for the purposes of section 13 of the Privacy Act. This may be the subject of a complaint under section 36 of the Privacy Act.

You must have a procedure under which a student enrolled with you may apply for, and receive, a copy of personal information you hold in relation to the student.

You should note there are offences under the Act in relation to the misuse of personal information. See [Appendix A - Civil penalties and criminal offences](#) of this Manual for further information [\[Division 2, Part 9 of the Act\]](#).

### Use of information

Under the Act, each of the following VET officers may use VET information in their capacity as a VET officer [\[Act s 92\(1\)\]](#):

- an officer of a Tertiary Admission Centre
- an officer of an approved course provider
- an officer of an approved external dispute resolution scheme operator.

Further a VET officer may disclose VET information to another VET officer if the officer believes on reasonable grounds the disclosure is reasonably necessary for the purposes of the exercise of the powers, or the performance of the functions or duties, in relation to this Act [\[Act s 92\(2\)\]](#).

You should note that Commonwealth officers (which includes the VSL Tuition Protection Director) and the Secretary have broader powers to use or disclose VET information (see sections 91, 93, 94, 95 of the Act).

### 4.13 Data reporting

You are required to report data for all students studying in approved courses who are eligible to apply for a VSL –that is, VET submissions must include data for all students who, on the census day for a part of a course or unit of study:

- deferred all or part of their tuition fees through VSL, or
- paid their tuition fees upfront, directly to you (whether or not the fees have in fact been paid – refer reporting information below) but would have been eligible to defer all or part of their tuition fees through a VSL.

Data submitted by you is used in monitoring your compliance with the Act and Rules, publishing information and for submission of student debt information to the ATO. **Civil penalties apply for failing to provide required data or providing false or misleading data.**

You are required to comply with the data reporting requirements issued by the Secretary. The data reporting requirements are found at [TCSI Support](#).

**VET FEE-HELP Reporting:** Please note, units with census dates in 2018 have a reporting deadline of COB 31 December 2021.

In addition, you should access the current version of the [VSL Data Provisions Fact Sheet](#).

Payment of tuition fees from students for units of study/parts of courses should be reported against Data Element [381 Amount paid up front](#). Please refer information below regarding the amount to be reported in this field.

The amount of VETSL debt for a unit of study/part of course should be reported against Data Element [558 HELP debt amount](#).

The total amount charged for a unit of study/part of course is reported against Data Element [384 Total amount charged](#).

The coding note for data element 558 (HELP debt amount) states that the HELP debt amount (that is, the VETSL debt amount) must equal the *Total amount charged* less the *Amount paid up front*.

The *amount paid up front* is the amount of the total tuition fee that is not being covered by a VSL. If, on the census day for the unit of study/part of the course, the student has not yet paid the full upfront payment because you have entered into a payment plan or similar arrangement with the student, that is a matter between the student and you. It does not affect the amount to be reported on Element 381, which should reflect the tuition fee less the loan amount, rather than the amount paid or collected to date. Equivalent Full-time Study Load

You will need to determine the Equivalent Full-time Study Load (EFTSL) for their parts of courses or units of study. The EFTSL value is how long it will take a student to complete the part of a course or unit. The EFTSL value is the same regardless of the mode by which students are undertaking their study.

For guidance on how to determine EFTSL see [Appendix J - Equivalent full-time student load](#).

#### 4.13.1 What data needs to be reported?

You are required to submit certain data to the Secretary. These include:

- student data – information on student enrolments, and the personal details of students eligible for a loan
- course data – information on your approved courses
- unit of study completions and course completions submissions – details of students’ completion of courses and parts of courses.

**Note:** Unit of study completions should be reported for all units – this applies even for the last unit and even if a course completion has already been reported.

#### 4.13.2 Data certification

All student enrolment and course completion data must be quality checked and confirmed as accurate by an Executive Officer as defined in the Act prior to submission of the data.

A civil penalty of 60 penalty units and a strict liability offence of 60 penalty units may apply to a provider where the provider fails to comply with a request for information under subsection 53(1) (subsections 53(4) and (5)). Senior Executives of providers may also be found personally liable where a provider contravenes, or commits an offence under, the Act (section 65).

A person is also liable to a civil penalty of 240 penalty units if the person provides information or a document that is false or misleading, or omits any matter or thing without which the information or document is misleading (section 106 of the Act).

You are also reminded that giving false or misleading information is a serious offence: see section 137.1 *Criminal Code Act 1995*.

Some validations occur in TCSI, other checks against the VSL Rules are completed at the time of monthly payment assessment. Records that have failed the payment validation process (which allows 2 – 3 months for rectification) will subsequently be invalidated in TCSI. You can view invalidated records for the current payment cycle on the fourth tab of the Provider Payment Report in HITS.

#### 4.13.3 Reporting deadlines

A key aspect of the VSL reporting requirements is the timeframes for data reporting.

##### Data reporting timeframes

Data type	Reporting timeframe
Student enrolment data	Event based reporting. Within 7 days of the student enrolling in a unit of study. Loan information is required within 14 days of the census date.
Course completions (Course outcome, and course outcome date if students have completed)	Event based reporting. Within 7 days of a student taking a leave of absence, completing the course or ceasing enrolment in the course. Course outcome date required within 7 days of student completing the course.
Unit of study completions (Unit outcome status and unit outcome date)	Event based reporting. Within 7 days of the student enrolling in a unit of study. Within 7 days of when the updated completion status becomes available.
Revisions	All corrections and updates to data that have already been reported must be made: - before the initial reporting deadline, or

Data type	Reporting timeframe
	- within 7 days of the information needed to make the correction or update becoming available, whichever date is later.

Further details of reporting requirements, and all documents referred to in the Notice, are available at the [VET Data Collections - 2021 Reporting Requirements](#) page at [TCSI Support](#).

#### 4.13.4 Publishing data

The Secretary is required to publish information relating to the operation of the VSL Program within 42 days after the end of the period of 6 months after 1 January and 1 July in each year. The information to be published includes:

- the number of approved course providers that operated during the reporting period
- for each of those providers [\[Act s 103A\]](#):
  - the name of the provider
  - the value of VSL approved by the Secretary for approved courses offered by the provider during the reporting period
  - the number of students who undertook approved courses offered by the provider during the reporting period and whose tuition fees for the courses were paid (whether in whole or in part) using VSL
  - the number of such students who completed approved courses during the reporting period, and
  - the amount of tuition fees charged to such students by the provider during the reporting period.

You may view VSL Data Collection at [VET Student Loans Statistics](#).

## 5. Payments to approved course providers

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You will ordinarily be paid monthly in arrears of submitting student liability data through TCSI. You must submit student liability data in accordance with the TCSI timeframes (refer Data Reporting Requirements at [TCSI Support](#)). Providers and Senior Executives may contravene the Act or commit an offence for providing false or misleading information or for failing to provide required data.

Data for all [Census Days](#) that have occurred in each month will be assessed for payment by the 7<sup>th</sup> of the following month. We will monitor student [Loan caps](#) and [Provider fee limits](#) as part of the assessment of eligibility of submitted data for payment. Payment for all eligible assessed data is then made on the 24<sup>th</sup> of the month of assessment in which data is submitted or the first working day thereafter. Records that have failed the payment validation process (which allows 2 – 3 months for rectification) will be invalidated in TCSI. You can view invalidated records for the current payment cycle in the fourth tab of the Provider Payment Report in HITS. The payment assessment reports are generally available mid-month in HITS.

It is important to note you are responsible for monitoring student loans to ensure they do not exceed your provider fee limit. You may apply to increase your fee limit at any time, following the process outlined. Should you report loans exceeding your fee limit, the Secretary is not required to pay any loan amount in excess of your fee limit. You will need to resolve the resulting situation with the students – which may involve not charging the student tuition fees for the course or part of the course (having regard to section 56 of the Act and that students are not liable for covered fees). You would also need to amend the student debt records in TCSI.

The Act gives the Secretary some flexibility as to the manner and timing of payments to you. This includes, for example, paying you before or after the student begins the course, after the student has completed the course or by instalments. The Secretary may also choose to pay a loan amount to a replacement provider instead of the defaulting provider. [\[Act s 19\]](#)

### Reporting timetable

The reporting timetable for monthly payment in arrears is at [Appendix I - Reporting and Payment Schedule](#). This is by way of guidance only, noting that the Act gives flexibility to us regarding the timing of its payments [\[Act s 19\]](#).

### 5.1 Provider fee limit

A provider fee limit is a maximum dollar amount for VSL that can be paid to an approved course provider for a particular period and/or for particular approved course(s) [\[Act s 34\(3\)\]](#). The provider fee limit is determined based on several factors, including the loan caps specified in the VET Student Loans (Courses and Loan Caps) Determination 2016, enrolment projections, and an assessment of provider quality and outcomes.

The capped loan amount may be larger or smaller than the tuition fees a provider has decided to charge for a course. A provider fee limit is imposed on the provider as a condition of approval – generally provided for a calendar year and relevant to census days occurring in that year.

This is different from the fee periods for a course. For more information, see [4.7.12 Fee periods](#).

**Important Note:** We impose an annual fee limit on providers to allow for the proper administration of the VSL program. Exceeding this fee limit could result in a breach of the conditions of your approval and may indicate issues with your management and governance arrangements.

**Note:** In cases where you issued a written statement to a student identifying VSL covered fees (the VSL Statement of Covered Fees), you contravene subsection 56(4) of the *VET Student Loans Act 2016* if you later required the student to pay the covered fees.

You may have options about how you utilise your provider fee limits. For example, if you have been approved to offer loans for 8 different courses, and no separate fee limit for any one of those courses has been imposed, you can choose how many loans you offer for each of the courses, provided the total provider fee limit does not exceed the maximum specified in your approval documentation.

If you have been given a fee limit for a course, there is not the same flexibility. The maximum limit for the course cannot be exceeded.

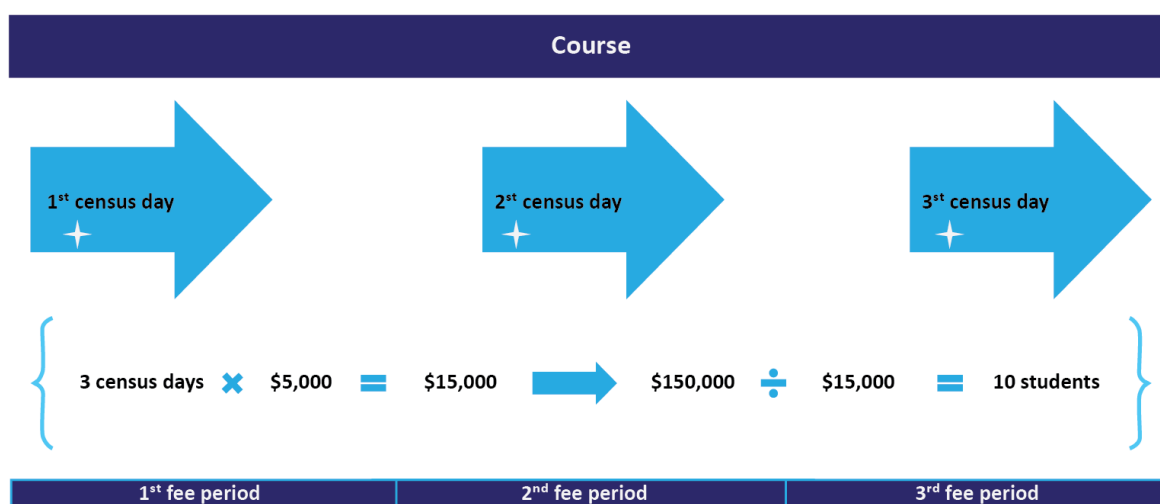
### Example

In 2017 a provider offers an approved course which has a loan cap of \$15,000 (as specified in the Courses and Loan Caps Determination – which will have indexation applied in subsequent years).

The provider's fee limit for the *course* is \$150,000 for a 12-month period.

The course includes 3 census days and on each census day, the student becomes liable for \$5,000 of the covered fee for the course. Over 12-month period 3 census days occur – which means each student accessing a VSL for a course will be liable for \$15,000 of the covered fee for the course over the 12-month period.

The provider could therefore enrol 10 full-time students on the basis that a certain portion of their course would be covered by VSL.



The effect of the fee limit for this provider is that only 10 students can access a VSL for the course in the 12-month period at this provider.

If there were more census days for one or more students within the relevant period, then the number of students able to access a VSL would be lower. If students were studying part-time, the number of students may be higher.

**NOTE:** The consumption of a provider's fee limit is based on when a unit census day falls, **not** when the payment is assessed or made. Therefore, a unit with a census day in December 2021 will be assessed for payment and paid on or about 24 January 2022, against the provider's 2021 fee limit.



## 5.2 Process for applying for an increase to a provider fee limit

The process to apply for an increase to a provider fee limit, as outlined in [4.4.6 Process for an approved provider to vary its conditions of approval](#), can be found in [Varying the conditions of approval](#).

## 5.3 When Secretary is not required to pay loan amount

The Secretary is not required to pay a loan amount for a student's course if any of the following applies [\[Act s 20\]](#):

- the student has not given the Secretary the student's tax file number
- the student has not given the Secretary the student's unique student identifier (USI)
- the Secretary is satisfied the student:
  - is not an eligible student or
  - is not a genuine student
- payment of the amount would breach a provider fee limit
- the loan amount is greater than the student's HELP balance
- the Secretary suspects on reasonable grounds the course provider is not complying with this Act
- the approval of the course provider has been revoked or suspended or has expired.

Where the Secretary decides not to pay a loan amount for a student for a course, the Secretary will notify the provider as soon as practicable.

## 5.4 When the provider must repay loan amounts

You will be required to repay loan amounts in certain circumstances where:

- a [Students' HELP balance re-credited](#) is re-credited [\[Act s 22\(1\)\]](#)
- the provider was paid a loan amount purportedly under the Act that [Loan amount was not payable](#) [\[Act s 22\(2\)\]](#)
- the [Loan amount exceeds your provider fee limit](#) [\[Act s 22\(3\)\]](#)
- there is debt due to the Commonwealth by the provider [\[Act s 22\(4\)\]](#)
- there is a debt from one or more loan amounts which would otherwise be payable to the course provider in relation to a student [\[Act s 22\(5\)\]](#)
- if a debt is recovered from a loan amount which is otherwise payable in relation to a student, the amount recovered is taken to have been paid to the course provider in relation to the student [\[Act s 22\(6\)\]](#).

### 5.4.1 Students' HELP balance re-credited

You must pay to the Commonwealth an amount equal to the loan amount which was:

- used to pay tuition fees for a student's course and
- re-credited to the student's HELP balance.

For example, this requires repayment of a loan amount by you where a student's HELP balance is re-credited:

- for special circumstances (under section 68 of the Act),
- where the Secretary acts in place of you in respect of a special circumstance's application (under section 70 of the Act)
- where there has been unacceptable conduct by you (under section 71 of the Act), or
- where you default in relation to a student and there is no suitable replacement course for the student (under section 72A of the Act).

#### **5.4.2 Loan amount was not payable**

You must pay to the Commonwealth an amount equal to any amount which was purportedly paid to you under the Act which was not payable. For example, where the payment has been erroneously made or made based on false information.

#### **5.4.3 Loan amount exceeds your provider fee limit**

You must pay to the Commonwealth an amount equal to any amount paid to you which exceeded your provider fee limit imposed on you.

An amount you must pay under this section is a debt due to the Commonwealth. The Commonwealth may recover the debt from one or more loan amounts which would otherwise be payable to you in relation to a student. If a debt is recovered from a loan amount which is otherwise payable in relation to a student, the amount recovered is taken to have been paid to you in relation to the student.

# Appendices

## Appendix A - Civil penalties and criminal offences

### Loans to students

Short description provisions including civil penalty units and offence provisions	Act
Provider completes, or assists with completing, anything the student is required to do for the purposes of determining whether the student is 'academically suited' to undertake an approved course. 120 penalty units	s12(3)
Provider completes any part of an application for a VET Student Loan that the student is required to complete. 120 penalty units	s17(5)
Provider collects information for the purpose of, or in relation to, applications by students for VET Student Loans, and gives the collected information or information based on the collected information to the Secretary, and the information so provided omits a material particular or is incorrect in a material particular. (Note: providers need to verify information collected from students). 120 penalty units	s17(6)

### Ensuring compliance

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to comply with a compliance notice given by the Secretary. 60 penalty units	s43(4)
Failure of a person [broader than provider] to cooperate fully with an auditor in relation to a compliance audit. 60 penalty units	s45(5)
Provider fails to cooperate fully with a listed body including a VET Regulator, the Secretary, an employee of the department or consultant engaged by the Commonwealth to perform work in relation to this Act, the operator of an approved external dispute resolution scheme of which the provider is a member in ensuring compliance with, and the efficient and effective administration of the Act. 60 penalty units	s46

### General requirements

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to comply with the Rules made under section 48 of the Act (that is, Division 1, Part 7 of the Rules) in respect of having specified processes and procedures in place. 60 penalty units	s48(5)

### Brokers and Agents

Short description provisions including civil penalty units and offence provisions	Act
Provider must not enter into an arrangement which provides for another person to: <ul style="list-style-type: none"><li>enrol students or accept applications for enrolment,</li><li>provide information or advice in relation to VET Student Loans,</li><li>assist students to complete or submit applications for a VET Student Loan, or</li><li>assist students to complete any assessments required to show academic suitability.</li></ul> 60 penalty units	ss49(1)

### Information

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to comply with the Rules made under subsection 50(1) (that is, Division 3, Part 7 of the Rules) in respect of provision of particular information to students. 60 penalty units	s50(2)

Short description provisions including civil penalty units and offence provisions	Act
<i>Strict liability offence:</i> Provider fails to comply with the Rules made under subsection 50(1) (that is, Division 3, Part 7 of the Rules) in respect of provision of particular information to students. 60 penalty units	s50(3)
Provider fails to retain documents and information in accordance with section 51, including as specified in Division 4, Part 7 of the Rules (made under section 51). 60 penalty units	s51(3)
<i>Strict liability offence:</i> Provider fails to retain documents and information in accordance with section 51, including as specified in Division 4, Part 7 of the Rules (made under section 51). 60 penalty units	s51(4)
Provider fails to comply with the ongoing information requirements including as set out in Division 5, Part 7 of the Rules (made under section 52). 60 penalty units	s52(4)
<i>Strict liability offence:</i> Provider fails to comply with the ongoing information requirements including as set out in Division 5, Part 7 of the Rules (made under section 52). 60 penalty units	s52(5)
Provider fails to comply with a notice given under subsection 53(1) to provide information or documents to the Secretary. 60 penalty units	s53(4)
<i>Strict liability offence:</i> Provider fails to comply with a notice given under subsection 53(1) to provide information or documents to the Secretary. 60 penalty units	s53(5)

## Fees

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to comply with requirements under the Rules in relation to determining tuition fees for approved courses (that is, with Division 6, Part 7 of the Rules). 120 penalty units	s55(3)
Provider requires a student to pay fees, which are covered by a VET Student Loan (covered fees) where enrolment is accepted on the basis that some or all tuition fees are <i>covered fees</i> . 120 penalty units	s56(4)
Provider does not have publicly and readily available on its website (that is, has not published) the tuition fees for a course by the day before the enrolment of a student in an approved course, where enrolment is accepted on the basis that some or all tuition fees are <i>covered fees</i> . 60 penalty units	s57

## Census days

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to determine or publish a 'census day' for a course in accordance with the Rules (that is Division 7, Part 7 of the Rules). 60 penalty units	s58(6)
Provider varies a 'census day' not in accordance with the Rules (that is Division 7, Part 7 of the Rules). 60 penalty units	s58(7)
Provider fails to cancel the enrolment of a student on or before the end of the census day where the provider has been requested to do so in writing by the student on or before the census day. 120 penalty units	s59(1)
Provider charges a fee to cancel the enrolment of a student where the provider has been requested to cancel enrolment in writing by the student on or before the end of the relevant census day. 120 penalty units	s59(2)
The provider engages in conduct which prevents, or unnecessarily inconveniences, the student from cancelling their enrolment. 120 penalty units	s59(3)

## Marketing

Short description provisions including civil penalty units and offence provisions	Act
Provider misrepresents that a VET Student Loan is not a loan or does not have to be repaid. 240 penalty units	s60

Short description provisions including civil penalty units and offence provisions	Act
Provider offers or provides a benefit, or causes a benefit to be provided, which would be reasonably likely to induce a person to apply for a VET Student Loan for a course. (Note: does not apply in relation to a benefit specified in Subdivision A, Division 8, Part 7 of the Rules). 120 penalty units	s61(1)
Provider cold calls (that is, unsolicited contact in person, via telephone, email or other electronic means) another person to market, advertise or promote a course and in the course of doing so mentions the possible availability of a VET Student Loan. 60 penalty units	s62(1)
Provider uses third party contact lists to market, advertise or promote a course and in the course of doing so mentions the possible availability of a VET Student Loan. (Note: does not apply in relation to the circumstances specified in Subdivision B, Division 8, Part 7 of the Rules). 60 penalty units	s63(1)
Provider fails to comply with any requirements in relation to marketing of courses which could be covered by a VET Student Loan set out in the Rules (that is, with Subdivision C, Division 8, Part 7 of the Rules). 60 penalty units	s64(2)

## Tuition Protection

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to give notice of default or other information to the Tuition Protection Director in accordance with section 66C of the Act. 60 penalty units	s66C(6)
<i>Strict liability offence:</i> A provider fails to give notice of default or other information to the Tuition Protection Director in accordance with section 66C of the Act. 60 penalty units	s66C(7)
Provider fails to give notice of default to affected students in accordance with section 66D of the Act. 60 penalty units	s66D(4)
<i>Strict liability offence:</i> A provider fails to give notice of default to affected students in accordance with section 66D of the Act. 60 penalty units	s66D(5)
Provider fails to provide information to the VSL Tuition Protection Director about suitable replacement courses in accordance with a notice given by the Tuition Protection Director under section 66F of the Act. 60 penalty units	s66F(3)
<i>Strict liability offence:</i> A provider fails to provide information to the VSL Tuition Protection Director about suitable replacement courses in accordance with a notice given by the Tuition Protection Director under section 66F of the Act. 60 penalty units	s66F(4)
Provider fails to meet obligations as a replacement provider as set out in section 66G of the Act. 60 penalty units	s66G(4)
<i>Strict liability offence:</i> A provider fails to meet obligations as a replacement provider as set out in section 66G of the Act. 60 penalty units	s66G(5)
A person (broader than provider) fails to comply with notice given by the VSL Tuition Protection Director and does not provide such information or documents that the Director reasonably requires to determine whether Part 5A of the Act has been complied with. 60 penalty units	s104A(3)
<i>Strict liability offence:</i> A person (broader than provider) fails to comply with notice given by the VSL Tuition Protection Director and does not provide such information or documents the Director reasonably requires, to determine whether Part 5A of the Act has been complied with. 60 penalty units	s104A(4)

## General provisions

Short description provisions including civil penalty units and offence provisions	Act
Provider fails to comply with requirements in relation to electronic communications set out in the Rules (that is, with Division 1, Part 9 of the Rules). 60 penalty units	s102(2)
Provider fails to comply with a requirement from the Secretary under subsection 103(4) to release or publish information about it (such as, completion rates, enrolment numbers, courses offered, tuition and other fees and compliance). 60 penalty units	s103(5)
A person (broader than provider) fails to provide information to the Secretary in accordance with the written notice for information given by the Secretary under section 104(1). 60 penalty units	s104(4)
<i>Strict liability offence:</i> A person (broader than provider) fails to provide information to the Secretary in accordance with the written notice for information given by the Secretary under section 104(1). 60 penalty units	s104(5)
A person gives information or a document to a VET officer or otherwise under or for the purpose of the Act (including the Rules etc.) and the information or document is false or misleading (in a material particular) or omits any matter or thing without which the information or document is misleading (in a material particular). (Note: see also offences under Criminal Code s 137.1, 137.2)) 240 penalty units	s106(3)

## Offences for misuse of personal information [broader application than just provider]

Short description provisions including civil penalty units and offence provisions	Act
A person commits an offence if: the person is, or has been, a VET officer; and the person has obtained or generated personal information in his or her capacity as a VET officer; and the person: (i) uses the information; or (ii) discloses the information to another person. Imprisonment for two years.	s99(1)
A person commits an offence if the person uses personal information, and the information was disclosed to an agency, body or person under section 95; and the use of the information is not for a permitted purpose. Imprisonment for two years.	s100(1)
A person commits an offence if: the person discloses personal information; and the information was disclosed to an agency, body or person under section 95; and either or both of the following apply: (i) the disclosure is not for a permitted purpose (ii) the disclosure is to a person who is not an officer or employee of, or engaged by, the agency, body or person to whom the information was disclosed under section 95. Imprisonment for two years.	s100(3)
A person commits an offence if: <ul style="list-style-type: none"> <li>• the person causes any unauthorised access to, or modification of, personal information; and</li> <li>• the personal information is VET information: <ul style="list-style-type: none"> <li>(i) which is held on a computer, and</li> <li>(ii) to which access is restricted by an access control system associated with a function of the computer, and</li> </ul> </li> <li>• the person intends to cause the access or modification; and</li> <li>• the person knows the access or modification is unauthorised; and</li> <li>• one or more of the following apply [Note, absolute liability applies to the following]: <ul style="list-style-type: none"> <li>(i) the information is held on a computer of an approved course provider</li> <li>(ii) the information is held on behalf of an approved course provider</li> <li>(iii) the information is held on a computer of a Tertiary Admission Centre</li> <li>(iv) the information is held on behalf of a Tertiary Admission Centre.</li> </ul> </li> </ul> Penalty: Imprisonment for two years.	s101(1)

## Appendix B - Checklist of information to be provided to students prior to enrolment

Information required to be provided prior to enrolment (see section 98 of the Rules)	Information provided <input checked="" type="checkbox"/>
1. All information required to be provided under the <a href="#">Standards for Registered Training Organisations (RTOs) 2015</a> that relates to ensuring each learner is properly informed and protected.	<input type="checkbox"/>
2. The tuition fees for the approved course.	<input type="checkbox"/>
3. Any fees other than tuition fees that are payable for the course.	<input type="checkbox"/>
4. The student's options for paying tuition fees, including: <ul style="list-style-type: none"> <li>(i) payment by the student as fees become due, and</li> <li>(ii) a VET Student Loan.</li> </ul>	<input type="checkbox"/>
5. Information about VET Student Loans, including that: <ul style="list-style-type: none"> <li>(i) it is a loan from the Commonwealth, and</li> <li>(ii) the loan will remain a personal debt until it is repaid to the Commonwealth, and</li> <li>(iii) the loan may, until the debt is repaid, reduce a student's take-home (after-tax) wage or salary and may reduce the student's borrowing capacity, and</li> <li>(iv) a student may wish to seek independent financial advice before applying for a loan.</li> </ul>	<input type="checkbox"/>
6. The criteria for being an eligible student for a VET Student Loan (see sections 9 – 12 of the Act).	<input type="checkbox"/>
7. The application process for a VET Student Loan (see section 17 of the Act).	<input type="checkbox"/>
8. An explanation that the student may be required during the course to communicate his or her agreement that the Secretary continue to use the VET Student Loan to pay tuition fees for the course (student progression and engagement requirements).	<input type="checkbox"/>
9. The maximum amount of a VET Student Loan that may be available for the course, and an explanation that the amount of the loan cannot be greater than the student's remaining HELP balance.	<input type="checkbox"/>
10. The total VET Student Loan debt (VETSL debt) a student may incur if the student receives the maximum VET Student Loan referred to in paragraph 9 above (including specifying the loan fee if applicable to the student).	<input type="checkbox"/>
11. An explanation that the tuition fees will be reasonably apportioned across a specified number of sequential fee periods and that each fee period will contain at least one census day.	<input type="checkbox"/>

Information required to be provided prior to enrolment (see section 98 of the Rules)	Information provided <input checked="" type="checkbox"/>
<p>12. Information about census days, including:</p> <ul style="list-style-type: none"> <li>(i) the meaning of a census day (see subsection 58(3) of the Act), and</li> <li>(ii) that a student may cancel the student’s enrolment in the course or part of the course using the provider’s procedure for withdrawal, and</li> <li>(iii) if a student withdraws on or before the census day for a course or part of a course, the student will not incur a VETSL debt for the course or part of the course and will receive a refund for any tuition fees already paid for the course or part of the course.</li> </ul>	<input type="checkbox"/>
<p>13. How to access the following on the approved course provider’s website:</p> <ul style="list-style-type: none"> <li>(i) the tuition fees for the course</li> <li>(ii) the census days for the course</li> <li>(iii) the provider’s procedures for withdrawal from the course and cancellation of enrolment</li> <li>(iv) other procedures the provider is required to have under the Rules.</li> </ul>	<input type="checkbox"/>
<p>14. Advice that it is important for an enrolled student to notify the provider of any change of contact details.</p>	<input type="checkbox"/>
<p>15. Advice that the department will contact the student to verify the student’s enrolment in the course.</p>	<input type="checkbox"/>



## Appendix C - Sample VET Student Loans Statement of Covered Fees

**Note:** This is a sample only. Providers are responsible for meeting the requirements of s56 of the Act and section 129 of the Rules. The Statement of Covered Fees may be combined with the first Fee Notice, subject to meeting all requirements under section 99 of the Rules.

### VET Student Loans Statement of Covered Fees

Date of notice	DD/MM/YYYY (must be issued <b>before</b> the first census day)
----------------	--

Issued to:

Student name	Sample Student
Residential address	5 Sample St Sampletown, NSW, 2000
Phone number	0404 XXX XXX
Email address	Sample.student@server.com.au
Student ID number	XXXX
CHESSN	XXX XXXX XXX
USI	XXX XXXX XXX

Issued by:

Provider name	Top Provider
Business name(s)	Top Vocational Training Pty Ltd
RTO code	XXXXXX

Course details:

Course name (and code)	Total course cost	Tuition fees covered by VET Student Loan	Tuition fees <b>not</b> covered by VET Student Loan
Diploma of XYZ (course code: XYZ 123)	\$12,000	\$10,528	\$1,472

#### IMPORTANT INFORMATION

Your enrolment in the above course has been accepted on the basis that some or all of the tuition fees for your course will be covered by a VET Student Loan.

## Appendix D - Sample VET Student Loans Fee Notice

**Note:** This is a sample only. Providers are responsible for meeting the requirements of s99 of the Rules. Providers must send the notice to the student's personal email address as advised by the student; OR to the student's postal address as advised by the student; OR by another method as agreed to by the student.

### VET Student Loans Fee Notice

Date of notice	21/09/2020 (must be issued at least 14 days before the census day)
----------------	--

Issued to:

Student name	Sample Student
Residential address	5 Sample St Sampletown, NSW, 2000
Phone number	0404 XXX XXX
Email address	Sample.student@server.com.au
Student ID number	XXXX
CHESSN	XXX XXXX XXX
USI	XXX XXXX XXX

Issued by:

Provider name	Top Provider
Business name(s)	Top Vocational Training Pty Ltd
RTO code	XXXXXX

Details relevant to this fee period:

Course name	Diploma of XYZ
Course code	XYZ 123

Unit of Study Code	Unit of Study Name	Census day	Tuition fees	Amount covered by VSL	Loan Fee	VETSL debt amount*	Gap Amount payable	Payment due by
CUAANM302	Create 3D Digital Animations	7/10/2020	\$1,000.00	\$877.00	\$175.40	\$1,052.40	\$123.00	20/10/2020
CUAPPR515	Establish and maintain safe practice	7/10/2020	\$1,000.00	\$877.00	\$175.40	\$1,052.40	\$123.00	20/10/2020
CUAMUP411	Design, apply and remove make-up	7/10/2020	\$1,000.00	\$877.00	\$175.40	\$1,052.40	\$123.00	20/10/2020
<b>Totals for Term 3</b>			<b>\$3,000.00</b>	<b>\$2,631.00</b>	<b>\$526.20</b>	<b>\$3,157.20</b>	<b>\$369.00</b>	

\*Your VSL debt (VETSL debt) amount may include a 20% loan fee. If a loan fee applies to you, it will be included in the amount shown here.

#### IMPORTANT INFORMATION

- If you believe that the information contained in this notice is incorrect, you have the right to request a correction in accordance with [name of provider]'s information management procedure which is available at [insert URL].
- You may be required to communicate your agreement for the Secretary of the Department of Employment and Workplace Relations to continue to use a VET Student Loan to pay the tuition fees for your course (by submitting a Progression Form when requested).
- A VET Student Loan will not be used to pay the covered fees for a part of your course if you advise [provider name] on or before the census day that you do not want to access a loan for your tuition fees. This advice must be in writing and you should keep a copy for your records.
- If you do **not** want to continue studying part of the course relevant to this notice, you must withdraw **on or before** the census day in accordance with [name of provider]'s withdrawal procedure to avoid incurring a VETSL debt. [Name of provider]'s withdrawal procedure is available at [insert URL].
- If you withdraw from the mentioned part of your course **on or before** the census day, you will not incur a VETSL debt for the amount indicated, and any upfront tuition fees already paid will be refunded.
- Any VETSL debt will remain a personal debt until it is repaid to the Commonwealth.

## Appendix E - Sample Commonwealth Assistance Notice

**Note:** This is a SAMPLE only. Providers are responsible for ensuring that their CAN meets the requirements of s100 of the Rules. Providers must send the CAN to the student's personal email address as advised by the student; OR to the student's postal address as advised by the student; OR by another method as agreed to by the student.

### Commonwealth Assistance Notice

Date of notice	31/10/2020 (must be issued within 28 days after the census day)
----------------	---

Issued to:

Student name	Sample Student
Residential address	5 Sample St Sampletown, NSW, 2000
Phone number	0404 XXX XXX
Email address	Sample.student@server.com.au
Student ID number	XXXX
CHESSN	XXX XXXX XXX
USI	XXX XXXX XXX

Issued by:

Provider name	Top Provider
Business name(s)	Top Vocational Training Pty Ltd
RTO code	XXXXXX

Details relevant to this CAN:

Course name	Diploma of XYZ
Course code	XYZ 123

Unit of Study Code	Unit of Study Name	Census day	Tuition fees	VSL	Loan Fee	VETSL debt amount*	Gap Amount paid	Payment date
CUAANM302	Create 3D Digital Animations	7/10/2020	\$1,000.00	\$877.00	\$175.40	\$1,052.40	\$123.00	20/10/2020
CUAPPR515	Establish and maintain safe practice	7/10/2020	\$1,000.00	\$877.00	\$175.40	\$1,052.40	\$123.00	20/10/2020
CUAMUP411	Design, apply and remove make-up	7/10/2020	\$1,000.00	\$877.00	\$175.40	\$1,052.40	\$123.00	20/10/2020
<b>Totals for Term 3</b>			<b>\$3,000.00</b>	<b>\$2,631.00</b>	<b>\$526.20</b>	<b>\$3,157.20</b>	<b>\$369.00</b>	

\*Your VSL debt (VETSL debt) amount may include a 20% loan fee. If a loan fee applies to you, it will be included in the amount shown here.

#### IMPORTANT INFORMATION

If you believe that the information contained in this notice is incorrect, you have the right to request a correction in accordance with [name of provider]'s information management procedure which is available at [insert URL].

## Appendix F - Notice of rights of review

When a reviewable VET decision has been made or reconsidered, the student must be provided with a notice of rights of review along with the reasons for the decision/reconsideration. (Reviewable decisions are set out at section 74 of the Act and include ‘special circumstances’ decisions made by a provider under section 68 of the Act. Other decisions, which are not reviewable, may be reconsidered under section 81 of the Act).

The first rights of review notice need to be provided after a reviewable decision has been made. An example of this is as follows (however, you are responsible for ensuring you satisfy the legislative requirements for such a notice):

**This type of notice should only be provided when a reviewable decision has been made.**

### Reviewable decision – review rights

If you think this decision is wrong, you may request reconsideration of this decision by someone who was not involved in making this decision. You will need to make your request in writing and must include the following information:

- the date of this decision and
- the reasons why you are requesting reconsideration.

You should also include any additional evidence you think is relevant to the reconsideration of the decision.

Send or deliver the reconsideration request to: [INSERT POSTAL ADDRESS or EMAIL ADDRESS]

Time limits apply. Your application must be made within 28 days after the day on which you were notified of the decision. [Or insert greater time period – but no less than 28 days: *VET Student Loans Act 2016*, section 76(2).]

On receiving a request for reconsideration, [INSERT NAME, POSITION] will:

- review the original decision
- consider the reasons why you are requesting a reconsideration
- assess any new evidence provided by you
- provide you with a written notice of the decision, with a statement of reasons.

If you do not receive a response within 45 days of your request for reconsideration, the original decision is taken to be confirmed.

If, after [INSERT NAME, POSITION] has reconsidered the decision, you are dissatisfied with the outcome, you may apply to the Administrative Review Tribunal (ART) for a review of decision. The application must be lodged at the ART within 28 days of receiving notice of [INSERT NAME, POSITION]’s decision. You will be provided with further information about this process at the time you are notified of that decision.

See the [Administrative Review Tribunal](#) website for further information on this process.

## Appendix G - Fees that are not covered by VET Student Loans

Charges for some goods and services must **not** be included in the tuition fee for a course, as these are not covered by a VSL. These are listed in the table below.

A separate fee will need to be charged for any of the goods and services listed in the table below, subject to the requirement that you must have processes and procedures in place that meet the requirements of section 93 of the Rules.

**Table – Goods and services that must not be included in tuition fees**

Goods and services	Examples
Special admissions test*	<ul style="list-style-type: none"> <li>flight aptitude testing for aviation courses</li> </ul>
Goods or services not essential to the course	<ul style="list-style-type: none"> <li>access to internet and computer facilities, except where these are required as part of a course</li> <li>printing of notes from the internet or a portable hard drive or disc</li> <li>graduation ceremonies where students are not required to attend the ceremony to obtain their award</li> </ul>
Alternative forms of access to goods or services essential to the course, (where the provider also provides readily available access in another form at no additional cost to students)	<ul style="list-style-type: none"> <li>lecture notes or recordings, provided lectures are made readily available to students free of any additional charge (as lectures would be covered by tuition fees)</li> <li>electronic provision of essential information if the information is also made readily available free of charge in another form (For example, at the library or through the provider’s intranet)</li> <li>reading material, such as anthologies of required readings, provided these texts are also made readily available free of charge (For example, at the library or through the provider’s intranet).</li> </ul>
Course related goods or services that students have the choice of acquiring from a supplier other than the provider and are for:  equipment or items that become the student’s physical property and are not consumed in the course  or  food, transport and accommodation costs associated with the provision of field trips that form part of the course	<ul style="list-style-type: none"> <li>artwork supplies</li> <li>fabric for sewing class</li> <li>musical instruments</li> <li>protective clothing or footwear</li> <li>tool kits</li> <li>stethoscopes</li> <li>dance shoes</li> <li>reference texts</li> <li>meals, snacks, beverages</li> <li>bus tickets or airfares</li> <li>hotels or camping fees</li> </ul>
Fines or penalties imposed principally as a disincentive (for something other than withdrawing from all or part of a course) and not to raise revenue or cover administrative costs	<ul style="list-style-type: none"> <li>library fines</li> </ul>

\* ‘Special admissions test’ means a test to determine the suitability of a person seeking admission into a specialist approved course that is necessary to establish the suitability of the person for admission into that approved course, and includes specialist auditions, tests and interviews that are different from the normal requirements for admissions. [\[Rules s 4\]](#).

## Appendix H - Goods and services for which a separate fee must not be charged

You must not charge separate fees for the goods and services listed in the table below. These goods and services may be covered by VET tuition fees. These are examples only and do not represent an exhaustive list.

**Table – Goods and services for which a separate fee must not be charged**

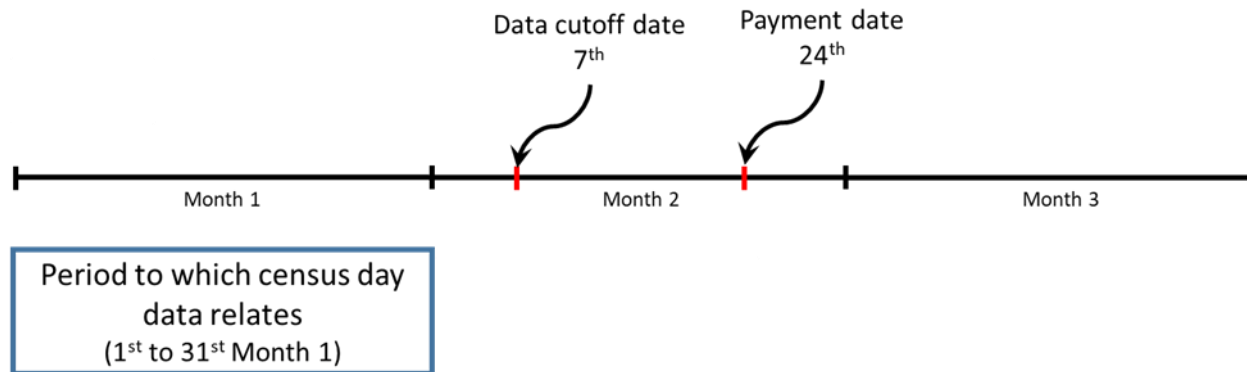
Good and services	Examples
Course materials, such as subject outlines, reading lists, tutorial or seminar topics and problems, assignment and essay questions and requirements or guidelines for the presentation of work	Equipment and manuals which a professional in the field would not be required to own, such as: fixtures in a clinic, laboratory or workshop large items of equipment and relevant workshop guides required for their use
Access to library books, periodicals and guides	Examinations or assessments, including practical assessment, for example, which requires the services of musical accompanists
Clinic, laboratory or workshop materials such as anaesthetics, chemicals, filters, fuel, fertilisers, animal feed or crops used in practical sessions or research	Re-assessment of results (as part of the provider's assessment quality assurance procedures) where a student has failed an assessment and thereby failed a subject or VET unit of study. This does not include where reassessment occurs through the student re-enrolling in the subject or VET unit of study after failing it
Access to computers or other online resources	Mailing charges associated with distance education
Application or enrolment fees for enrolment or enrolling in an approved course	Course notes provided as part of distance education
Assessment fees for determining whether a student is academically suited to undertake a course (other than a fee for a special admissions test)	

## Appendix I - Reporting and Payment Schedule

Payments Per Year	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>	11 <sup>th</sup>	12 <sup>th</sup>
Census Days to	31 Jan	28 Feb	31 Mar	30 Apr	31 May	30 Jun	31 Jul	31 Aug	30 Sep	31 Oct	30 Nov	31 Dec
Payment Dates	24 Feb	24 Mar	24 Apr	24 May	24 Jun	24 Jul	24 Aug	24 Sep	24 Oct	24 Nov	24 Dec	24 Jan

### NOTES:

- Information relating to census days occurring in the month must be reported in accordance with the Data Reporting timeframes published in TCSI Support (generally in real time, within 7 or 14 days of an event occurring). (see section [Reporting deadlines](#)). Census days in each month reported by the 7th of the following month will be assessed for payment.
- Payment will be made, following data monitoring and analysis and compliance checking, for **eligible assessed data** on the 24th of the month of assessment or the first working day thereafter.



- The consumption of a provider's fee limit is based on when a unit census day falls, not when the payment is made. For example, a unit with a census day in December 2022 would be assessed, and if eligible, paid on 24 January 2023 against the provider's 2022 fee limit.

## Appendix J - Equivalent full-time student load

Equivalent full-time student load (EFTSL) is a measure of the study load based on a student undertaking a course on a full-time basis over an academic year. An academic year is determined by the provider based on its operations. EFTSL is used in data reporting via TCSI.

**Note:** A provider may mirror the Full Year Training Equivalent (FYTE) values used in the AVETMISS data collection when calculating or reporting EFTSL.

A typical full-time student for a one-year course will have an EFTSL of 1.0. A student studying part-time would incur an EFTSL less than 1.0. For example, if a student is studying a course that has a load of 1.0 EFTSL, at a quarter rate, the course load reported for them will still be 1.0, but the unit of study EFTSLs will add up to 0.25 in any given year (so it will take them 4 years to complete).

For the purposes of VSL data reporting, the provider determines the EFTSL for each course and unit of study against study undertaken by a full-time student. The provider may use a number of methods to determine EFTSL. For example, students may have to undertake a certain number of competencies, VET units of study or complete a minimum number of nominal hours in a full academic year to be considered a full-time student for the full year to have a calculated EFTSL of 1.0.

The provider determines the EFTSL value for each VET unit of study that makes up each course it offers. The EFTSL value of a VET unit of study is determined by calculating the proportion of the full-time study load of one academic year the unit of study or part of the course represents.

When calculating the length of units of study, the provider must include supervised and unsupervised learning or training necessary to cover the material associated with the delivery and assessment of the unit of study and time spent in workplace learning or industry placement.

### Reporting EFTSL for part-time students

For providers needing to report a student, based on the number of hours, the following examples would apply:

For example, if you assume that 720 hours is equal to one year's full-time study:

- a course that requires 720 hours study is 1.0 EFTSL. If the course is broken up into 4 equal parts, of 180 hours each, then each part has a load of 0.25 EFTSL.
- alternatively, if the course requires a total of 1080 hours study (= 720 x 1.5) then the total EFTSL for the course is 1.5. If the course is broken into 3 equal parts of 360 hours each, then each of these has a load of 0.5 EFTSL (or 1/3 of 1.5).

Note: Both examples assume that 720 hours is equal to one year's full-time study for the courses listed.



## Appendix K - Resources

### For providers

The below resources are available at [VET Students Loans](#)

#### Manuals and User Guides and Statistics

VET Student Loans Manual for Providers

HELP Information Technology System (HITS) User Guide

eCAF User Guide (available within the eCAF system)

VET Student Loans Style Guide

VET Student Loans Statistics

#### Fact sheets

VET Student Loans Recognition of Prior Learning (RPL) in TCSI

VET Student Loans Courses and Loan Caps

VET Student Loans 2022 Course List and Loan Caps

VET Student Loans Course Caps Indexed Amounts

VET Student Loans Application Fee and Annual Charge

VET Student Loans Ongoing Financial Performance requirements

Cost Recovery Implementation Statement – information on cost recovery

VSL Data Provisions Fact Sheet 2023

Varying the conditions of approval

Third party arrangements

Tax File Number (TFN) Fact Sheet

VET Student Loans Schedule 3 Application Guidelines

VET Student Loans Schedule 3 Application Checklist

Census day calculator

Quick Guide – Marketing and Publishing

Quick Guide – Eligibility

Quick Guide – Applications

Quick Guide – Information Requirements

Quick Guide – Census Days and Fee Periods

Quick Guide – Record Keeping

Quick Guide – Progressions

Quick Guide – Processes and Procedures

#### Forms

Statutory Declaration – citizenship – First Nations student - birth not registered

VET Student Loans Parental Consent Form

VET Student Loans Schedule 3 Application Form

## Newsletters

VET Student Loans Provider Newsletter

(You need to subscribe to receive the Newsletter)

## Other

Compliance

LLN assessment tool information

TCSI Support online webinars and drop-in sessions

TCSI Online Update emails

## For students

[VSL eligibility check | Your Career](#)

The below resources are available at [Information for VET Student Loans Students](#)

VET Student Loans information booklet

eCAF Fact Sheet (electronic Commonwealth Assistance Form for VET Student Loans)

Student Obligations Fact Sheet

Student Progression Fact Sheet

VET Student Loans Course Caps Indexed Amounts

VET Student Loans Parental Consent Form (for students under 18)

Tax File Number (TFN) Fact Sheet

Video: VET Student Loans Part 1 – General information about the VET Student Loans program

Video: VET Student Loans Part 2 – For students applying for a VET Student Loan

## Appendix L - VET Student Loans Compliance Checklist

### Administration requirements

Processes and procedures	☑
<p><b>1. Student eligibility</b> I/we have processes in place to collect and verify information relating to a student's eligibility for a VET Student Loan, including satisfactory evidence of the student's citizenship and residency status, in compliance with the Act, Section 11 and the Rules, Section 85.</p>	Date complete
<p><b>2. Academic suitability</b> I/we have a procedure in place that specifies when a student is academically suited to undertake an approved course, including the type of documents that must be obtained and the assessments that must be undertaken to determine a student's academic suitability, in compliance with the Act, Section 12 and the Rules, Section 80.</p>	Date complete
<p><b>3. Information for Students</b> I/we have processes in place to provide particular information to students before enrolment in compliance with the Act, Section 50 and the Rules, Section 98.</p>	Date complete
<p><b>4. VET Student Loans Fee Notice</b> I/we have processes in place to issue a student with a VET Student Loan Fee Notice, in compliance with the Act, Section 50 and the Rules, Section 99.</p>	Date complete
<p><b>5. Commonwealth Assistance Notice (CAN)</b> I/we have processes in place to issue a student with a Commonwealth Assistance Notice, in compliance with the Act, Section 50 and the Rules, Section 100.</p>	Date complete
<p><b>6. VET Student Loans Statement of Covered Fees</b> I/we have processes in place to issue a student with a VET Student Loans Statement of Covered Fees, when a student has been accepted and enrolled into an approved course, in compliance with the Act, Section 56 and the Rules, Section 129.</p>	Date complete
<p><b>7. Marketing that mentions VET Student Loans</b> I/we have processes in place to ensure that any representations about VET Student Loans and any marketing of an approved course is compliant with the Act, Sections 60-64 and the Rules, Sections 140-143.</p>	Date complete
<p><b>8. Determining tuition fees</b> I/we have processes in place to ensure that, in determining tuition fees, no regard is given to the matters set out in the Rules, Section 118.</p>	Date complete
<p><b>9. Marketing through social media</b> I/we have reviewed all our social media channels and have ensured any marketing of approved courses through social media does not mention the possibility of a VET Student Loan, however described, in accordance with the Rules, Section 143.</p>	Date complete
<p><b>10. Retaining information and documents</b> I/we have processes in place to ensure required information and documentation is retained in compliance with the Act, Section 51, and the Rules, Section 105.</p>	Date complete

## Publishing Requirements

These processes and procedures must be published prominently on your website and must be easily accessible without provision of login information.

Processes and procedures	☑
<p><b>1. Student entry</b> I/we have published on our website a student entry procedure which specifies the requirements relating to student academic suitability, the process for assessing a student's competence in reading and numeracy (including the approved assessment tool used and communication of the assessment results), in compliance with the Act, Section 12 and the Rules, Sections 80-82.</p>	
Insert student entry and assessment tool information URL	Date complete
<p><b>2. Course enrolment</b> I/we have published on our website processes and procedures which provide for the equal and fair treatment of all students seeking to enrol in an approved course, in compliance with the Rules, Section 84.</p>	
Insert course enrolment information URL	Date complete
<p><b>3. Information relating to applications for VET Student Loans</b> I/we have published on our website processes and procedures relating to the collection and verification of information for the purposes of, or in relation to, applications for VET Student Loans, in compliance with the Rules, Section 85.</p>	
Insert application information URL	Date complete
<p><b>4. Withdrawal from courses and cancellation of enrolment</b> I/we have published on our website processes and procedures for a student to withdraw from an approved course and for a provider to cancel a student's enrolment in an approved course, in compliance with the Rules, Sections 86-87.</p>	
Insert withdrawal information URL	Date complete
<p><b>5. Dealing with complaints – grievance procedure</b> I/we have published on our website a grievance procedure to deal with complaints from students, in compliance with the Rules, Section 88.</p>	
Insert dealing with complaints information URL	Date complete
<p><b>6. Re-crediting HELP balances</b> I/we have published on our website processes and procedures for explaining the re-crediting of students' HELP balances, in compliance with the Rules, Section 89.</p>	
Insert re-crediting information URL	Date complete
<p><b>7. Treatment of students seeking review</b> I/we have published on our website processes and procedures that ensure a student is not victimised or discriminated against for undertaking the actions specified in the Rules, Section 90.</p>	
Insert treatment of student's information URL	Date complete
<p><b>8. Fees other than tuition fees</b> I/we have published on our website processes and procedures in relation to charging fees other than tuition fees, in compliance with the Rules, Section 93.</p>	
Insert fees other than tuition fees information URL	Date complete

Processes and procedures	☑
<b>9. Handling information</b> I/we have published on our website processes and procedures in relation to handling students' personal information, in compliance with the Rules, Section 94.	Date complete
Insert handling information URL	
<b>10. Publishing tuition fees</b> I/we have published our tuition fees for approved courses prominently on our website in a way that is readily accessible by the public, in compliance with the Act, Section 57.	Date complete
Insert tuition fees URL	
<b>11. Variation of tuition fees</b> I/we have published or have processes in place to ensure that any variations to the tuition fees for an approved courses, or a part of an approved course, are published on our website prominently and are easily accessible without provision of login information in compliance with the Rules, Section 127.	Date complete
Insert variation of tuition fees URL (if applicable)	
<b>12. Advising the Secretary of tuition fees via MySkills website</b> I/we have provided to the Secretary (and updated as necessary) a list of the tuition fees charged for each approved course offered by us, including the tuition fees for each part of the course, in accordance with the Rules, Section 115.	Date complete
Insert MySkills tuition fees URL	
<b>13. Census days</b> I/we have published on our website the census days determined for all approved courses provided by us, and any variation of census dates, in compliance with the Act, Section 58 and the Rules, Sections 132 -134.	Date complete
Insert census days information URL	
<b>14. Marketing that mentions VET Student Loans - VET Student Loans logo</b> I/we have ensured that where we have used the VET Student Loans logo for marketing, we have presented the logo in accordance with the Rules, Section 142, and the <a href="#">VET Student Loans style guide</a> .	Date complete
Insert marketing of VSL information (logo) URL (if applicable)	

## Appendix M – Revocations Process

Please follow these instructions if you are considering seeking to request voluntary revocation of your VSL approval prior to your approval end date.

### What you need to consider

If you wish to seek a voluntary revocation of VSL approval, there may be impacts for any current or prospective students of your organisation accessing or intending to access Australian Government Services Australia student payments (for example, Youth Allowance, Austudy or ABSTUDY).

One of the eligibility requirements for students accessing such student payments is that the student must be studying an approved course at an approved education provider. To be an approved course at diploma level or higher, the VET course must be both:

1. approved for VSL, and
2. studied with a VSL approved provider.

Once your organisation is no longer approved for VSL, your students will no longer be able to receive these Services Australia payments.

Further information on eligibility of student payments is available at [Services Australia - Approved courses and education providers](#).

### Request for the department to revoke the provider's VSL approval

#### Formal request

If your organisation requests VSL approval to be revoked, your CEO (or other authorised entity representative) must send a formal letter of request to the department. By sending this letter, you acknowledge that you understand the administrative requirements (outlined below) and the consequences for current and prospective students (outlined above).

**Sample letter** (to be placed on your organisation's letterhead):

<p style="text-align: center;"><b>REQUEST FOR REVOCATION OF APPROVAL PURSUANT TO CLAUSE 38 OF THE VET STUDENT LOANS ACT 2016</b></p> <p style="text-align: center;">Name of organisation [approved provider], ACN XXX XXX XXX / ABN XX XXX XXX XXX</p> <p>I am writing to request that the Secretary of the Department of Employment and Workplace Relations revoke the approval of [legal name of organisation] (approved provider) as an approved course provider under the <i>VET Student Loans Act 2016</i>.</p> <p>I am the duly authorised officer for [legal name of organisation] and am hereby requesting the revocation take effect from [insert date of effect – <b>cannot be retrospective and must allow sufficient administration time – for example, request should be made at least 30 days in advance</b>].</p> <p>The reason for revocation is [insert reason].</p> <p><i>Additional information may be included, as well as the information required below attached.</i></p> <p>Signature</p>
--

Name
Position
Legal name of organisation that is the approved provider
Day Month Year
RTO Code

**Your formal request should include the following details:**

- a) Confirmation that your organisation has no current VSL students; or
- b) A list of the students currently enrolled or deferred accessing a VSL including:
  - student's full name
  - student's email address
  - student's contact phone number
  - student's CHESSN, USI and provider student ID
  - name of course/s the student is enrolled in
  - unit of study code for those units the student is still to complete
  - expected completion dates for each unit of study
  - expected course completion date
  - your organisation's intentions in relation to the student as to whether you intend to:
    - continue teaching the student, and if so to what date or point in their studies (such as completion of the course); or
    - not continue teaching the student, and if so to what date you intend to cease delivery of the course; or
- c) confirmation your organisation has contacted the Tuition Protection Service (if your organisation is either closing or will cease course delivery to enrolled VSL students), and
- d) confirmation your organisation has fully reported student course and unit of study data, including unit and course completions data.

**How to submit your request**

You can either:

- upload the letter to the 'Attachment' field of the department's online enquiry form, or
- upload the letter into HITS and submit a brief message using the online enquiry form notifying the department of the upload, or
- mail the letter to the department:  
The Assistant Secretary  
VET Student Loans Branch  
Department of Employment and Workplace Relations  
GPO Box 9880  
CANBERRA ACT 2601

**Once you have submitted your request**

Once we receive your organisation's request (all components received as outlined above), the request will be reviewed and submitted to the delegate. Once the delegate has approved your request, we will:

- a) provide your organisation with a formal letter of revocation, in line with the requirements of the VET Student Loans Act 2016

- b) disable your organisation's access to eCAF (if not already actioned upon receipt of the revocation request)
- c) revoke your organisation's provider approval in HITS
- d) disable your organisation's access to TCSI (as appropriate) and
- e) arrange for your organisation to be removed from the VSL Approved Course Providers list.

Different arrangements may apply where a 'teach out' arrangement has been agreed.

### **Administrative requirements for revoked providers**

After the approval of revocation, you must meet the following requirements.

### **Students – tuition protection**

We require you to complete teaching all your current VSL students before progressing a request for voluntary revocation.

Where circumstances do not allow for this and a request for revocation is approved, if you have undertaken to continue to teach their VSL students, the VSL Tuition Protection Director may require periodic reports to be provided in relation to those students.

If at any time you cease to make a course or part of a course available to a student accessing a VSL (other than in the case of a student withdrawal), this will constitute a default under section 66B of the VET Student Loans Act 2016 (the Act). If a default occurs, a provider may be required to repay to the Commonwealth the cost of re-crediting affected students' loan balances.

In the event of a default in relation to a VSL student, you have obligations with respect to tuition protection for those students, including the requirement under subsection 66C(2) of the Act to provide written notice to the VSL Tuition Protection Director of the circumstances of the default within 24 hours of the default occurring.

You are required to confirm that your organisation either has no VSL students or has advised the department and the students of the measures it will take to afford students tuition protection.

For information regarding tuition protection, please visit [VET Student Loans - Tuition protection and provider default](#).

### **Possible future re-crediting of a HELP balance**

Former students may apply for re-crediting of their HELP balance and remission of the associated debt in certain circumstances. Should you receive any queries from students you should refer students to the [VSLO](#).

As part of the revocation process, you must enter into HITS the contact details of the person/area to contact regarding any such future matters.

### **Final submissions of VSL data**

You must have your student liability data reconciled, and any overpayments/ underpayments settled as part of your revocation. The VSL Operations and Payments and TCSI Support teams will be advised of the request for revocation.

Prior to requesting revocation, you must ensure all student data has been reported, including any unit of study records for students in the current or prior years. A completion status must be reported for:



- all students who have completed any award courses in the current year or prior years (2017 onwards), and
- all units of study undertaken by students – this includes passed, failed, withdrew or incomplete study outcomes.

Further, all data reporting errors listed in your TCSI Notification Reports must be resolved including errors relating to students with unverified TFNs.

Your organisation must verify the accuracy and completeness of all reported data by reviewing your reports in TCSI Analytics and Statutory Declarations uploaded to HITS.

Please note after revocation, your organisation must continue to have the ability to report any student revisions to the department, particularly for students who have had their HELP/VETSL debt remitted due to special circumstances.

Your TCSI access will be closed if your organisation is no longer registered on the Australian Business Register. If your organisation remains in business, any student revisions relating to a successful re-credit request by a former student needs to be reported. First inform the VSL team at [VETStudentloans@dewr.gov.au](mailto:VETStudentloans@dewr.gov.au) or via the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#) and then seek advice on how to submit this data in TCSI from the TCSI Support Team at [TCSIsupport@dese.gov.au](mailto:TCSIsupport@dese.gov.au).

If a provider has closed, the VSLO and the Secretary of the department may consider remission requests and act on the closed provider's behalf.

### **Retention of student records**

After revocation, you must ensure previous students are able to access their records, as well as all records relating to any HELP or VSL assistance matters, and you must comply with record keeping requirements. The ATO also requires relevant records be kept for a specific time. Information on HELP/VSL ATO requirements can be found on [Study and training support loans | Australian Taxation Office](#).

You must retain student grievance records to ensure they are kept in a confidential manner for at least 5 years. The records will also need to be accessible by both parties to the grievance process.

### **What if I am unsure or if I have further questions?**

If you have any questions regarding the voluntary revocation process, please contact us using the VET Student Loans provider enquiry form at [Information for VET Student Loans Approved Providers](#).