



Australian Government

# VET **Student** Loans

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## Provider Manual

September 2025



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The document must be attributed as the VET Student Loans Provider Manual.

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# 1. General information

The purpose of the VET Student Loans (VSL) Provider Manual is to assist and guide you in meeting the requirements under the VET Student Loans program.

The Provider 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* and the VET Student Loans Rules 2016 are located at the foot of each section.
- References to other parts within the VSL Provider Manual will look like this: [part 6.0]
- References to Appendices within the VSL Provider Manual: [Appendix A](#)

For links to relevant legislation, rules, and Ministerial determinations, see [Appendix A](#).

Changes are made to legislation, rules, and Ministerial determinations from time to time. The department recommends you consult the [Federal Register of Legislation](#) for the latest updates. The provisions of legislation, rules or Ministerial determinations will prevail where there is inconsistency between the content of the VSL Provider Manual and provisions of the legislation, rules or Ministerial determinations contained in the VSL Provider Manual. For a full list of the terminology used in the VSL Provider Manual, see [Appendix C](#).

For a list of recent amendments, please see [Appendix S](#). Please note that Appendix S tracks recent substantive changes and does not contain a complete list of historical changes, including editorial changes.

## 2. About VET Student Loans

The VET Student Loans (VSL) program has been designed to:

- support eligible students to access higher level vocational education and training
- provide integrity and balance provider risk against performance outcomes to promote delivery, and access to, quality and affordable training for students
- meet industry needs and improve employment outcomes.

The VSL program has several requirements that support the program's integrity, including:

- restrictions on which courses can be financed through VSL
- limits on the amount that can be borrowed for a particular qualification
- provider entry requirements and
- ongoing provider monitoring.

### 2.1 Key features of the VSL program

Loan amounts are paid for approved courses only. [part 16]

A registered training organisation must be an approved provider [\[part 3\]](#) in order to access the VET Student Loans program.

They must pay an application fee [\[part 6\]](#) and, if approved, an annual charge [\[part 15\]](#).

Approved course providers may, under certain circumstances, request approval to deliver their courses, or part of their courses, through VSL or TEQSA approved third parties [\[part 13\]](#). However, they may not use brokers.

There are loan caps [\[part 35\]](#) on all eligible courses - that is, there is a maximum amount students can borrow for a course through VSL.

Providers may charge a tuition fee [\[part 19\]](#) that is higher than the loan cap, but the students will need to pay the gap between the loan cap and the provider's tuition fee [\[part 22\]](#).

Approved providers manage:

- the loan application process [\[part 27\]](#) on behalf of students as part of course enrolment. Loan amounts for course fees are paid directly to the provider [\[part 18\]](#).
- the progression and engagement requirement [\[part 41\]](#) that students must meet to keep receiving a VET Student Loan.

A [VET Student Loans Ombudsman](#) [\[part 49\]](#) investigates complaints about the VET Student Loans program.

There are tuition protection arrangements [\[part 50\]](#) in place to protect students against provider default.

Fee limits [\[part 11\]](#) are placed on providers as part of their condition of approval.

Providers must continue to meet the course provider requirements [\[part 57\]](#) after their approval.

### 3. Approved providers

An approved provider is a Registered Training Organisation (RTO) that has applied to the department to be an approved VSL course provider and has met all the provider suitability requirements.

Approved providers are identified on [Your Career](#) by filtering and selecting VET Student Loans.

If you're an RTO and you want to offer courses that are supported by VET Student Loans, you'll need to apply to become an approved provider [\[part 4\]](#). Once you've been approved, you'll have to continue to meet your conditions of approval [\[part 10\]](#).

Approved course providers must:

- offer approved courses [\[part 16\]](#)
- check that students are eligible to enrol in their approved courses [\[part 31\]](#)
- manage the VET Student Loans application process on behalf of students [\[part 27\]](#)

- comply with all key Commonwealth and state and territory legislation [[Appendix A](#)]
- meet ongoing requirements to maintain approved provider status [[part 57](#)]
- pay an annual approved course provider charge [[part 15](#)].

## 4. Applying to become an approved provider

An approved course provider is a registered training organisation that has been approved to deliver approved courses [[part 16](#)] under VSL. Approved providers may deliver their courses through third parties [[part 13](#)] in certain circumstances.

You can apply to be an approved provider at any time.

### 4.1 General requirements

To become an approved course provider, 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.

To apply to be an approved provider, you must:

- apply in the approved form [[part 7](#)]
- submit your application [[part 9](#)]
- pay the application fee [[part 6](#)]
- show that you meet the course provider requirements (see below)
- give any other information that the department requests.

### 4.2 Course provider requirements

The Secretary (or delegate) must be satisfied that you meet the course provider requirements to approve you as a VSL course provider. To meet the course provider requirements, you must also meet the provider suitability requirements. You need to understand the requirements before commencing an application and that you must continue to meet them for the duration of your approval.

To be eligible to apply you must meet **all** the following course provider requirements. You must:

- be a body corporate that is not a trustee of a trust
- be established under the law of the Commonwealth, a state or a territory
- carry on business in Australia and have your central management and control in Australia

- be a registered training organisation
- meet the provider suitability requirements and
- be a fit and proper person.

Sections 15–20 of the Rules provide more detail about the fit and proper person requirements.

Your application will be assessed based upon information given in the Application Form and evidence provided to demonstrate that you meet these requirements.

### 4.3 Central management and control

Central management and control refers to the control and direction of your operation. This may involve:

- setting investment and operational policy
- appointing company officers and agents and granting them power to carry on the company's business
- overseeing and controlling those appointed to carry out the day-to-day business of the organisation
- making decisions in matters of finance, including determining how profits are used (for guidance and further information, please visit the Australian Taxation Office ([TD 2017/26 | Legal database](#)))

You will need to provide confirmation that:

- you have your central management and control in Australia and
- the person(s) who make(s) the high-level decisions that sets your general policies and determine the direction of your operations and the type of transactions you will enter, is also based in Australia.

For guidance in relation to identifying where a company's central management and control is located, you may wish to read a Practical Compliance Guideline developed by the Australian Taxation Office at [PCG 2018/9 | Legal database \(ato.gov.au\)](#).

You may provide the following documents to demonstrate you have your central management and control in Australia:

- minutes and/or other documents showing that high-level decisions are made in Australia
- evidence that you declare and pay dividends in Australia.

## 4.4 Listed course providers

Due to the different risk profiles of listed course providers (generally government owned) and non-listed providers (privately-owned training organisations) the Commonwealth exempts listed course providers from providing certain information required from an applicant.

Refer s27 of the Act: a listed course provider is 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.

## 4.5 Approved external dispute resolution scheme

A body applying to become a VSL approved course provider must be a member of an approved external dispute resolution scheme. However, all VSL approved course providers are taken to be members of the approved external dispute resolution scheme operated by the VET Student Loans Ombudsman (VSLO). Further information can be found at section 42BA of the Act and the VSL (External Dispute Resolution Scheme) Specification 2017. This enables you to satisfy the course provider requirement of the Act, if approved.

## 4.6 Tuition assurance

Approved course providers, other than Table A providers or providers of a kind prescribed by the Rules, must be a party to a tuition assurance arrangement. Tuition assurance protects students in the event a course provided by an approved course provider is not delivered to completion.

The Tuition Protection Service (TPS) [[part 50](#)] helps international and domestic students if their education provider closes, stops offering their course, fails to start their course or discontinues units of study they are enrolled in. It is primarily funded by a levy paid by the education providers of the students it is designed to assist. [[part 50](#)]

## 4.7 Eligibility Quiz

If you want to apply to become an approved provider, you should complete the VET Student Loans provider eligibility quiz to find out if you're eligible. At the end of the quiz, you can click *Submit notice to apply* and the department will contact you.

You must lodge your application on the HELP Information Technology System (HITS). Once you have lodged your application in HITS, please notify the department at [VSLprogramintegrity@dewr.gov.au](mailto:VSLprogramintegrity@dewr.gov.au) to advise your application has been submitted. There is no closing date for an application to be submitted. However, if we receive your application on or after 2 October it may not be finalised until early the following year.

We will only consider complete applications. You must pay the application fee before we can assess your application.

Make sure you complete all components of the application pack.

**Legislation:** Act s 25, Act 42BA, Act 25(2)(h), Act Part 5A, Rules s 22-35.

## 5. The Application Pack

The pack comprises the following:

- Statutory Declaration (Key Personnel)
- Registering in HITS for new HELP providers Quick Reference Guide
- Statutory Declaration (Applicant)
- VSL Provider Application Form
- Credentials Information Form
- VSL Key Personnel Curriculum Vitae template

In your application you'll need to set out the courses you propose to offer, and the estimated VSL loan amounts required for your proposed courses in a calendar year. The courses must be listed on the [VET Student Loans \(Courses and Loan Caps Determination\) 2016](#). They must also be current on your organisation's scope on the national register at [training.gov.au](http://training.gov.au). These will become part of your conditions of approval [[part 10](#)]. If you want to add courses or vary your annual fee limit, you can apply to change your conditions of approval [[part 12](#)]. You can do this any time before your period of approval finishes.

If any third party is to deliver the course, or part of the proposed course, you may under certain circumstances need to request approval [[part 8.4](#)].

### 5.1 Assessment and approval

It will normally take 8 weeks to assess your application. If we need to get further information from you, it may take longer.

We will give you written notice of the outcome of your application.

The maximum period for which a provider may be approved is 7 years.

If we decide to approve you for a period of less than 7 years, the notice will include the reasons for the period being less than 7 years.

### 5.2 Remaining an approved provider

Once you are an approved provider, you'll need to meet ongoing requirements [[part 57](#)] and continue to meet your conditions of approval to maintain this status. You'll also need to pay an annual charge [[part 15](#)]. Some providers need to pay an annual levy to the [Tuition Protection Service](#) as well.

### 5.3 More information

We may amend the VSL Provider Manual, Application Form, or application process at any time. If these changes occur, we will notify applicants by email and direct them to information on the [VET Student Loans](#) webpage. We may give applicants who have submitted an application the opportunity to update their application.

For any questions regarding the application process, please email [VSLProgramIntegrity@dewr.gov.au](mailto:VSLProgramIntegrity@dewr.gov.au).

**Legislation:** Act s 29

## 6. The application fee

You must pay an application fee when you apply to become an approved provider. The application fee assists with recovering the costs associated with processing and assessing an application.

You need to pay the fee each time you apply. This includes when you apply for re-approval.

The fee won't be refunded if your application is unsuccessful. However, if the delegate does not consider your application we will refund the fee.

The delegate is not required to consider your application if:

- the approved application form is not used
- all the required information is not provided
- the application fee is not paid.

## Paying the application fee

You'll get an invoice for the application fee from us after you apply for approval, and we conduct a completeness check that your application has all evidence and key documents specified in the Application Form [[part 7](#)].

Application fees are due for payment 14 days from the date of issue of the invoice.

We may not assess an application if the application fee is not paid.

The current application fee is \$5,110.

**Legislation:** Act S 4, VET Student Loans (Approved Course Provider Application Fee) Determination 2017

## 7. Application form

### Privacy

Your personal information is protected by law. Part 9 of the *VET Student Loans Act 2016* allows for the use and disclosure of VET information (which may include personal information).

You can find more information about the way in which the department will manage your personal information, including how to access and correct your information, and how to make a complaint, in our [Privacy Policy](#). You can obtain a copy of the department's Privacy Policy on the department's website, or by requesting a copy from the department at [privacy@dewr.gov.au](mailto:privacy@dewr.gov.au).

## Provision of information

When deciding whether the applicant is a fit and proper person, the Secretary (or delegate) may regard whether you or any of your key personnel has provided false or misleading information to the department. These include circumstances where it is reasonable to assume that you or your key personnel knew the information was false or misleading.

Please ensure all material information is disclosed in your application, that is, any fact that would be likely to influence the decision-maker. Failure to provide this information may delay the assessment of your application and impact on the application outcome. If clarification is needed regarding any information provided, we will contact you.

## 7.1 The Form

The Application Form has 6 sections:

- Section A - Entity details
- Section B - Financial and insurance details
- Section C - Key personnel
- Section D - Applicant's experience and completion rates
- Section E - Proposed VSL courses
- Section F - Provider suitability.

You must complete all sections.

## 7.2 Section A - Entity details

This section of the Application Form requires basic information about your organisation, including contact details.

## 7.3 Section B - Financial and Insurance details

It is important that you carefully read and understand the requirements in relation to financial statements. Financial statements submitted with your application must be prepared in accordance with Australian accounting standards. Accounting standard has the same meaning as in the *Corporations Act 2001*. Accounting standards are legislative instruments.

Your payments to key personnel and related parties must be reasonably necessary for your operations. The terms and conditions of the transactions must be reasonable and 'at arm's length'.

You must also provide a certificate of currency for workers compensation and public liability insurance if you are legally required to obtain one in your state or territory.

Note: Applicants, applying for a further period of approval, that have at least 100 enrolments in courses leading to awards of qualifications in the Australian Qualifications Framework are required to complete the attachment *Financial Performance – Breakdown of applicant revenue sources* supplied with the application pack.

The benchmark of 20% of trading revenue from non-government sources is an indicator you are financially viable.

## **7.4 Section C - Key personnel**

Your key personnel and advisers must have experience and expertise necessary to perform your duties and responsibilities. The experience of your key personnel may also be relevant to whether you have sufficient experience in providing vocational education and training. Key personnel also need to complete the Fit and Proper Person statutory declaration. Note, advisers do not need to complete this statutory declaration.

Listed providers are taken to have met this course provider requirement.

## **7.5 Section D - Applicant's experience and completion rates**

If you are a non-listed provider, you must have experience in providing vocational education and training as an RTO. Although listed providers are taken to meet the requirement of having experience in providing VET courses as an RTO, they will still need to complete the course completion rate table in this section.

In addition to the experience of your key personnel and advisers there are a range of factors which the Secretary will regard in assessing the applicant's experience.

Information about your experience will be obtained from the course completion rates table and other sections of the Application Form. However, you may provide further evidence of your experience in providing vocational education and training as an RTO.

In assessing course completion rates, the department may regard the National Centre for Vocational Education Research's (NCVER) observed actual completion rate for nationally recognised VET qualifications (Diploma or higher). The NCVER observed actual completion rate for Diploma or higher is currently 55.9% based on 2019 data.

For more information about VET qualification completion rates, please visit [Publications \(ncver.edu.au\)](https://publications.ncver.edu.au) and search for the latest publication of the completion rates.

## **7.6 Section E - Proposed VSL courses**

You must be providing at least one course set out in the VET Student Loans (Courses and Loan Caps) Determination 2016 (the Determination). The course must be on your scope of registration on the National Register available at [training.gov.au](https://training.gov.au).

## **7.7 Section F - Provider suitability**

This section of the Application Form requests additional information, relevant to your suitability to be approved as a VSL course provider for the purposes of the Act.

**Legislation:** Rules s 19, Rules 23(3)(d), Rules s 24– 25, Rules s 27, Rules s 31– 33

## 8. Other documentation for your application

You must be a *fit and proper person* to be approved as a VSL course provider. In making this decision, the Secretary (or delegate) may regard the history of your key personnel to determine whether they are fit and proper persons for the purposes of the Act.

### 8.1 Fit and Proper Person Declaration (Key Personnel)

Each of your organisation's key personnel must complete a Statutory Declaration to demonstrate that they are fit and proper persons.

To facilitate this, please provide details of all key personnel involved with the organisation. Key personnel are those people or bodies with the potential to exert significant influence over the management and operation of the organisation and the use and recording of funds.

Examples of key personnel include the organisation's directors, office holders, presidents, council members, Chief Executive Officer and Chief Financial Officer.

### 8.2 Statutory declaration

The statutory declaration must be completed to demonstrate that your entity is a fit and proper person to be approved as a VSL course provider and to provide information relevant not captured elsewhere in the Application Form.

The statutory declaration is only effective if it is executed by a person who is legally authorised to give assurances and enter into commitments on your behalf - for example, the Director or Chief Executive Officer. Only one Statutory Declaration per entity needs to be completed.

By signing the statutory declaration, the signee declares that – amongst other things – the information provided in the Application Form about the entity is true and correct.

The person legally authorised to give assurances must carefully read each statement contained in the statutory declaration. If any of the statements are not true and correct, please strike out and provide further details.

Once your statutory declaration is fully executed (signed, dated and properly witnessed), upload it to HITS as a PDF file.

To find more information about statutory declarations, including who can witness a statutory declaration, see [Statutory declarations Attorney-General's Department](#).

### 8.3 Credentials Information Form

Each person listed as key personnel will need to be included in the Credentials Information Form (CIF). The purpose of the CIF is to conduct credential checks on you and your key personnel using internal and external databases including databases owned by third parties.

### 8.4 Third parties

If you're proposing to deliver one or more courses through a third party [[part 13](#)] that is not already an approved provider or registered by TEQSA, you will need to request and complete a

separate Third Party Application form. If the third party is already an approved course deliverer, we will contact you for the information we require from them.

**Legislation:** Act s 25(2)(f), Rules s 14–20, s 2

## 9. Submitting your application

You'll need to upload your completed Application Form, Credentials Information Form and accompanying statutory declarations and Curriculum Vitae template (for non-listed providers only) to HITS in PDF format. Please ensure you have access to HITS, or you will not be able to submit your application.

### 9.1 Documentary evidence

Please ensure that documents provided are relevant to each of the provider suitability requirements listed, include the requested information and exclude irrelevant material.

### 9.2 Word and document limits

There is a word limit to sections where a written response is required in the Application Form. There is no limit to the number of documents you can provide in support of your application.

### 9.3 HELP IT Systems (HITS) portal

You must upload your completed application and supporting documents to HITS. Click on Lodge to submit your application. See [Appendix D](#) for information on how to lodge your application.

Note: Providers seeking re-approval must email [VSLProgramIntegrity@dewr.gov.au](mailto:VSLProgramIntegrity@dewr.gov.au) advising they have submitted their application as they won't be able to select the Lodge button in HITS.

If you are having difficulty accessing HITS, or your user account has been disabled, or you have general questions about HITS, please email [VETStudentLoans@dewr.gov.au](mailto:VETStudentLoans@dewr.gov.au) for assistance. Alternatively, you can call the VSL Applicant's Enquiry Line on (02) 6240 0650 between 9:00am and 5:00pm (AEST) Monday to Friday.

Note: All HITS logons and passwords are automatically deactivated after 40 days of not accessing the system. If the organisation does not have an active HITS logon ID or password, it should immediately obtain new or reactivated HITS credentials. Initial HITS access will take at least 24 hours to activate.

If you encounter an issue (that is not HITS related) submitting your application, you should notify the department by email to [VSLProgramIntegrity@dewr.gov.au](mailto:VSLProgramIntegrity@dewr.gov.au).

### 9.4 Deadline for applications

To receive a decision outcome for a new VSL approval by the end of the year, your application must be submitted by 2 October. Applications received after 2 October will be considered early the following year.

Note: delays in the assessment of applications are generally due to insufficient supporting documentation or an incomplete application. This leads to a request for further information and the expected outcome date will be adjusted accordingly.

## 9.5 Authorised contact person

The HITS portal requires you to nominate at least 5 contacts to be an authorised contact person, including one or more who will be authorised to communicate with the department during the application process. Please refer to the *Contacts – Adding a contact* section of the HITS User Guide for further information.

The primary contact person(s) (Primary contact – VET) listed in the Application Form must also be listed in the Key Personnel section of the Application Form and accompanying Credentials Information Form.

Please read *Obtaining mandatory HITS user access credentials* ([Appendix D](#)) for advice on how to lodge your application. There are also tips for avoiding common HITS user errors.

## 10. Approved provider conditions and period of approval

As an approved provider [[part 3](#)], there will be conditions on your approval. You must continue to comply [[part 57](#)] with all your conditions of approval. If you reapply to remain an approved provider when your current period of approval expires, you'll need to show you still meet all these conditions.

### 10.1 Conditions of approval

Conditions may be imposed for a variety of reasons, including the management of risks and to maintain the integrity and sustainability of the VSL program.

All providers have conditions limiting the total amount of VSL payments they can receive in a year or other period. This is referred to as the provider fee limit [[part 11](#)]. Some providers may also have conditions limiting the loan amounts they can receive for particular courses - provider course fee limits. It is your responsibility to stay within these limits.

You can apply to change your conditions of approval [[part 12](#)] if you want to add courses or change your provider fee limits.

### 10.2 Period of approval

The period for which a provider is approved will be specified in the approval notice. The period of approval is not more than 7 years. This aligns with the maximum length of approval as a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* and as a higher education provider under the *Tertiary Education Quality and Standards Agency Act 2011*.

The department's list of [VSL Approved Course Providers](#) sets out the period of approval for each provider.

**Legislation:** Act s 47(1)

## 11. Provider fee limit

A provider fee limit is a maximum dollar amount for VET Student Loans that can be paid to a provider for a particular period for approved VSL courses. The provider's fee limit is a condition of approval. It is generally provided for a calendar year and relates to census days [[part 26](#)] occurring in that year.

If you exceed this fee limit, you could breach the conditions of your approval. It may indicate issues with your management and governance arrangements.

The provider fee limit is set based on several factors, including:

- the loan caps set out in the [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#)
- enrolment projections
- an assessment of provider quality and outcomes.

The loan cap amounts are indexed annually and can be found in [VET Student Loans Course Caps Indexed Amounts \(for providers\)](#).

The capped loan amount may be larger or smaller than the tuition fees you decide to charge for a course.

### 11.1 How to use your provider fee limit

You may have options about how you use your provider fee limit. 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. However, your total provider fee limit must not exceed the maximum specified in your approval documentation.

If you have been given a fee limit for a course, you don't have this option. You cannot exceed the maximum limit for the course.

Use of your 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 of the current year will be assessed for payment against your current fee limit and paid on or about 24 January of the following year.

#### Example

A provider offers an approved course which has a loan cap of \$15,000. The provider's fee limit for the course is \$150,000 for a 12-month period.

The course includes 3 census days. On each census day, the student becomes liable for \$5,000 of the covered fee for the course. Over a 12-month period, 3 census days occur. This means each student accessing 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 of their students can access VSL for the course in the 12-month period.

If there were more census days for more students within the relevant period, then the number of students able to access VSL would be lower. If some students were studying part time, the number of students could be higher.

You can apply to increase your provider fee limit [[part 12](#)] at any time.

## 11.2 Monitoring your provider fee limit by census year

When monitoring use of your fee limit you will need to factor in when census days for a course are scheduled:

- VSL Payments are made in arrears so payments in January are for census dates in previous year(s) and will be assessed against your fee limit for that year
- Late reported data is assessed against the fee limit for the census year of the units not the payment year
- You will need to ensure you have a sufficient fee limit to cover new enrolments as well as census dates for continuing students. Courses may be split across calendar years. For example, a course that commences in July may have 2 census dates in that calendar year and 1 census date the following year.

Assessment of loan amounts against your fee limit is based on the year of the census day, not when the payment is assessed or made.

## 11.3 What happens if a loan amount exceeds your provider fee limit

When the department assesses the data you submit, we also monitor student loan caps and provider fee limits. However, you are responsible for monitoring student loans to ensure they don't exceed your provider fee limit.

We do not pay any loan amount that exceeds your provider fee limit. If you exceed the limit, you will need to resolve the situation with your students. That may involve not charging the student tuition fees for the course or part of the course, noting that students are not liable for VSL covered fees where you have exceeded the fee limit. You will also need to amend the student debt records in TCSI.

**Legislation:** Act s 34(3), Act s 56(4)

## 12. Varying the conditions of your approval or provider fee limit

If you're an approved course provider, you can apply to change the conditions of your approval to:

- add courses

- increase or decrease your provider fee limit.

For example, you might need to vary your conditions based on amendments to the [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#).

The only courses you can apply to add are:

- courses specified in the VET Student Loans (Courses and Loan Caps) Determination 2016
- courses within your existing approved scope of delivery on the VET National Register ([training.gov.au](http://training.gov.au)).

You can replace a superseded course [part 17] without applying as long as you are already approved to deliver the superseded course as part of your conditions of approval.

Generally, it will take about four weeks for the department to assess your application and notify you of the outcome.

### Requesting approval to add a course or vary the fee limit

You can submit a request at any time to add additional courses or vary the fee limit imposed on your approval. However, your request must be submitted by a person you've nominated in HITS as a contact.

Email [VSLprogramintegrity@dewr.gov.au](mailto:VSLprogramintegrity@dewr.gov.au) to obtain an application form to vary your conditions of approval.

Once you have completed the application form with the required supporting evidence, upload the form and supporting documents to HITS. When you have uploaded the documents to HITS, notify us via [VSLprogramintegrity@dewr.gov.au](mailto:VSLprogramintegrity@dewr.gov.au) or use the online enquiry form on [Provider Enquiries](#).

## 13. Third party arrangements

Approved course providers can outsource the delivery of their courses (or parts of their courses) to certain third parties.

However, to ensure students receive high-quality training from the third party, the third party must be either:

- an approved course provider [part 3]
- accredited by TEQSA, the national regulator of the higher education sector or
- a person or body that the Secretary has approved in writing to deliver the course.

If the third party you want to use meets one of the above requirements, you don't have to submit a request for approval. However, you must notify us when you have added the legal entity name of the new third party to the third party field in HITS.

If the third party you want to use doesn't meet one of the requirements, you'll have to apply for approval of a third-party arrangement [[part 14](#)] for training delivery.

A third party can be a company, an association, a partnership or an individual.

Note: The VSL Act does not define the meaning of a 'third party arrangement'. However, an individual delivering a course for a provider as a corporation requires approval of the Secretary (or delegate). An individual delivering a course for a provider as an independent contractor would not require approval as that is not considered a third party arrangement.

Refusal to approve a third party arrangement is not a reviewable decision.

### **13.1 Working with third parties**

The relationship between the approved course provider and the 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 [[Appendix A](#)], quality and standards, teaching by qualified staff, adequate resources and facilities, and adequate measures to protect the welfare of students.

A student undertaking a course delivered by the third party 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. At any time, the department can issue data requests to the approved course provider seeking information on the third party.

The approved course provider must ensure the third party's website does not contain incorrect or misleading VET Student Loan information. The third party's website must also comply with the VSL marketing requirements [[part 53](#)], noting third parties may not use the VSL logo.

### **13.2 Third party arrangement obligations**

All VSL information must be available to students. This information must be given to students by the approved course provider.

The third party cannot initiate contact with the department. All contact with us must come through the approved course provider.

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.

**Legislation:** Act s 15

## 14. Requesting approval for a third party arrangement

You can submit a request for approval of third party training delivery at any time during the year. However, requests must be submitted by a person you've nominated as a contact in HITS.

Email [VSLprogramintegrity@dewr.gov.au](mailto:VSLprogramintegrity@dewr.gov.au) to get a third party arrangement request form.

### Third party application

You must upload your application and relevant documentation to HITS. (see [HITS User Guide](#)). You must submit:

- Information about the nominated third party, including its key personnel
- verifiable evidence of the skills, qualifications and relevant experience of the third party, including training performance data for the courses/part of the courses you intend to have the third party deliver
- other additional information to support your application including any other matters the Secretary may consider relevant to your application
- a complete copy of the agreement between your organisation and the third party.

Once you have uploaded the documents to HITS, notify us via [VSLprogramintegrity@dewr.gov.au](mailto:VSLprogramintegrity@dewr.gov.au) or use the online enquiry form on [Provider Enquiries](#). The person who submits the request must be the person you have nominated as a contact in HITS. Generally, the department will respond to you with a decision within 3 weeks after receiving your request.

Section 15 of the VSL Act only covers delivery of training. Other related functions, such as the enrolment of students, are covered by section 49 of the VSL Act – the prohibition on brokers and agents.

## 15. Annual charge

All approved providers must pay an annual charge (Part 4, Division 1, *VET Student Loans (Charges) Act 2016*). This is payable each financial year you're approved for, even if you're only approved for part of the year.

The annual charge assists with recovering the costs of administering the VSL program - for example, for compliance and auditing costs, payments, processing and actioning complaints and provider and student management.

## 15.1 Amount of the annual charge

The amount of the annual charge depends on the size of the provider in the relevant financial year. A provider's size is the total number of all reported VSL student enrolments for which VSL payment has been made. Therefore, a single student who is approved for multiple loans for multiple courses at the same provider counts as multiple VSL enrolments.

The annual charges are as follows and are exclusive of GST:

- if the approved course provider is a small provider (fewer than 200 enrolments) for the financial year - \$1,280
- if the approved course provider is a medium provider (between 200 and 1,000 enrolments, inclusive) for the financial year - \$12,480
- if the approved course provider is a large provider (more than 1,000 enrolments) for the financial year - \$62,870.

If there are no enrolments the approved provider is liable to pay the minimum annual charge.

## 15.2 - When to pay the charge

The department will invoice you for the annual charge for the previous financial year in August/September each year. You have 30 days from the date of invoice issue to pay the charge, after which a late payment penalty may apply.

If you don't pay the annual charge by the due date, you may incur a late payment penalty.

If you fail to pay your annual charge, the department may take compliance action against you.

The amount of the late payment penalty is approximately 0.055% of the annual charge for each day that the annual charge remains unpaid.

**Legislation:** *VSL (Charges) Act 2016*, Part 4, Division 1, VSL (Charges) Regulations 2017, Rules Part 9, Division 3, Rules s 159

## 16. Approved courses

VET Student Loans only covers approved courses. These are courses at diploma level or above that meet industry needs and employment outcomes. Courses must be listed on the [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#) (the Determination).

The approved courses list changes depending on current industry requirements, meaning that courses can be superseded and replaced [[part 17](#)].

### 16.1 - List of approved courses

The Determination shows:

- all courses that are approved for VET Student Loans
- the maximum loan amount (loan caps [[part 35](#)]) for those courses

The loan cap amounts are indexed annually and can be found in [VET Student Loans course caps indexed amounts \(providers\)](#).

The Determination is generally updated annually. The [VET Student Loans 2025 Course List and Loan Caps](#) provides a summary of the changes to the course list and loan caps. The annual refreshed list includes courses that replace courses that were on the Determination but that have been superseded.

## 16.2 - Courses you're approved to deliver

You can apply to offer courses [\[part 12\]](#) listed in the Determination that are within your RTO scope of registration.

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.

Courses listed in Schedule 3 of the Determination under 'Schedule 3 – Approved courses for specified providers' are limited to specified providers. There's a separate application process to request to add a course under Schedule 3 of the Determination.

## 17. Superseded and replacement courses

The department regularly revises the list of approved courses on the Determination. Courses that are no longer in line with industry needs will be removed from the Determination. They may be replaced (superseded) with another course.

Where a course listed on the Determination is superseded, 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.

If an approved course you offer has been superseded, once the replacement course is on your approved scope of delivery on the VET National Register ([training.gov.au](http://training.gov.au)) you'll also automatically be approved for it, with no change to your provider fee limit, as long as the superseded course is:

- on the [VET Student Loans \(Courses and Caps\) Determination 2016](#)
- shown in Table 1 of your existing conditions of approval [\[part 10\]](#).
- current on your scope on the National Register ([training.gov.au](http://training.gov.au)).

However, you may need to request the replacement course be activated for you in HITS. See the [HITS User Guide](#) for instructions on how to check that the replacement course is in your approved course list.

If the course hasn't been automatically activated, use the online enquiry form on [Provider Enquiries](#) to request activation.

## 17.1 Students studying superseded courses

Students with a VET Student Loan for a course that's in the Determination will keep their loan for their study in that course even if it's later removed from the Determination. This applies even if the student has not yet commenced study when the course is removed. We implement that outcome by providing a teach out date against the course in HITS. They'll continue to access their loan for the course while they're studying it.

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

New students won't be approved for a loan for a course that's been removed from the Determination.

## 17.2 Students moving to replacement courses

Students who are moving from a superseded course to a replacement course must re-apply through eCAF, using the new course code. They must do this on or before the first census day for the replacement course. The student will be able to access the maximum loan amount (loan cap) for the replacement course.

You'll need to:

- upload the student's enrolment information for the replacement course into eCAF
- ensure the student submits the eCAF for the replacement course before the first census day for the replacement course
- update and reissue the Statement of Covered Fees, [\[part 43.1\]](#) Fee Notices [\[part 43.2\]](#) and Commonwealth Assistance Notices (CAN) [\[part 43.3\]](#) applicable to the census days in the replacement course.

### More information

For more information on processes for superseded and replacement courses, see the [eCAF User Guide](#) and [HITS Use Guide](#).

## 18. Payments to providers

VET Student Loan payments are paid directly to providers. You will usually be paid monthly in arrears. To receive payments, you need to submit student liability data into the [Tertiary Collection of Student Information \(TCSI\)](#) system. You must meet the deadlines for submitting

data for each reporting period. You must not provide false or misleading information or fail to provide required data. This is a contravention of the Act.

Data for all census days [[part 26](#)] that have occurred in each month will be assessed for payment after the 7th of the following month. Payment dates are normally the 24th of the month after you submit the data, or the first working day after that.

If a provider defaults, we may pay a loan amount to a replacement provider instead of the defaulting provider.

Providing false or misleading information or failing to provide the required data contravenes the VSL Act and may be an offence.

## **18.1 When the department won't pay loan amounts**

The department will not pay loan amounts to providers for a student's course if:

- we are not given the student's Tax File Number [[part 30](#)]
- the student's TFN has not verified in TCSI
- we are not given the student's [unique student identifier](#) (USI)
- we are satisfied the student:
  - is not an eligible student [[part 31](#)]
  - is not a genuine student [[part 42](#)]
- payment of the amount would breach a provider fee limit [[part 11](#)]
- payment of that amount would exceed the course cap for the student [[part 35](#)]
- the loan amount is greater than the student's HELP balance [[part 39](#)]
- we suspect on reasonable grounds that the course provider is not complying with the VSL Act
- the provider's approval has been revoked or suspended or has expired.

If we decide not to pay a loan amount for a student for a course, we will notify you as soon as practicable.

## **18.2 When the provider must repay loan amounts**

You must repay loan amounts where:

- a student's HELP balance is recredited [[part 46](#)]
- you received a loan amount that was not payable. That is, the payment has been made erroneously or made based on false information.
- the loan amount exceeds your provider fee limit [[part 11](#)]
- you adjust a record in TCSI, after receiving payment for it, resulting in it no longer being eligible for payment

- you owe a debt to the Commonwealth
- there is a debt from one or more loan amounts which would otherwise be payable to you in relation to a student

Note: If a debt is recovered from a loan amount that was originally intended to be paid to you for a student, the recovered amount is still treated as if it had been paid to you for that student.

### 18.3 Reporting timetable

Information relating to census days occurring in the month must be reported in accordance with the Data Reporting timeframes [\[55.6\]](#) published in TCSI Support (generally in real time, within 7 or 14 days of an event occurring). 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 2025 would be assessed, and if eligible, paid on 24 January 2026 against the provider's 2025 fee limit.

The reporting and payment schedule is a guide only. Under the VSL Act we have flexibility on the timing of payments.

### 18.4 Payment eligibility assessment of reported records

The VSL payment assessment processing is conducted each month. It checks that reported loans are within the VSL maximum course cap after data is accepted in TCSI. The payment validation process for the reported loans includes eligibility checks of data entered into TCSI, eCAF and provider approvals in HITS.

If data you've reported fails eligibility checks, it will be assigned an error message. The error message appears in the *Reason for Exclusion or Revision* column of your Provider Payment report in HITS.

You should review your Provider Payment report each month to identify if any reported unit has failed the eligibility assessment and rectify any issues identified by the assigned error message promptly.

The Provider Payment reports are generally available mid-month in HITS, after the payment assessment process and before the payment date.

A list of the non-payment error messages is in [Data Reporting Requirements for 2025](#) and includes a description of the issue and what action you need to take to rectify it.

## 18.8 Invalidated records

A record that has failed payment eligibility assessment 3 months in a row will be invalidated in TCSI. Records that will be invalidated as part of the current payment cycle can be viewed in the fourth tab of the Provider Payment report in HITS. We recommend you correct these records as soon as they receive an error message in the Payment Report to avoid invalidation.

Records will also be invalidated in TCSI if you update TCSI elements after payment is received and the update results in the record no longer being eligible for VSL. The payment for these loans will be recovered from you in the next pay cycle. The records will appear in the second tab of the Provider Payment report with an Invalidated Debt error message in the column titled *Reason for Exclusion or Revision*. These records don't appear in the Invalidated Records tab of the Provider Payment report.

### More information

For instructions on how to use TCSI, see [How to report as a VET Student Loans provider | TCSI Support](#). [Also, the section Understanding VET reporting requirements]

**Legislation:** Act s 19, Act s 22(1–6)

## 19. Tuition fees

You are responsible for setting your tuition fees for your courses.

Tuition fees are the total fees to be charged to the student for the course, including the covered fees (that is, covered by a VET Student Loan) plus any gap fee (that is, the difference between your tuition fees and the covered fees)

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 [[part 25](#)].

The [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#) sets out loan caps [[part 35](#)] for VSL for tuition fees. However, you can set tuition fees that are higher or lower than the loan caps.

If a student has credit recognition or recognised prior learning [[part 23](#)] for an approved course, you can set a lower tuition fee that reflects how much of the course the student has yet to complete.

### 19.1 Determining tuition fees

You'll need to set the tuition fees you want to charge for each approved course you offer. You must publish your fees [[part 19.3](#)] in line with requirements.

Tuition fees must be based solely on the educational value of the course, not on unrelated or ancillary matters.

When deciding what tuition fees to charge, you can't take into account:

- how or when students pay tuition fees

- how or when the Secretary pays loan amounts to the provider

For example, you can't charge different fees based on whether a student pays upfront, requests a loan or pays before a certain date ahead of the census day [[part 26](#)].

When deciding tuition fees you must **not** take into account:

- Non-tuition fees - any fees not directly related to:
  - academic suitability assessments
  - enrolment
  - tuition
  - examinations
  - awarding qualifications

You will need to charge a separate fee for the following [see table in [part 21](#)]:

- Alternative access fees
- Optional purchases
- Fines or penalties
- Non-essential goods/services
- Special admissions tests

A VET Student Loan can only be used to cover tuition fees. The student must pay any other fees and charges themselves. The requirements around non-tuition fees are to help ensure that any upfront costs to students are kept to a minimum and are reasonable and fair.

## 19.2 Estimate of fee amounts

You may charge based on an estimate of tuition fees if, at the time the course begins, you don't 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.

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.

## 19.3 Providing and publishing fee information

Before enrolling a student, you must give them information about:

- the tuition fees for the course
- any fees other than tuition fees they will need to pay [[part 21](#)].

You must publish tuition fees for each part of the course (that is, unit/subject) on your website in a readily accessible way. The fees must be on your website 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.

### Units of competency covered by fees

Your tuition fee schedules should outline the units of competency (UoC) that sit within the units of study for approved courses. This information allows for determining suitable replacement courses and reducing any extra costs to students and replacement providers. It also makes the information more transparent to students. Where a UoC runs across several units of study, you should list it 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).

### Providing your list of fees to the department

For each approved course you offer, you must provide the department with a list of the fees charged for the course, including the tuition fees for each part of the course.

You must update the list whenever you change the fees you charge for the course.

You must provide the list of fees in the approved manner and form.

## 19.4 Charging of tuition fees by Table A providers

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 the *Higher Education Support Act 2003* (HESA).

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.

**Legislation:** ACT s 55, s 57(b), Rules s 18, s 98(2)(b) and (c), s 155 (1), s 115(2), s 122(2), s 122(4)

## 20. Goods and services which may be covered by tuition fees

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.

| <b>Good and services</b>                                                                                                                                                                       | <b>Examples</b>                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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: <ul style="list-style-type: none"> <li>• fixtures in a clinic, laboratory or workshop</li> <li>• large items of equipment and relevant workshop guides required for their use</li> </ul>                                        |
| 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)                                                |                                                                                                                                                                                                                                                                                                                                |

## 21. Goods and services that must not be included in tuition fees

Some fees and charges are not covered by VSL. You may charge the student separately for these fees.

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

- the fees are not for tuition
- the purpose of the fees
- the student's total liability for the fees
- when and how they are to pay the fees.

You cannot include in the tuition fee the goods and services in the table below. You will need to charge a separate fee for any of these goods and services.

| Good 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: <ul style="list-style-type: none"> <li>• equipment or items that become the student's physical property and are not consumed in the course or</li> <li>• food, transport and accommodation costs associated with the provision of field trips that form part of the course</li> </ul> | <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## 21.1 Fees for special admissions tests

You may charge a fee for a special admissions test. A special admissions test determines whether the person seeking admission into a specialist approved course is suitable for the course. The test must be necessary to establish their suitability. It could include specialist auditions, tests and interviews that are different from the normal requirements for admissions.

## 21.2 Course content and activities must be necessary

The course must not include content or activities which do not contribute to achieving the qualification. This requirement ensures students receive only the education they need for their qualification. It means they are not in effect being charged tuition fees for material that is not relevant to their qualification.

Therefore, when setting tuition fees, you must not include costs for content that is not necessary or relevant to the qualification.

## 21.3 Students not liable for covered fees

If you enrol a student in a course, you must give them a written statement that you accept – or don't accept – their enrolment on the basis that all or part of their tuition fees will be covered by a VET Student Loan. The written statement is known as a Statement of Covered Fees [[part 43.1](#)].

A provider cannot request a student to personally pay any tuition fees that are listed in a Statement of Covered Fees.

## 22. Gap fees and payment plans

A tuition fee for a course includes the maximum amount covered by a VET Student Loan and the remaining tuition cost not covered by the loan – the 'gap fee'.

As it's part of the tuition fee, the gap fee can't 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 (for example, maps, charts or textbooks). These are fees that are not covered by a VET Student Loan.

You can offer students a payment plan to help them pay a gap fee or pay all their tuition fees upfront. This will allow them to pay in instalments or defer the payment.

If you offer payment plans, consider whether their terms (for example, if loan fees apply or interest is charged) mean that you 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).

If you are engaging in credit activity, generally you will need either an Australian credit licence or an authorisation from a credit licensee to engage in credit activities as their representative. You will need to have these requirements in place from the day you start offering the credit. If you unlawfully engage in credit activities, you may face strict penalties.

For more information, see the Australian Securities and Investments Commission website – [Do you need a credit licence?](#)

## 22.1 Offering scholarships and bursaries

You can offer students bursaries, scholarships or other forms of tuition fee discounts or subsidies. However, the benefit you offer must not be reasonably likely to induce a prospective student to apply for a VET Student Loan for one of your courses.

Whether this is reasonably likely in any particular case will depend on a variety of factors - for example:

- how you market the benefit
- the information you provide to prospective students
- the eligibility criteria for access to the benefit
- the way you calculate the amount of the benefit.

We note there is inherent difficulty in complying with this requirement, as bursaries are clearly intended to cover the gap between provider tuition fees for a course and the maximum VET Student Loan amount for that course. However, we expect you to consider and manage these issues to ensure compliance with the Act. You should have information regarding how your scholarship and/or bursary complies. This must be available if requested by the department.

**Legislation:** Act s 61

## 23. Tuition fees and recognition of prior learning

Recognition of prior learning (RPL) recognises skills and knowledge a person has acquired through previous training, work or life experience. Providers use RPL to grant a student status or credit in a unit.

You'll need to assess each student's case for RPL.

If a student has received RPL for a particular course and will therefore not be studying all parts of the course with you, you can set a lower tuition fee equal to the part of the course the student must complete.

Credit for qualifications or units of competency completed or previously formally recognised by you or another institution or training organisation does not constitute RPL.

### 23.1 Fees for assessing RPL

If you charge a fee for assessing RPL, it must be within the definition of tuition fees.

If you are satisfied that the fee you charge for assessing RPL for a student is within the definition of tuition fees, the student can access a loan for a tuition fee that covers this charge, as for other tuition fees.

Some providers charge an 'RPL assessment fee' rather than providing additional tuition and requiring the student to enrol in the standard teaching unit. This is because only the RPL assessment is required - there is no need for additional tuition. This RPL assessment fee can constitute a tuition fee for which the student can access a loan. However, you must be satisfied

that this RPL assessment fee is within the definition of tuition fees. The student must enrol in the RPL unit, and you must report the tuition fee for RPL.

## 23.2 Charging and reporting RPL

Fees covered by VSL and other tuition fees for approved courses must be spread across at least 3 census days over 3 periods for the course. This includes RPL units. The only exemption is where compliance with state or territory subsidy funding arrangements applies.

You should note that the department is not required to pay a loan amount for a student for a course if we suspect on reasonable grounds that you are not complying with the Act. 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 you charge for a unit is purely an RPL assessment fee, you must report it with a value against the RPL indicator. If the unit is fundamentally a teaching unit, the value against the RPL indicator will be zero.

For information on how to report RPL, see [Appendix E](#).

Full details of the reporting requirements are in the TCSI Support coding notes and glossary [Recognition of prior learning code - TCSI Support](#).

**Legislation:** Act s 20(f), Rules 118(1)(b), Rules s 122–124

## 24. Varying your tuition fees

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

- the department has given you written approval of the proposed variation, **or**
- the change:
  - occurs **on or before** the published census date and
  - 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.

If a change to tuition fees doesn't disadvantage students, occurs on or before the census day and is to correct an administrative error or deal with a change in circumstances you don't need to notify us about it. You must publish the changed information on your website as soon as possible.

For variations to published tuition fees under any other circumstances you must first request approval from the department.

**Note:** A variation that increases the tuition fee for a course, or part of a course is considered to disadvantage students enrolled in, or seeking to enrol in, a course or part of a course.

This direction doesn't apply to a course offered under an arrangement that:

- you have made with an employer or industry body and

- limits or restricts enrolments in some or all the places in the course.

## 24.1 Variations to tuition fees that disadvantage students

If you want to vary a fee in a way that will disadvantage students - for example, you want to increase a tuition fee - you must apply to us to vary the fee.

Your request must include:

- the name of the unit of study and the unit of study code
- the course that the unit is part of
- what change you want to make
- details of when you 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
- whether you have advised the students of the possible change
- why the Secretary should approve the request.

We will notify you in writing of the decision. You cannot make the variation unless we have given you notice of approval.

You can request approval by uploading the request into HITS. See the [HITS User Guide](#) for more information. You must alert us to your request by using the online enquiry form on [Provider Enquiries](#).

**Legislation:** Rules s 126(1–3)

## 25. Fee periods

The following sections apply to the charging of tuition fees by approved course providers, which are **not** Table A providers.

You must set at least 3 fee periods for each approved course.

This ensures students incur debts evenly as they progress through a course. It also allows students to indicate to us their progression and engagement throughout their course to continue to access a VET Student Loan.

The fee periods of the course must:

- be sequential

- together equal the duration of the course
- be of equal (or approximately equal) length based on the estimated duration of the course
- each contain at least one census day for the course.

Tuition fees and any gap fees must be reasonably spread across fee periods and the parts of the course within them. Tuition fees cannot be made payable outside of a fee period.

You may set different fee periods for different students. For example, part-time students may have longer fee periods.

There is no requirement for you to publish fee periods.

## 25.1 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 enough time between enrolment and the start of the course to allow:

- the 2-business day gap between enrolment and requesting a loan
- the time required for issuing fee notices.

You may change the length of fee periods yet to start – for example, to match a change to the overall duration of the course. However, the changed fee periods must still 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.

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

You don't have to comply with the fee period requirements (see above) if they're inconsistent with an arrangement you've made with a state or territory authority, and:

- you are fully complying with that arrangement
- you have provided written notice to the Secretary of the department describing:
  - the arrangement
  - your full compliance with the arrangement
  - how the arrangement prevents you from complying with the fee period requirements
  - the extent of the non-compliance.

You may give this written notice to the Secretary via the online enquiry form on [Provider Enquiries](#).

**Legislation:** Rules s 122–124

## 26. Census days

You must set Census days for each course and publish them in an accessible place.

If a student wants to cancel their enrolment in a course, they must do this on or before the census day to avoid the financial liability. After the census day the student incurs liability for their tuition fees. You must make this clear to students.

If you want to change the census day once it's been published, you may need to apply to the department for approval.

## 26.1 Determining census days

You must have at least 3 census days and 3 units (one census day per unit) within a course. This ensures that tuition fees [\[part 19\]](#) are fairly distributed across at least 3 sequential fee periods [\[part 25\]](#) 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 and when a student is reasonably expected to complete that part of the course.

You can decide to set census days to for a group of units of competency/study or for one unit of competency/study. However, you should have a course structure where each unit of study is a single unit of competency. This makes it clearer to students what the fee is and what you deliver for it.

### Example

A part of a course has a start date of 10 July and an end date of 12 December. You can't set the census day before 10 August, which is 20% of the way through the part of the course.

When you're working out the 20%, include any normal study breaks, assessments and/or exam periods. Don't include supplementary exams. If you don't yet know the final exam dates, you can use the last day of the exam period as the end of the part of the course.

Census days must not fall on non-business days (such as a weekend or public holiday) when a student can't lodge a withdrawal from the course.

### Census Day calculator

You can use the [Census Day Calculator](#) to calculate census days. The calculator won't give you a date that falls on a Saturday or Sunday – it will give you the following Monday instead. It's your responsibility to check whether the date is a public holiday. If it is, set the census day on a subsequent business day.

You can also set up your own calculator in Microsoft Excel to work out census days. The formula is  $=((B1-A1)*0.2)+A1$ , where A1 is commencement date and B1 is completion date.

## 26.2 Publishing census days

You must publish census days for each course (or part of course) you provide or intend to provide.

Census days must be published on or before the earliest enrolment date for the course or the part of the course.

You must publish the information in an easily accessible location. It must be displayed prominently on your website and not require login information.

If you change a census day, you must publish the new date prominently on your website as soon as possible.

## **26.3 Varying census days**

Once you've determined and published a census day, you can only change it if:

- you change it on or before the census day and
- it doesn't disadvantage students enrolled in that course and
- the change is necessary to correct an administrative error or to deal with a change in circumstances.

For example, if you've made an administrative error, such as typing the wrong date, you must apply this provision in accordance with the overall intent of the Rules, and the particular circumstances of the student.

If you need to change the census day but you can't meet the conditions above, you must obtain approval.

These rules don't apply if you offer a course under an arrangement that:

- was entered into between the provider and an employer or industry body
- limits or restricts enrolments in some or all the places in the course.

If you change a census day, you must publish the new date prominently on your website as soon as possible.

## **26.4 Getting approval to vary a census day**

You must apply to the department for approval to vary a census day where it might disadvantage students - for example, if you want to change it to an earlier date. You can apply for approval by uploading a request to HITS (see [HITS User Guide](#)).

In the request, you must provide all information and include:

- the name of the affected unit of study and unit of study code
- the course that the unit is part of
- what change you want to make
- 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 eligible for a VET Student Loan who are enrolled in the unit
- whether you have advised the students of the possible change
- why the department should approve the request.

You must also complete the online enquiry form on [Provider Enquiries](#) letting us know that you've submitted a request to change a census day.

The Secretary of the department will advise you in writing of the decision on your request. You can't change the census day until you get this confirmation that your request has been approved.

**Legislation:** Rules s 131–134

## 27. VET Student Loan applications

To have access to a VET Student Loan, a student must be eligible and academically suited to the course. They must also be studying with an approved provider and in an approved course.

You must have processes and procedures for collecting and verifying student documentary evidence. You must keep all required records for 5 years.

Your processes and procedures must provide for equal and fair treatment of all students seeking to enrol in an approved course.

There are HELP loan limit, HELP balance and loan cap requirements that apply to VSL approved courses. It is your responsibility to make sure that students meet these requirements.

### 27.1 VET Student Loan application process

As an approved provider, you apply for VET Student Loans on behalf of eligible students.

#### Process outline

- The student enrolls in an approved course and lets you know they want a VET Student Loan.
- You assess the student's eligibility [[part 31](#)] for a VET Student Loan.
- If they're under 18 they must provide additional information to you.
- If the student is eligible, you enter their enrolment information into the electronic Commonwealth Assistance Form (eCAF) [[part 28](#)] system.
- The eCAF system emails the student with instructions on how to fill out their eCAF application.
- The student must:
  - complete the eCAF
  - provide their Tax File Number through the eCAF [[part 30](#)]

- The student submits their eCAF. Note: They must wait 2 business days after enrolment before submitting the eCAF.
- They must complete their eCAF before the first census day [[part 26](#)] for the course.
- The student receives an email receipt from the eCAF system confirming that their application has been approved.
- You can now view the student's eCAF.
- You must keep all required records [[part 45](#)] for the application and enrolment process for 5 years. You must be able to produce this evidence and documentation on request.
- After these processes are complete the student will be able to access a VET Student Loan, paid to the provider, for any census days that occur after the eCAF submission date.

## 27.2 Students who are under 18 years

If a student is under 18 years of age, they'll need to ask their parent or guardian to sign a [VET Student Loans Parental Consent Form](#). They'll need to submit the form to you before you give them their login details for their eCAF application.

The student won't need a parental consent form if Centrelink has assessed them as meeting the requirements for receiving the independent rate of Youth Allowance under part 2.11 of the *Social Security Act 1991*. The student will need to give you their Centrelink Income Statement. The student can request the statement by logging into [myGov](#) and selecting their Centrelink online account.

For more information, visit [Centrelink online account help - Request a document](#).

## 27.3 Fair and equal treatment of students

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

- the selection of students who are seeking to enrol as VET students in VET units of with you
- the treatment of those students.

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
- limits or restricts enrolments in some or all of the places in the course.

**Legislation:** Act s 10, s 17, s 51–52, Rules s 10, s 84–85, s 105 and s 152

## 28. Electronic Commonwealth Assistance Form (eCAF)

Providers use the electronic Commonwealth Assistance Form (eCAF) system to facilitate VET Student Loans.

To access the eCAF system, you must complete:

- the eCAF System Access Request form for each staff member who needs to have access to the system and/or
- the eCAF API System Access Request form for a provider service account.

Send the completed forms to [VETStudentLoans@dewr.gov.au](mailto:VETStudentLoans@dewr.gov.au).

The [eCAF User Guide](#) sets out the processes you'll need to use.

You must supply accurate student enrolment information in the eCAF. If the student identifies any inaccuracies, they will have to contact you to correct them in the system. They cannot correct this information themselves.

You can't delete an eCAF once a student has submitted it. You can delete an eCAF that a student has not submitted if they no longer want a VET Student Loan.

The eCAF system meets web accessibility requirements. It is web accessible for use with a screen reader.

For more information about using the eCAF system, select the 'Help' tab in the eCAF system.

### Electronic communications between students and the Commonwealth

We will not treat an application made by electronic communication as having been signed by the student if the communication does not contain:

- the student's [Unique Student Identifier](#) (USI under the *Student Identifiers Act 2014*)
- the student's Tax File Number [[part 30](#)] (or certificate from the Commissioner stating that the student has applied for a TFN)
- the student's acknowledgement that they have read and understood the application
- the student's confirmation of the accuracy of the information in the application.

**Legislation:** Rules s 152

## 29. Collection and verification of student documentary evidence

You must have processes and procedures for collecting and verifying student documentary evidence. This includes:

- information about the student's identity and date of birth
- information and documents to establish that the student meets the citizenship and residency requirements [[part 31.1](#)]

- where the student has applied for, but not been issued with a Tax File Number [[part 30](#)], a certificate from the Australian Tax Office showing that the student has applied for a Tax File Number
- if the student is under 18 [[part 27.2](#)], information that:
  - one of the signatories to the application is a responsible parent of the student (evidence is the signed [VET Student Loans – Parental Consent Form](#)) or
  - shows the student has received Youth Allowance and is independent within the meaning of Part 2.11 of the Social Security Act 1991 (evidence of this assessment is the student's Centrelink Income Statement).

You must keep these records for 5 years.

**Legislation:** Rules s 105

### 30. Tax File Numbers (TFN)

When a student applies for a VET Student Loan, they need to supply a valid Tax File Number (TFN). They supply this through the electronic Commonwealth Assistance Form (eCAF). If they don't supply one, they won't be able to get a VET Student Loan for that study period. You won't be able to get a TFN on behalf of a student.

If there is no TFN on the student's eCAF, you will not be paid the loan amount, and you cannot recover the course fee from students. You cannot recover course fees from the student where those fees were indicated in the Statement of Covered Fees [[part 43.1](#)] as being covered by a loan.

Students must enter their TFN in their eCAF by the first census day [[part 26](#)]. If the student has applied for a TFN but not received it in time, they will need a Certificate of Application for a Tax File Number.

You must make sure that the student's personal details - name, date of birth and address - on the TFN application are exactly the same as those on the enrolment application.

**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 have regard to the rules, processes, procedures and penalties regarding handling of TFNs.

You can monitor that your students are entering valid TFNs into eCAF, but you will not be able to view the TFN in eCAF.

If a student needs to update their TFN, follow the usual business process of putting their eCAF application into 'revision status'. This will send a notification to the student to update their TFN in eCAF.

As per your obligations, do not request or collect TFNs from students (even if the student gives you permission to do so).

Do not disclose student TFNs (even if the student gives you permission to do so).

### 30.1 Applying for a TFN

Students need to [apply for a TFN](#) online from the ATO.

If a student has a TFN but can't remember it, they should contact the ATO. The ATO won't:

- tell the student their TFN over the phone
- give you a student's TFN.

### 30.2 Student doesn't have a TFN by census day

A TFN is usually provided within 28 days of application to the ATO.

If a student does not receive their TFN before the relevant census day, they should provide you with:

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

The student should provide this certificate or receipt to you as proof of having applied so you may monitor subsequent provision of the TFN.

If a student does not give a TFN in their initial VSL application, they will still be able to submit the eCAF for a VET Student Loan by uploading their Certificate of Application for a TFN.

It is important you advise students that even though they have uploaded a Certificate of application for a TFN into eCAF, they must still complete their eCAF with the TFN as soon as they receive it from the ATO.

You can run an eCAF exception report to identify students who have only supplied a Certificate of Application for a Tax File Number but not yet supplied a TFN. The report is available on the eCAF dashboard.

You may also search for eCAFs without TFNs directly in the eCAF system or via the API links from your student management systems.

If the eCAF does not have either the TFN or Certificate of Application for a TFN uploaded, the student will not be able to submit it. The student will need to pay for their studies upfront or alter their study plans.

### 30.3 Adding the TFN to eCAF

Once a student has their TFN, they will need to upload it to the eCAF. You will need to re-open the eCAF to allow the student to update their TFN.

You can do this by putting the eCAF into 'revision status'. The eCAF system will send an email to the student indicating they can update their eCAF record with their TFN. The student resubmits the eCAF after entering their TFN.

The student must do this within 6 weeks of the first census day included in the eCAF.

See the [eCAF User Guide](#) for more information about this process.

### 30.4 Verifying Tax File Numbers

When you submit a student's VETSL debt record in TCSI, TCSI will conduct a daily check for any verified TFNs in eCAF and transfer the TFN to the corresponding student record in TCSI where the student's TFN and personal details match.

Given the requirement for an exact match between TCSI and eCAF, you should ensure that student data is the same in both systems. If a match cannot be found and the TFN is not reported by the due date, the following TCSI notification will be presented to you:

A TFN cannot be found for the student. Please ensure there is a verified TFN and USI in eCAF, and the provider student ID, USI, and date of birth data in TCSI exactly matches that in the student's eCAF.

When the TFN is transferred to the student record in TCSI it will be automatically sent for verification (by the ATO) and the following TCSI notification will be presented to you where the TFN does not verify:

The ATO cannot verify the TFN in TCSI even though it was verified in the eCAF. Please ensure that the provider student ID, USI, date and name details in TCSI exactly matches that in the student's eCAF. If all the data match, and this notification still exists after a day, please contact TCSI Support.

If your student management system requires a TFN to report an eCAF to TCSI, you may need to make changes to your system or processes.

If you report a TFN to TCSI, TCSI will return the following warning message:

TFNs are no longer reportable by VET providers. This warning message will not prevent other changes in the request from being actioned, however the requested change to the Tax File Number (E416) has been ignored by the TCSI system.

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](#).

### 30.5 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. Also, provider payment reports will show where TFN verification has failed. Information about this TCSI Analytics report can be found at [Provider Notifications | TCSI Support](#).

Note: The TFN needs to be entered into both the eCAF and TCSI systems. If the TFN does not match in both systems, or is only entered in one system, the TFN verification will fail.

A student cannot use anyone else's TFN when applying for VSL.

**Legislation:** Act s 20(a) and s 56.

## 31. Student eligibility

To be eligible to apply for a VET Student Loan, a student must:

- be studying an approved course with an approved provider
- apply for the loan using the approved form (eCAF), and including all relevant information
- have not used all of their HELP loan limit
- meet the citizenship and residency requirements
- show they're academically suited to the course
- be undertaking the course primarily at a campus in Australia. If the student will be studying overseas via distance education for their entire course, they will not be eligible for a VET Student Loan.
- supply their Tax File Number and Unique Student Identifier
- submit their VSL application by 11:59 pm AEST on or before the Census Day for the first unit of the course for which they are requesting a loan, and 2 or more business days after enrolling.

Note: 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 facilitates a student being able to continue their studies online while being overseas for a short period of time. It does not provide VSL access for students who are primarily residing overseas.

### 31.1 Citizenship and residency

The provider is responsible for ensuring students meet the citizenship and residency criteria for a VET Student Loan.

You must collect and verify this information. You must retain a copy (paper or electronic) of information collected in satisfying identity, citizenship and visa status for a period of 5 years.

The VSL program has strict citizenship, visa and residency requirements. It's not available for all Australian residents.

To meet the citizenship and residency requirements, the student must be:

- an Australian citizen [[part 31.2](#)] or
- a permanent humanitarian visa holder [[part 31.3](#)] who is usually resident in Australia or
- a Pacific Engagement visa holder [[part 31.4](#)] who is usually resident in Australia or
- a qualifying New Zealand citizen [[part 31.5](#)].

Permanent humanitarian visas and Pacific Engagement visas are defined in the Migration Regulations 1994, Volume 1, Part 1, Regulation 1.03 – Definitions. See the [Migration Regulations 1994](#) for the latest version of the Migration Regulations.

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

You should not upload a student's details into the eCAF unless you're satisfied the student meets the eligibility criteria.

If you have enquiries about visas, you should contact the Department of Home Affairs (Home Affairs).

## 31.2 Australian citizenship

Australian citizens must meet the citizenship and residency criteria for a VET Student Loan.

Applicants can show you a current Australian passport as evidence of their Australian citizenship.

First Nations applicants not registered at birth by the relevant state/territory authority can give you a [Statutory Declaration Form - citizenship - First Nations student - birth not registered](#). This option is only for students 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.

If an applicant doesn't have a current Australian passport or does not provide a First Nations statutory declaration, the evidence they need to show their Australian citizenship depends on whether they were born:

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

See [Appendix G](#) for the eligibility criteria for Australian citizens.

Applicants who don't already have proof of citizenship will need to take the Department of Home Affairs' citizenship application processing times into account before applying for a VET Student Loan. Processing times are published on the Home Affairs website.

### 31.3 Permanent humanitarian visa holders

Permanent humanitarian visa holders who are usually resident in Australia meet the citizenship and residency criteria for a VET Student Loan.

To check if the class of visa held by an applicant for a VET Student Loan is a permanent humanitarian visa, go to the Home Affairs website. Its [Visa Entitlement Verification Online \(VEVO\)](#) service allows you to check visa details and conditions, including the visa type and expiry date.

It's up to the provider to determine whether a student is 'usually resident in Australia'. You must:

- consider whether they will be living in Australia for the duration of their course
- disregard any periods spent outside of Australia if:
  - these cannot be reasonably regarded as indicating an intention to live outside Australia for the duration of the course, or
  - the student needs to leave Australia to complete the requirements of the course.

### 31.4 Pacific Engagement visa holders

VSL eligibility for Pacific Engagement visa (PEV) 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 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.

In determining whether a Pacific engagement visa holder will be resident in Australia for the duration of their course, you 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.

### 31.5 New Zealand citizens

Some New Zealand citizens meet the citizenship and residency criteria for a VET Student Loan.

A New Zealand citizen is eligible if they hold a Special Category visa and meet all the following residency criteria:

- have usually been resident in Australia for at least 10 years
- were a dependent child aged under 18 when they first became usually resident in Australia
- have been in Australia for periods totalling 8 years during the previous 10 years, and

- have been in Australia for periods totalling 18 months during the previous 2 years.

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

### Evidence that an applicant is a New Zealand SCV holder

New Zealand citizens who arrive in Australia using a New Zealand passport and don't already have a valid Australian visa automatically receive an SCV if they meet certain security, character and health requirements. There are no prior forms, fees or applications required for this.

The SCV is a temporary visa that remains in place for as long as they remain in Australia but expires as soon as they leave Australia. A New Zealand citizen must therefore be an SCV holder on the day they apply for a VSL loan. This means they cannot apply for the loan while they are not in Australia.

### Evidence that a New Zealand SCV holder meets the residency criteria

New Zealand SCV holder applicants must provide evidence that they:

- began living in Australia as a child at least 10 years before applying for VSL
- have been in Australia for at least 8 years out of the previous 10 years and for at least 18 months out of the previous 2 years.

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 check that the applicant's movement record is up to date and includes details from the last 2 years.

### Effect on VSL eligibility when a New Zealand citizen becomes a permanent resident of Australia

New Zealand citizens who gain permanent residency in Australia lose their SCV status. This means they're not eligible for VSL from that point on, because permanent residency doesn't meet the citizenship requirements for VSL.

Therefore, if a student loses their New Zealand SCV status for any reason, they will become ineligible for VSL for all units of study with census dates after their SCV status ends.

Note: A permanent residency visa holder is generally on a pathway to Australian citizenship. Once they become an Australian citizen, they can access VSL. This access starts from the date of their citizenship ceremony or, in some case, approval of their citizenship application.

**Legislation:** Act s7 (1)(b), s 10–11, Act Part 2, Division 4, Rules s 85(2)(c) and s 105(d).

## 32. Academic suitability

To be eligible for a VET Student Loan, the student must be academically suited to the course they're planning to do.

Providers are responsible for assessing suitability and are accountable for their decisions. You must believe on reasonable grounds that the student is academically suited to undertake the course.

The student must meet any other specified entry requirements for the course.

### 32.1 Determining whether the student is academically suitable

The course provider decides whether the student is academically suited to the course they're applying for.

A student is academically suited to a course when:

- you reasonably believe they are academically suited
- they satisfy the requirements in your student entry procedure
- they provide evidence that they have the appropriate level of education or qualification [[part 33](#)].

### 32.2 Student entry procedure requirements

Your student entry procedure must:

- set out the requirements a student must meet to show they're academically suited to do the course they're applying for
- specify that the results of assessing their competence in reading and numeracy [[part 34](#)] under the procedure must be reported to:
  - the student as soon as practicable after the assessment
  - the department in the form and manner and by the time requested by the Secretary
- 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.

### Record keeping requirements

You must retain all documents you've obtained or assessments you've undertaken to determine a student's academic suitability for at least 5 years. You may be asked to produce these documents to demonstrate compliance with this requirement.

**Legislation:** Rules s 80–82, s 105

## 33. Evidence required to show academic suitability

There are rules around what constitutes evidence that a student is academically suited to a course. The following describes:

- what is acceptable and not acceptable as evidence
- what to do if a student can't provide their qualification certificate
- what constitutes a qualification at level 4 or above.

### 33.1 Acceptable as evidence

Students must provide one of the following:

- a copy of a Senior Secondary Certificate of Education showing they've completed year 12. It must have been awarded to the student by an agency or authority of a state or territory.
- a copy of a diploma showing the student has completed the International Baccalaureate Diploma Programme
- a copy of a certificate issued by a body that awards qualifications in the Australian Qualifications Framework (AQF) showing that they've been awarded:
  - a qualification at level 4 or above in the AQF [[part 33.3](#)], or
  - a qualification at level 4 or above in a framework that preceded the AQF (see Qualifications issued before 1995) [[part 33.4](#)]
- an assessment that shows the student has passed a literacy and numeracy competence test [[part 34](#)] at or above Exit Level 3 in the Australian Core Skills Framework (ACSF) (using an approved assessment tool) and you reasonably believe the student displays that competence
- a letter or certificate showing that a federal, state or territory government agency (or a contracted organisation) that assesses overseas qualifications has assessed the student's qualification (see Overseas qualifications equivalence) [[part 33.5](#)] and determined that:
  - it's equivalent or comparable to a qualification in the AQF (or a framework that preceded the AQF) at level 4 or above
  - the course for the qualification to meet this requirement was delivered in English.

### 33.2 Not acceptable as evidence

The student cannot provide as evidence:

- a letter from their school confirming they completed year 12
- a lower-level VET qualification
- a Tertiary Preparation Certificate

- any program with reading and numeracy components that allow students to achieve Exit Level 3.

### Student can't provide a certificate

If a student can't provide a copy of a qualification certificate for their AQF level 4 or above qualification, you may accept a copy of their authenticated Unique Student Identifier (USI) transcript from the Student Identifiers Register as proof. This transcript must show completion of the relevant qualification.

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 (Australian Vocational Education and Training Management Information Statistical Standard) process.

In some circumstances, the student may have successfully completed their study but it might not show on the individual's USI transcript. This might happen, for example, where:

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

## 33.3 Qualification at level 4 or above in a pre-AQF framework

A qualification at level 4 or above in a framework that preceded the AQF is either:

- an Advanced Certificate or above, as issued by the Australian Council on Tertiary Awards (ACTA) or the Australian Education Council Register of Australian Tertiary Education (RATE), issued from 1985 onwards
- an Associate Diploma or above, as issued by the Australian Council on Awards in Advanced Education (ACAAE) between 1971 and 1984.

If you rely on a qualification issued under the AQF or a predecessor framework as evidence of a student's academic suitability for a course, you must still satisfy the general requirement to reasonably believe the student is academically suited to the course.

## 33.4 Qualifications issued before 1995

A framework that preceded the AQF includes:

- 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
- 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]

You can find these documents on [Australian Qualifications Framework - Previous versions and pre-AQF equivalencies](#).

### 33.5 Overseas qualifications equivalence

Each state and territory, except 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](#).

For NSW, and for people who aren't Australian citizens or permanent residents, the Australian Government Department of Education assesses overseas qualifications. Information on this service can be found at [Services for individuals](#).

### 33.6 Victorian Senior Secondary Certificate of Education

If a student got their year 12 certificate in Victoria, you can access this through Victorian Tertiary Admissions Centre (VTAC) online services (rather than getting a hard copy from the student).

VTAC will give you electronic confirmation that a student has been awarded a Senior Secondary Certificate of Education on completion of year 12.

Please see the QualCheck tool on [VTAC](#).

In your enrolment procedures you should give guidance on how to interpret, use and record the information you get from VTAC.

Students who have completed the Victorian Certificate of Education (VCE) Vocational Major (VM) meet the requirement of an Australian Year 12 Certificate. For students who have attained a Victorian Certificate of Applied Learning (VCAL), only the VCAL Senior and VCAL Intermediate levels meet this requirement.

**Legislation:** Rules s 80

## 34. Language, literacy and numeracy

Your student entry procedure must:

- describe the process (including the tool to use) for validly and reliably assessing a student's competence in language, literacy and numeracy (LLN) against the ACSF

- specify the tool to be used for that process. This must be a tool that has been approved and published on the department's website.
- require the process to be conducted with honesty and integrity.

Your 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 possible after the assessment
- to the department in the form and manner and by the time requested by the Secretary.

Your student entry procedure must specify that you must retain these results for at least 5 years.

## Approved LLN assessment tools

Assessment tools approved for use to meet the VET Student Loans entry requirements are:

- [Core Skills Profile for Adults](#), published by the Australian Council for Educational Research Limited in July 2013
- [Basic Key Skills Builder \(bksb\)](#) (Australian Edition)
- [Safe Work Resources VFH LLN Assessment Tool](#) (via The Learning Resources Group's LLN Robot Platform)
- assessment tools approved by the department for specific provider use.

## Using another LLN tool

You can apply for approval to use another external tool for assessing LLN. See [Appendix H](#) for instructions on how to apply for approval.

**Legislation:** Rules s 81–82, s 105

## 35. Loan caps

A loan cap is the maximum amount a student can borrow as a VET Student Loan for a course. There are 3 levels of loan amounts ('loan cap bands') for courses. The loan cap applies no matter how the course is delivered (face to face, online or mixed). Loan caps vary each year through indexation [[part 35.1](#)] and changes to the VET Student Loans (Courses and Loan Caps) Determination 2016 [[part 36](#)].

The Determination sets out the loan caps for approved courses at the time the loan is approved. This amount is indexed annually from 1 January. The indexed amounts of the loan caps for each year are published in [VET Student Loans Course Caps Indexed Amounts](#) (Providers). The Minister may amend the Determination over time to add or remove courses or change the loan cap for certain courses.

The loan cap that applies is the amount specified in the Determination 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 (see example below).

It is your responsibility to check with students who are transferring from another provider [[part 35.2](#)] to find out how much of the loan cap remains available to them.

In most cases where a replacement course [[part 17](#)] is added to the Determination, the replacement course will have the same loan cap as the superseded course. However, this may not always be the case. For example, a later amendment may add the replacement course to the Determination with a higher loan cap. If the superseded course (which had a lower cap) has been removed from the Determination but is still in teach-out or transition, the higher cap will not apply to it.

You can set tuition fees [[part 19](#)] above the loan cap. The loan cap is just a ceiling on the amount the government will lend a student for tuition fees for the course. The student will need to pay the difference (gap fee [[part 22](#)]) to you. You must evenly spread the tuition fees over the fee periods [[part 25](#)] for a course. This rule applies to gap fees as well as to tuition fees that are covered by VSL.

The loan cap changes each year because of indexation [[part 35.1](#)]. The relevant loan cap amount for a course is the indexed amount in the year of study – not the year the student submitted their eCAF and not the cap amount shown on the eCAF.

## Example

A student commences an approved course and has a loan approved in 2024 with a loan cap of \$15,000. They continue their enrolment in that course in 2025.

In 2025, the Determination is amended, and the loan cap for that course is changed to \$10,000. Because the student enrolled in 2024, they remain entitled to the \$15,000 cap that applied in 2024. However, any student enrolling in the course or 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.

## 35.1 Indexation of loan caps

Maximum loan caps for courses are adjusted (indexed) on 1 January each year in line with the Consumer Price Index. The department does this by multiplying the cap amount by the indexation factor for the relevant year.

The relevant loan cap amount for a course is the indexed amount in the year of study – not the year the student submitted their eCAF and not the cap amount shown on the eCAF (see example below).

From 1 January each year the eCAF system automatically applies the indexed amount to existing loans. It also automatically increases the loan cap for courses that are approved in one year and continuing into the next year. This means that students don't need to reapply to access the increased (indexed) amount each year after their loan is approved.

## Example

A student submits an eCAF in July 2024 with a course cap of \$6,031. The student is still studying in 2025. For census days that occur in 2025, the course cap that applies is now the indexed amount. The original eCAF cannot be amended or deleted. Wording in the eCAF tells 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 ...

## 35.2 Loan caps for students transferring to another provider

If a student transfers to another provider and continues to study the same course, their loan cap does not 're-set' - it remains the same. They can only access a VET Student Loan to continue their course up to the remainder of the total loan cap.

When you create an eCAF for the student, the 'Applicable Loan Cap' field will be pre-filled with the loan cap amount. It won't show the available remaining loan cap for that individual student.

If the loan cap changes before the student submits their eCAF (for example, updated for indexation on 1 January), the system will automatically use the new cap amount. You need to ask the student to provide copies of the Commonwealth Assistance Notices [[part 43.3](#)] that they received from the first provider. Use these to check the amount of VSL the student has already used for the course.

If the student has accessed a VET Student Loan through an earlier provider and is continuing to study the same course with you, you should ask the student:

- when they applied for the loan for the course (to verify the loan cap that applied at the time)
- how much of the loan they've accessed to date.

You can check the remaining HELP balance [[part 39](#)] for any student. This should supplement or confirm the student information.

## 36. Updates to loan caps through changes to the Determination

There may be changes to the [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#) over time. For example, courses might move to a higher loan cap band.

Students with existing VET Student Loans may want to increase their VET Student Loan up to the increased loan cap to reduce their gap fees. They don't need to submit a new eCAF to do this. The existing eCAF is updated so that the student may access a higher amount if applicable.

If the student wishes to use the increased maximum loan amount to reduce the amount of gap payments they need to make, the provider issues them with a new Statement of Covered Fees. As always, the student's Fee Notice should reflect the correct amount of VSL loan they are to be charged for a unit of study and any other tuition fees they are paying (not using a VET Student

Loan). The provider must issue the new Statement of Covered Fees at least 14 days before the census day.

If a student wants to change their VET Student Loan amount (where an increased loan cap applies), you need to give them a new VET Student Loan Statement of Covered Fees [[part 43.1](#)] and VET Student Loan Fee Notice [[part 43.2](#)]. These documents help students to understand how much of their fees the VET Student Loan covers and how much they will need to pay upfront.

The increased loan cap applies to both new and continuing students. It applies for units with census days after the date the Determination comes into effect. It doesn't apply to census days that occurred before that date.

You can't increase course or unit fees for current students (unless you've applied to vary your tuition fees [[part 24](#)] and have been approved).

You must continue to reasonably divide tuition fees over the year and the course, reflecting the new course cap amount.

### Example

Sam enrolled in an 18-month diploma in 2024. They had a \$6,031 course cap. The tuition fee was \$8,000. That meant they initially had a total \$1,969 gap fee.

Loan amounts and gap fees were spread across 3 x 6-month fee periods and 3 census days. (This example uses the minimum 3 census days, but courses can have more.)

Sam had already passed the first census day and had been charged a proportionate amount.

The Determination was updated on 1 January. The course cap increased to \$12,557. Sam had 2 remaining fee periods in 2025. They wanted to access more VSL to reduce their gap fees in 2025.

Sam didn't need to complete a new eCAF to do this. They just told their provider they wanted to access more VSL, and the provider issued them with a new Statement of Covered Fees and updated eCAF. Sam's Fee Notices will reflect the increased amount.

The provider had to:

- divide the tuition fees and loan amounts (to the higher cap) evenly over the remainder of the course for the remaining fee periods
- issue an updated Statement of Covered Fees (and subsequent VSL Fee Notices and Commonwealth Assistance Notice) showing the increased loan access.

In this example, Sam had no further gap fees to pay for the remainder of their course.

## 37. Loan fee

There is a loan fee of 20% for VET Student Loans for all courses other than state or territory subsidised courses. The amount of the VETSL debt is the amount of the loan provided for a part

of a course or unit plus the loan fee. The loan fee is not included in the student's HELP balance [part 39] but is included in their VETSL debt on myGov. The amounts on students' ATO accounts will list their VSL record and loan fee as separate amounts.

The loan fee doesn't apply to state and territory government subsidised students.

You need to report in TCSI if a loan fee applies.

### Example

Adam is an eligible full fee-paying student accessing a VET Student Loan 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.

**Legislation:** Rules s 12

## 38. HELP loan limit

There is a maximum amount that a person can borrow over their lifetime for VSL, VET FEE-HELP, FEE-HELP and HECS-HELP. This is the HELP loan limit.

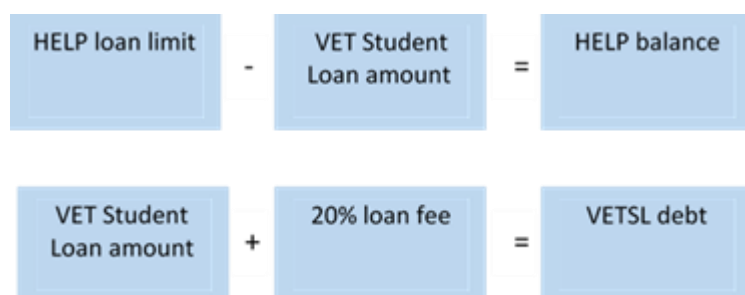
Students can access VET Student Loans to pay tuition fees up to the maximum loan cap [part 35], provided the amount does not exceed their HELP loan limit.

The Department of Education publishes the HELP loan limit on [StudyAssist – Combined HELP loan limit](#).

Each time a student uses a VET Student Loan and other HELP loans to pay their tuition fees, the amount they can borrow in the future reduces. Once they've borrowed up to the HELP loan limit, they can't use a VET Student Loan (or other HELP loans) to pay further tuition fees [part 19].

However, if a student makes any compulsory or voluntary repayments that amount will be available to be re-borrowed, up to the HELP loan limit.

Image: Help Loan Limit



The HELP loan limit is indexed on 1 January each year. If a student has reached their HELP loan limit for the year and wants to enrol in a later year, they will be able to access any balance remaining up to the HELP loan limit.

The amount of VET Student Loan a student can use for a particular course also depends on the loan cap [[part 35](#)] for that course.

## 39. HELP balance

To be eligible for a VET Student Loan, a student must have enough HELP balance left to cover the loan amount. It is your responsibility to check that the student has enough HELP balance. Your enrolment procedures should include checking that the student has enough HELP balance and if they're likely to exceed their HELP loan limit.

A student's HELP balance is the HELP loan limit [[part 38](#)] minus any VET Student Loan and HELP loan amounts. These include (VET FEE-HELP, FEE-HELP, and HECS-HELP loans (from 1 January 2020) they have used.

It is your responsibility to ensure the student has sufficient HELP balance and whether the student has accessed a VET Student Loan for parts of courses or units of study that may not have been reported at the time they enrol.

If a student doesn't have enough HELP balance to cover the loan amount, you are responsible for recovering the rest of the tuition fee [[part 19](#)] from them. We will only pay you a VET Student Loan up to the available amount of the student's HELP balance.

Loan fees [[part 37](#)] and indexation of outstanding debts are not included in a student's HELP balance.

A student's HELP balance is renewable. This means the student can re-borrow any compulsory or voluntary amounts they repay from the 2019-20 financial year onwards, up to the HELP loan limit.

You can use [myHELPPbalance](#) to check the student's HELP balance. The information there will be refreshed with any repayments the student has made when the repayment information is transferred from the ATO.

### 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 day. 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 of VSL.

Betty will need to pay the balance of \$400 to her provider. She won't be able to access further VSL until 1 January next year, when her HELP loan limit will increase by a small amount based on indexation.

See [Appendix F](#) for the different ways you can check a student's HELP balance.

### 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 you via an exception report. You are responsible for recovering any

outstanding tuition fees from students in line with your own procedures. The Commonwealth will only pay you a VET Student Loan and/or FEE-HELP or HECS-HELP up to the available amount of the student's HELP balance.

## **40. Ending a course of study**

You must have in place processes to deal with students' withdrawal from or deferral of their course. Students must withdraw or defer on or before census day to avoid additional fees. After the census day the student incurs liability for their tuition fees.

If a student has failed and must repeat part of a course, they will not have their HELP balance recredited.

Students who face special circumstances, such as illness, may have their HELP balances recredited if they withdraw or defer after census day [[part 46.2](#)]. They'll need to apply to do this. The provider's decision whether or not to grant their application is a reviewable decision [[part 47.1](#)]. The Secretary may decide to recredit the student's HELP balance [[part 46.5](#)].

If the student is not satisfied with your or the Secretary's decision, they can apply to the Administrative Review Tribunal [[part 47.4](#)] for review of the decision. There is also a VET Student Loans Ombudsman, who may assess and investigate student complaints [[part 49](#)].

If a decision has been made to recredit a student's HELP balance, you'll need to repay the Commonwealth the amount of fees you received for that student.

### **40.1 Students who fail a unit or part of a course and must repeat it**

If a student with a VET Student Loan fails a unit and needs to repeat (re-sit) it, they can use a VET Student Loan to do so if:

- there is remaining course cap
- they have enough HELP balance left.

If they don't have enough HELP balance [[part 39](#)] to cover the course fee, they will need to pay the rest themselves.

In this scenario you should have a structure in place where each unit of study is a single unit of competency. This makes it clear to students what you charge for each unit and what you deliver for that price.

Students usually don't need to repeat a whole unit of study if they only fail part of it. Doing so would be a financial disadvantage to them.

You must comply with the RTO Standards regarding re-sits. For VSL, the requirement is that you cover the scenario where a student needs to re-sit part of a unit by:

- publishing all fees before enrolment
- publishing either:
  - individual unit of competency fees or

- clear advice about how you determine the fees for repeating individual competencies. For example, you may state that that you calculate the fees for repeat units on a pro-rata basis in line with the components/competencies that need to be redone.
- making this information available to students before enrolment so they have enough information to make their study and payment decisions.

You must give students the Fee Notice [[part 43.2](#)] and Commonwealth Assistance Notice [[part 43.3](#)]. If they need to re-sit, you must give them an updated Statement of Covered Fees [[part 43.1](#)].

You can cancel a student's enrolment [[part 40.5](#)] for failure to progress.

## 40.2 Students who withdraw 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 where the student had earlier withdrawn from the part of the course undertaken with the provider.

If a student wants to withdraw from a course, they need to follow your withdrawal procedure. However, your withdrawal procedure must be fair. It must not involve financial or administrative barriers that prevent a student from withdrawing on or before the census day [[part 26](#)].

## 40.3 Withdrawal procedures

Your withdrawal procedure should include:

- A way for students to formally communicate their intentions to you - for example, through an online or paper form.
- A way to confirm receipt of the student's withdrawal. This should include the date and time of the student's withdrawal, the unit(s) of study they withdrew from and the relevant census day.
- A way to inform the student whether they have incurred a debt for the unit(s) they withdrew from. Note: they cannot incur a debt if they withdraw on or before the census day.
- Advice to the student about special circumstances [[part 47](#)] requirements.
- Information about refunds for upfront payments.

## Counselling for students who want to withdraw

You can include an optional counselling service in your withdrawal procedure as long as it:

- doesn't pressure a student into remaining enrolled

- doesn't pressure a student to enrol in a different course
- occurs within a timeframe that still allows the student to withdraw on or before the census day.

### What your withdrawal procedure can't include

If a student withdraws on or before the census day you must not charge any fee that would be a disincentive to withdrawing. You must not charge:

- a withdrawal fee
- an administration fee
- a fine or penalty
- any portion of the tuition fees for the unit(s) they withdraw from.

### Re-enrolling a student who has withdrawn

If a student has withdrawn from a course or part of a course, you must not re-enrol them without their written permission.

### Refunding tuition fees

If a student withdraws from a course or part of a course on or before the relevant census day, you must not charge them tuition fees.

This applies to every part of the tuition fees. Therefore, it includes:

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

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

### Penalties for providers

There are civil penalties [[part 61.1](#)] for providers who don't follow the rules about:

- ensuring students can withdraw on or before the census day
- not charging fees to students who withdraw on or before the census day.

If a student with a VET Student Loan for any part of the fees for a course tells you in writing on or before the course's census day that they want to withdraw from it, you must not:

- fail to cancel the enrolment on or before the census day or
- charge a fee for cancelling the enrolment.

This can result in civil penalties of up to 120 penalty units [[part 61.1](#)].

If a student has a VET Student loan for any part of the fees for a course, you must not:

- prevent the student from cancelling their enrolment
- make it unnecessarily difficult for them to cancel the enrolment.

This can result in civil penalties of up to 120 penalty units.

#### **40.4 Students who defer their study**

If a student has been approved for a VET Student Loan, they don't need to submit a new eCAF if they continue to study with the same provider. This is the case even if there has been a break (deferment) in their study or a break in the provider's approval.

When a student defers, you should give them a Progression Form. The student needs to complete the option that indicates they have deferred their studies.

When the student resumes study and/or access to VSL, they need to complete a new Progression Form, giving the date when they resumed study and/or loan access.

#### **40.5 Cancelling an enrolment after census day**

You may cancel a student's enrolment if they are not making sufficient progress.

If you decide to cancel a student's enrolment after the relevant census day [[part 26](#)], you must:

- inform the student of the proposed cancellation
- inform the student of the circumstances in which you will or will not refund course fees
- give the student at least 28 days to start grievance procedures [[part 48](#)] before the cancellation takes final effect
- not have the cancellation take final effect until any grievance procedures have been completed.

**Legislation:** Act s 58–59, Rules s 86–87

### **41. Student progression and engagement**

Students who are receiving a VET Student Loan need to confirm at regular intervals that they are genuinely studying. This is done via progression forms.

The provider issues progression forms through the eCAF system. A notification is sent to the student via email letting them know they need to provide their response. Students must complete the progression form.

## 41.1 - 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.

These progression points will suit most providers and their students. However, different progression points may be sought and agreed if the default progression points don't suit the course delivery model. For example, to better align progression points with your teaching and assessment cycle.

You may request the fixed progression point milestones in HITS be changed for your organisation by completing the online enquiry form at [Provider Enquiries](#). You must include sufficient information in the request to support your case for varying the default progression points.

You should not require students to confirm that they are genuinely studying until at least 4 months have elapsed since their eCAF application or their last Progression Form was submitted.

A student studying a course over multiple years would be required to submit progression forms several times confirming their continuity as a genuine student over the entire period.

Demonstration of being a genuine student will be required at the course level, not at the student level. Students studying 2 or more courses concurrently for which they access a VET Student Loan will be required to complete progressions and surveys for each course.

## 41.2 Triggering progressions

Milestones have been set up in HITS to remind you when the progression surveys are to be triggered.

The process is as follows:

- You initiate the progression at the individual student-level from the student's eCAF, by spreadsheet, or from your student management software.
- The eCAF system sends an invitation to the student containing their passkey. The email address will default to the personal email address from the previously submitted progression or eCAF but you can override this in the eCAF system if the student's email address has changed.
- Students access the progression form by logging in to the eCAF system using the passkey, then complete and submit the form.
- An email is sent to the student acknowledging receipt of the form. It provides a summary of their responses and reminds them that they are agreeing to VSL being used to pay their tuition fees.

- Students have 2 weeks to complete and submit the form before it expires. If a student does not submit their progression form within the 2-week period, you will need to repeat the process.

Progression points must be triggered at some point within the identified month (the exact timing is up to you) 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).

You should ensure that students are aware of their obligations in completing Progression Forms.

You should:

- 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.

You must not direct students on the responses they provide or put them in a position where they are compelled, or reasonably feel compelled, to answer in a particular way.

If you do not initiate a progression point, we will take this to indicate the student is **no longer** a genuine student. As a general principle, we require you to trigger a progression for **all** students, including those who have ceased study. This allows students to provide the most up to date status of their studies - continuing, deferred, withdrawn or completed. It also gives those who ceased studies because of dissatisfaction the chance to voice their concerns.

Obtaining a completed status and student survey results inform the re-approval process for providers.

### 41.3 Student response

Once you have triggered a progression point, students have 2 weeks to submit their response to the progression form.

Using the progression form, students should indicate if they:

- are continuing their studies
- have deferred or withdrawn from their studies
- have recommenced their studies after having previously deferred or withdrawn from the course (the recommenced status requires the student to include a date when they returned to their studies)
- have completed their course and received their qualification

- never commenced this course.

### Student who withdraw/defer and recommence study

You should generate a progression form when a student withdraws/defers from their course. The student should put the date (according to the provider notice) of withdrawal/deferral into the progression form. Receiving this progression form advises us that a student wishes to stop accessing VSL.

You should also generate a progression form as soon as a student recommences their course of study. The student should put the date that they recommenced their study in the progression form. Receiving this progression form advises us that a student wishes to re-access VSL.

Any days between the date of deferral and date of resumption will not be paid.

### Students who withdraw/defer after census day without completing a progression form

If a student doesn't complete a progression form because they have deferred or withdrawn from the course, you should still receive payment for the portion of fees covered by days before the deferral or withdrawal. This is subject to your compliance with provisions of the Act and the Rules.

If a student submits a Progression Form indicating they have ceased studies (withdrawn, deferred or never commenced) before the reported unit's census day or if their Progression Form submission date is before the reported unit census day in TCSI, you will not be paid.

### Students who have completed a course

If a student has completed their course, they should indicate this on their progression form so that their loan will be stopped.

### Incorrect information

You can generate another progression form for the student to enter the correct response if they advise you they mistakenly gave an incorrect status response (for example, 'completed' instead of 'continuing') in a submitted progression form.

### Viewing student progression status

You can see which students have completed the progression form and their intentions for study, but you don't have access to the survey responses.

You can view the status of student progressions on eCAF. See the eCAF User Guide for more information.

## 41.4 Absence of student engagement

We monitor absence of student engagement through compliance measures.

We may audit you to determine whether your students are genuine students [[part 42.1](#)]. We may also impose conditions on your approval and issue a compliance notice or consider suspension or revocation.

### Failure to submit progression forms

Completion of progression forms by students is directly connected to VSL payments from the department. Where a student fails to complete 2 consecutive progression forms, we may take the view that they are no longer a genuine student. In such cases we may stop VSL payments.

## 41.5 Course completion rates

You will need to demonstrate adequate course completion rates [[part 7.5](#)] and satisfactory levels of student engagement and satisfaction to maintain your approval.

You must submit unit of study and course completion data to us. You may contravene the Act or commit an offence if you provide false or misleading information or fail to provide required data.

**Legislation:** Act s 45(2)(b), s 20 and Rules s 5

## 42. Genuine students

Students accessing VET Student Loans 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.

The department is not required to pay a loan amount for a student if we are satisfied the student is not a genuine student. Students must complete a valid eCAF and all required progressions in the eCAF system to keep their eligibility for a VET Student Loan.

If a student fails to complete 2 consecutive progressions the department may decide that the student should no longer be considered a genuine student. This will affect their payments. Payments assessed as not valid will be errored and will appear in the monthly Payment Report in HITS.

The Secretary of the department has the discretion not to re-credit a student's HELP balance where they are satisfied the student is not a genuine student.

### 42.1 Determining whether a student is genuine

To determine if a student is genuine, consider whether:

- the student is reasonably engaged in the course
- the student has knowledge of course requirements and other aspects of the course
- the student is satisfying the course requirements
- the student is logging onto an online course
- the student is enrolled in more than one course
- there is adequate communication between you and the student.

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
- if the course is an online course – the number of occasions on which the student has logged into the course is not insignificant
- 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
- if the student has no communication with you after enrolment in the course.

### Student awareness

Another factor is whether the student has knowledge of the course requirements, and the cost and duration of the course.

You must provide students with information before enrolment, including about:

- tuition fees and other fees that apply to the course
- their rights and obligations when enrolling in a course and applying for a VET Student Loan.

### Study load

Another factor is if the student is enrolled in more than one course. If the number of 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.

In determining whether the number of enrolments and associated course loads would make successful completion of a course impossible or improbable, 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
- 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 you and your students is essential in demonstrating that a student is a genuine student. You should encourage students to maintain up-to-date contact details.

When determining whether a student is a genuine student, consider whether:

- the student has provided up-to-date contact details to enable us to contact them and verify their enrolment in the course
- when required to do so, the student has communicated their agreement for the department to continue to use VSL to pay tuition fees for the course.

Before enrolling a student in an approved course, you should inform students about the importance of notifying you of any change of contact details.

## Cancelling a student's enrolment

It is 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 relevant census day.

If you cancel a student's enrolment (for any reason) after the census day, you must comply with the correct processes [[part 40.5](#)]. This includes giving students 28 days to initiate grievance procedures before the cancellation takes final effect.

**Legislation:** Act s 20(c)(ii), s 71(3)(b), Rules s 5(2), s 98(1), 98(2)(n)

## 43. Information you must give to students

You must give students:

- Statements of Covered Fees
- Fee Notices
- Commonwealth Assistance Notices.

Before a student enrolls, you must give them information about course fees, census days [[part 26](#)] and provider processes [[part 51](#)]. You must give this information to all students who plan to study an approved course, including those who do not plan to access a VET Student Loan.

Please use the *Checklist of information to be provided to students prior to enrolment* [[Appendix L](#)] to ensure you have met these requirements.

### 43.1 Statements of Covered Fees

The Statement of Covered Fees shows whether the student's enrolment is on the basis that all, or part of, their tuition fees will be covered by VET Student Loans.

Tuition fees covered by VSL are 'covered fees'.

You must give each student a Statement of Covered Fees after they enrol but before the course's first census day. It must be titled 'VET Student Loan Statement of Covered Fees'.

Some students will only want to use a loan to pay for part of their fees. For these students, the statement must show how much of their tuition fees will be covered by a loan and how much will not.

The Statement of Covered Fees must also include:

- 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 statement
- the student identification number you issue to students
- the student's Commonwealth Higher Education Student Support Number (CHESSN) if available
- the student's unique student identifier (USI)
- the name of the course.

You can give the Statement of Covered Fees to students along with the Fee Notice for the first fee period of the course.

You'll find an example of a Statement of Covered Fees at [Appendix M](#). This is a sample only. You'll need to ensure that your Statement of Covered Fees meets legislative requirements.

## 43.2 Fee Notices

Fee Notices tell students exactly what fees you are charging them, including fees they are using a VET Student Loan for.

You must give Fee Notices to each student enrolled in a VSL approved course. This includes students who don't want to use VSL. Only students who are clearly not eligible for VSL, such as international students, do not need Fee Notices.

You must give students a Fee Notice at least 14 days before the first census day for each fee period of a course. This means students will receive multiple Fee Notices during their studies.

A Fee Notice can include more than one census day. For example, you may give one Fee Notice for a whole term or semester of study.

However, you may not give the Fee Notice to students more than 42 days before the beginning of the fee period. (This rule does not apply to providers that are public universities).

The Fee Notice must contain:

- 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 Unique 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
- information about how to withdraw, including where to find a copy of your procedure for withdrawal
- information on the student's right to request correction of information in the notice, in accordance with your information handling procedure
- advice that the student may need to communicate their agreement to continue to use VSL to pay tuition fees for the course
- advice that 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 relevant census day that the student doesn't want the tuition fees to be paid using VSL
- advice that any VETSL debt will remain a personal debt until it is repaid to the Commonwealth.

For each part of the course included in the fee period:

- the amount of the tuition fees covered by VSL
- the amount of VSL debt the student will accrue (which could be up to 120% of the loan amount if a loan fee applies)
- the amount of the tuition fees to be paid by the student, and when the amount must be paid

It must also include 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, they will not incur a VSL debt for the part of the course and will receive a refund for any upfront payment of tuition fees

A sample VSL Fee Notice is at [Appendix N](#). This sample is provided for guidance only. You are responsible for ensuring that your Fee Notices meet the legislative requirements.

### 43.3 Commonwealth Assistance Notices

A Commonwealth Assistance Notice (CAN) gives a student essential information about their course, their tuition fees and VETSL debt.

You must give a CAN to all students accessing VSL. You must do this within (or on) 28 days after each census day during the course. This means students should receive multiple CANs during their studies. A CAN may cover more than one census day if it meets the 28-day rule.

The CAN must contain:

- 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 CHESSN
- the student's 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 VSL covers
- the amount of VSL debt the student will accrue (which could be up to 120% of the loan amount if a loan fee applies)
- 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 your information handling procedure.

You'll find an example of a Commonwealth Assistance Notice (CAN) at [Appendix O](#). This sample is for guidance only. You are responsible for meeting the legislative requirements. Make sure your CANs are in line with these requirements.

#### How to provide notices

You can send the Statement of Covered Fees, Fee Notice and the CAN to students in one of 3 ways:

- using the student's personal email

- using the student's postal address
- by another method agreed to by the student.

An email address you have issued to the student is not considered the student's personal email address.

**Legislation:** Act s 50, 56–57, Rules s 98-100 and Rules s 129

## 44. Electronic communications

If you allow students to sign an electronic communication to you, you must have in place a method the student can use to:

- identify themselves in the communication
- indicate their approval of the information communicated.

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. If you use this method, 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 you issue
- advise each student to whom you issue a student identification number that they are 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
- are sufficiently up to date.

You must ensure the IT system to be used for giving the information is:

- accessible – you have informed the student the information or document is to be given using the system, and have 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 VET Student Loan.

**Legislation:** Rules s 151, s 153, s 154

## 45. Handling students' information

You must have processes and procedures for handling student information.

The processes and procedures must:

- provide for the management of students' personal information in accordance with the Australian Privacy Principles (APPs)
- 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.

### 45.1 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. Documents and information relating to student entry procedures, eligibility, academic suitability, enrolment must be kept for a period of 5 years [part 52].

### 45.2 Dealing with personal information

You must comply with the APPs in relation to collecting and managing personal information.

If 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 1988*. This may be the subject of a complaint under section 36 of the *Privacy Act*.

You must have a procedure for students enrolled with you to apply for and receive a copy of personal information you hold in relation to them.

There are offences under the Act in relation to the misuse of personal information.

### 45.3 Notification of data breaches

You must notify the department, within one business day, if you suspect that personal information you (or your subcontractors) hold in connection with the VSL program may have been subject to a data breach.

Data breaches include unauthorised access or unauthorised disclosure, or personal information having been lost in circumstances where the loss is likely to result in the personal information being subject to unauthorised access or unauthorised disclosure.

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.

You can notify the department via email to [vetstudentloans@dewr.gov.au](mailto:vetstudentloans@dewr.gov.au).

## 45.4 Use of information

The following VET officers may use VET information in their capacity as:

- a Commonwealth officer or an officer of a Tertiary Admission Centre
- an officer of an approved course provider
- an officer of an approved external dispute resolution scheme operator.

A VET officer may disclose VET information to another VET officer if they believe on reasonable grounds that the disclosure is reasonably necessary for the purposes of exercising their powers or performing their functions or duties in relation to VSL.

Commonwealth officers (which includes the VSL Tuition Protection Director) and the Secretary have broader powers to use or disclose VET information.

**Legislation:** Act s 51, s 54, Rules s 91–95, s 105

## 46. Recrediting a student's HELP balance

In some circumstances a student's HELP balance will be recredited - for example, if they withdraw or defer before census day. In these cases, you will need to repay any amount that was paid to you for the student's tuition fees.

You must pay back the loan amount which:

- was used to pay tuition fees for the student's course
- has now been recredited to the student's HELP balance [[part 39](#)].

For example, you must repay a loan amount if a student's HELP balance is recredited:

- for special circumstances [[part 47](#)]
- where you have engaged in unacceptable conduct [[part 48.4](#)]
- where you default in relation to a student [[part 50.3](#)] and there is no suitable replacement course.

Where a student's HELP balance is recredited, you must pay to the Commonwealth an amount equal to any amount that was paid to you but was not payable - for example, where the payment has been erroneously made or made based on false information.

Your decision not to recredit a person's HELP balance is a reviewable decision.

## **46.1 Procedures for recredit of HELP balance**

You must have procedures that explain to students how their HELP balances are recredited.

The procedures must explain:

- that a student's HELP balance can be recredited
- that a student may apply to you to have their HELP balance recredited because of special circumstances
- that a student may apply to have their HELP balance recredited because:
  - you engaged in unacceptable conduct in relation to the student's application for the VET Student Loan
  - you failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
- what special circumstances are
- that to get their HELP balance recredited for special circumstances they must apply to you within 12 months after the relevant census day or within an extension period set by you
- that the department may recredit a student's HELP balance in relation to special circumstances if:
  - the course provider is unable to act or is being wound up or has been dissolved
  - the provider has failed to act, and the department is satisfied that the failure is unreasonable
- that to get their HELP balance recredited by the department they must apply within 5 years after the relevant census day or within an extension period set by the department
- the decisions review [[part 47.1](#)] processes that students can use, including relevant time limits
- that there is no charge for review of decisions [[part 47.2](#)], other than review by the Administrative Review Tribunal (ART) [[part 47.4](#)].

## **46.2 Applying for recredit of HELP balance**

An application for recredit of HELP balance must set out the grounds on which the applicant's HELP balance is to be recredited.

The application must include the following to the extent that they are known to the applicant:

- 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.

When a student applies to the Secretary for recredit of their HELP balance on grounds of provider unacceptable conduct [[part 48.4](#)], the department will send you a notice in writing. The notice will describe the proposed decision and state the reasons why the department is considering making it.

The notice will invite you to make a written submission to the department (within 28 days) on why we should not make that decision. The department must consider this submission.

The department will give the student and you written notice of the decision and reasons for the decision.

Students who want more information should be referred to the VSL Student Manual.

### **46.3 Recrediting by provider for special circumstances**

A student may apply to you to have their HELP balance recredited in special circumstances [[part 47](#)].

The student's application must set out the grounds on which they're applying have their HELP balance recredited. It should include:

- details of the course to which the application relates
- details of the provider of that course
- the loan amount that is to be recredited
- the applicant's student identifier (if any)
- any documents supporting the application.

You must recredit a student's HELP balance if:

- the student applies to you in writing for the recredit, and
- they do this:
  - within 12 months after the relevant census day or
  - within a longer period if you've given them an extension, and
- you're satisfied that special circumstances prevented, or will prevent, the student from completing the requirements of the course or the part of the course.

If you allowed the student to defer their studies, the 12-month application period starts from the end of the deferment period.

You should consider the student's application and notify them of your decision and reasons in writing as soon as possible.

If you're satisfied that there are special circumstances, you must recredit the student's HELP balance with the same amount as the VET Student Loan used to pay the relevant tuition fees.

You have the discretion to refund any other payments the student made to you for the course, in line with your own policies. These policies should be accessible to the student. You can use the 'special circumstances test' in deciding whether to refund a student's upfront payment.

#### **46.4 Recrediting on grounds of unacceptable provider conduct**

Students can apply to the Secretary of the department [[part 48.4](#)] to have their HELP balance recredited on the grounds of:

- unacceptable conduct by the provider
- circumstances set out in subsection 71(3) and 71(4) of the Act

The student has 5 years from the relevant census day to do this. However, the department may extend this period.

#### **46.5 Reporting a decision to recredit a student's HELP balance**

If the department decides to recredit a student's HELP balance, we will notify you of this. You must report this outcome by submitting a TCSI revisions file.

You must repay to the Commonwealth any amounts of the VET Student Loan you received from the Commonwealth on the student's behalf. The repayment will occur through subsequent reconciliations, unless the department decides to issue a separate invoice.

#### **46.6 Recrediting by Secretary**

The Secretary of the department may act in place of you and recredit a student's HELP balance for special circumstances.

The Secretary may take this action if you cannot do so, are being wound up, have been dissolved or have unreasonably failed to act.

The Secretary may also recredit a student's HELP balance if the student has been subject to unacceptable conduct [[part 48.4](#)].

The Secretary may recredit a student's HELP balance if they are satisfied that:

- the student is not an eligible student [[part 31](#)]
- the student is not a genuine student [[part 42](#)]
- the student does not have a tax file number [[part 30](#)]
- the student does not have a [unique student identifier](#).

The Secretary may recredit a student's HELP balance if:

- 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), and

- the failure has adversely affected the student.

The Secretary must recredit a student's HELP balance if:

- the student has not completed the requirements for the course or the part of the course because you defaulted in relation to the student, and
- the VSL Tuition Protection Director is satisfied there is no suitable replacement course for the student.

The amount the Secretary recredits must equal the loan amount that has been used to pay tuition fees for the student for the relevant part of the course. This must take into account any submissions you make to the VSL Tuition Protection Director in relation to the amount to be recredited. You and the student will get written notice of the Secretary's decision on the recredited amount.

**Legislation:** Act s 6, s 22, s 68, s 70–73, Rules s 89, s 149(2–4)

## 47. Special circumstances

Students can apply to you to recredit their HELP balance [[part 39](#)] if they withdraw from a course because of special circumstances.

Special circumstances are events or conditions that:

- are beyond the student's control and
- didn't make their full impact on the student until on or after the relevant census day [[part 26](#)] and
- made it impracticable for the student to complete the course or part of the course.

The student must satisfy you that special circumstances exist.

You should consider the student's application and notify them of your decision and the reasons for it in writing as soon as possible.

### Review of special circumstances decisions

Your decision about whether to recredit a student's HELP balance is a reviewable decision [[part 47.1](#)]. When you make a special circumstances decision, you must let the student know the time limit for applying for a review of it. The time limit is 28 days after the day on which they were notified of the decision - or a longer time if you choose to extend it.

### Review applications outside the time period

If the student applies for review later than 28 days after you notified them of the decision and you haven't extended this time, you should let them know that you've refused their request because they didn't apply within the required time. You don't have to consider whether there are special circumstances.

## Special circumstances beyond a person's control

Circumstances that are beyond a person's control are things like:

- a car accident
- a serious illness getting worse.

## Special circumstances that didn't make their full impact until on or after the census day

This category includes circumstances that occurred:

- on or before the census day but got worse after that day
- on or before the census day but without their full effect or magnitude becoming apparent until after that day
- on or after the census day.

Students don't need to demonstrate that they were unable to withdraw from the course on or before to the census day.

## Special circumstances arising from pre-existing conditions

- A student may face special circumstances if something that first: occurred on or before the census day worsens after that day or
- if its full effect or magnitude becomes apparent after that day.

For example, a student may have an illness or other pre-existing condition or incapacity on or before the census day but:

- their condition later gets worse or they develop complications or experience a serious episode
- their recovery doesn't go to plan or they later realise their full level of disability or incapacity to study.

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.

## Circumstances that made it impracticable to complete a course

'Impracticable' means 'not practicable – that which cannot be put into practice with the available resources'. 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.

You must consider whether the student could:

- meet course requirements by doing enough private study, attending training sessions and other activities or engaging online
- complete any required assessable work or demonstrate the required competencies
- complete any other requirements arising from their inability to do the above.

Circumstances which make it impracticable for a student to complete their course may be (among other things):

- medical circumstances – for example, where the student’s medical condition has changed so much that they’re unable to continue studying
- family or personal circumstances – for example, death or severe medical problems in the student’s family, or unforeseen financial difficulties which affect the student so much that it’s unreasonable to expect them to continue studying
- employment related circumstances – for example where the student’s employment status or arrangements have changed so much that they’re unable to continue their studies and this change is beyond their control.

## **47.1 Reviewable decisions**

Certain decisions by either the provider, or the Secretary of the department, are ‘reviewable decisions’. This means that the affected person can ask the decision maker to review the decision and apply to the Administrative Review Tribunal.

Reviewable decision types are listed in section 74 of the Act.

A review of a decision may be requested by the person affected by the original decision. However, you can review the decision without a request if you are satisfied there is sufficient reason to do so.

## **47.2 Decision review by the provider**

Students can apply for review of your decision not to recredit the student’s HELP balance for special circumstances.

You must review a decision if:

- it’s a reviewable decision under the Act – that is, a decision about recrediting a student’s HELP balance for special circumstances, and
- the person affected by the decision asks you to review it.

If a student requests a review, you must appoint a review officer to reconsider the decision. The review officer must be appointed by your CEO or a delegate of the CEO (a staff member with the power to act on the CEO’s behalf).

You may find it useful to keep an up-to-date register of appointments of review officers.

You 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
- applying to have their HELP balance recredited.

A review officer must not:

- review a decision they were involved in making
- be in a lower position than the person who made the original decision.

Review officers should examine and decide on each application on its merits. They should consider the student's claims and any independent documentary evidence that supports these claims.

The review officer must reconsider the decision and:

- confirm the decision, or
- vary the decision, or
- set the decision aside and substitute a new decision.

The review officer must give the student written notice:

- stating their decision
- stating their reasons for making it
- advising the student of their right to apply to the [Administrative Review Tribunal](#) (ART) to have the decision reviewed [*Administrative Review Tribunal Act 2024* Part 10].

If the review officer doesn't give the student a notice of decision within 45 days after receiving the review request, it is taken that the reviewer has confirmed the original decision.

### Notice of rights of review

When a reviewable VET decision has been made or reconsidered, you must provide the student with a notice of rights of review along with the reasons for the decision/reconsideration.

The first rights of review notice need to be provided after a reviewable decision has been made.

[Appendix I](#) gives an example of a notice of review rights. However, you are responsible for ensuring you satisfy the legislative requirements for such a notice.

## 47.3 Decision review by the 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.

Students can apply for review of a decision by the Secretary:

- to approve or not approve a VET Student Loan
- to revoke the approval of an approved course provider
- not to recredit the student's HELP balance for special circumstances
- to recredit the student's HELP balance for unacceptable conduct.

### Further review by the Administrative Review Tribunal

If the student isn't satisfied with the provider's or the Secretary's review, they can apply to the Administrative Review Tribunal.

See [Appendix J](#) for the Review Procedure Flowchart

## 47.4 Administrative Review Tribunal

If a student is not satisfied with the provider's review of a decision, they can apply to the Administrative Review Tribunal (ART) for a review of the decision. They may supply additional information to the ART that they did not previously supply to the provider's 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 decision-maker may, but is not required to, give the ART the same statement of reasons given to an applicant.

We will notify you, in writing, that an appeal has been lodged. To enable us to meet the 28-day timeframe, you must provide us with copies of all the documents relevant to the appeal, within 5 business days of being requested.

We will ensure documents are provided in the prescribed form. The documents which are required to be given to the ART by a decision-maker 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.

After receiving the documents, 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. They may do this 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.

**Legislation:** Act s 18, s 36, s 68, s 71, s 74, s 76, Rules s 90, 145–146

## 48. Complaints processes

You must have a grievance procedure in place to deal with student complaints. Your procedure must involve both internal processes and external review. You are also taken to be part of the external complaint resolution scheme operated by the VET Student Loans Ombudsman.

VET Student Loan students studying with private providers are eligible for tuition protection, delivered by the government's Tuition Protection Service, if their provider defaults - that is, if they close, fail to start, or stop offering a course or unit of study. Those providers pay an annual levy to support the service.

If you engage in **unacceptable conduct**, a student may apply to the Secretary of the department for a recredit of their HELP balance.

The department can take compliance action against you if you fail to meet your obligations under the Act and the Rules. Compliance actions include civil penalties, fines and imprisonment.

### 48.1 Student complaints

You must have a grievance procedure in place to deal with complaints from your students about academic matters and non-academic matters. The procedure must contain:

- an internal stage, which deals with lodging and internal hearing of the complaint
- an external stage, which provides for independent external decision review.

The student cannot be charged a fee for any part of the grievance process.

You must keep appropriate records, for at least 5 years, for each use of the grievance procedure.

Your 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
- clearly state that there is no charge for the internal stage or external stage
- provide for implementation of decisions made 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.

## **48.2 Internal stage of grievance procedure**

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.

## **48.3 External stage of grievance procedure**

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.

You are taken to be members of the external dispute resolution process operated by the VET Student Loans Ombudsman for the purpose of meeting this obligation under the Act. [[part 49](#)]

## 48.4 Unacceptable conduct

A student may apply to the Secretary of the department for a recredit of their HELP balance if:

- you, or someone acting on your behalf, engaged in unacceptable conduct when dealing with an application for a VET Student Loan have engaged in unacceptable conduct when dealing with an application for a VET Student Loan.
- or you failed to comply with the VSL Act (or instrument under the Act) and the failure adversely affected the student.

Unacceptable conduct is:

- ‘unconscionable conduct’ (see below) and ‘misleading or deceptive conduct’
- the ‘making of a representation with respect to any future matter’ (see below), 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
- 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
- use of physical force, or harassment or coercion, in connection with the application or enrolment in the course.

These definitions do not limit one another.

It is unacceptable conduct for you to:

- tell a student that they should enrol in a course because a VET Student Loan will be available for the course in the future when you don’t have any reason to believe this
- suggest that your fee limit [[part 11](#)] or conditions of approval [[part 10](#)] allow you to enrol a student in a course because a VET Student Loan will be available when your fee limit or condition of approval does not allow this.

## 48.5 Unconscionable conduct

In deciding whether conduct is unconscionable, the Secretary may consider:

- 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 you, or the person acting on your behalf, exerted any undue influence or pressure on, or used any unfair tactics 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.

It doesn't matter whether or not a particular individual is identified as having been disadvantaged by the conduct.

## **48.6 Making of a representation with respect to any future matter**

'Making a representation' means you've used words or actions to state or suggest something. For example, you may have made a statement in your promotional material or 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, you may state that a course will be an approved course [part 16] in the future or that you will be an approved provider [part 3] in the future under the VET Student Loan 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, this would be 'reasonable grounds' for believing that it would occur. However, if you have heard the same thing from a friend of a friend about a particular matter, this would not be reasonable grounds.

## **48.7 Application process for a re-credit based on unacceptable conduct**

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. However, the Secretary may extend this period.

The application must include the following (if known):

- 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.

After assessing the application, the delegate for the Secretary must give you a notice in writing stating we are considering making the decision. The notice will describe the proposed decision and the reasons for it.

You may give a written submission to the department (within 28 days) on why that decision should not be made. The delegate must consider any submissions received within the 28-day period.

The delegate will give the student and you a written notice of the decision and reasons for the decision as soon as practicable after making the decision.

**Legislation:** Act s 25(2)(h), s 71–72, Rules s 88, s 105(g), s 148

## 49. VET Student Loans Ombudsman

The VET Student Loans Ombudsman (VSLO) is an external dispute resolution body that assesses complaints, conducts investigations and makes recommendations on 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 reports on its investigations and recommends 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 student complaints procedure makes appropriate provision for external and independent review.

Even though there is a VSLO, you are still required to have an appealed decision reviewed by an appropriate external independent person as part of your student complaints procedure [[part 48](#)].

You must keep appropriate records, for at least 5 years, for each use of the student complaints procedure.

### 49.1 Providers' obligations

You must:

- comply with the requirements of the VSLO
- fully cooperate with the VSLO to ensure compliance with the Act.

For example, if the VSLO requests that you produce information or documents relevant to an investigation, you must provide the information or documents. A breach of this obligation may result in a criminal offence (under section 36 of the Ombudsman Act) and/or a civil penalty.

If you do not take adequate and appropriate action within a reasonable time after the VSLO has made their recommendations, a report will be provided to the Minister. This 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.

**Legislation:** Act s 42(c), s 46, Rules s 105(g)

## 50. Tuition Protection Service

The [Tuition Protection Service](#) assists and protects students with VET Student Loans if you default - that is, if you close, fail to start, or stop offering a course or unit of study. A provider default occurs when a course provided by an approved course provider is not delivered to completion - for example, where a provider closes, fails to start, or stops offering a course or unit of study.

Note: if you intend to default, you must report this to the department.

### 50.1 VSL tuition protection levy

As part of the service, non-exempt providers need to pay the [VSL tuition protection levy](#).

The levy consists of an administrative fee component, a risk-rated premium component and a special tuition protection component. It is collected in the second half of each calendar year.

You must pay an annual levy that aligns with your size and risk. The Australian Government Actuary developed the framework to ensure the tuition protection arrangements are sustainable and can respond to trends in each sector.

The levy is reviewed annually to ensure it remains appropriate to the sector. It is calculated in line with legislative instruments.

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

The levy is held in a sector-specific quarantined account and is used to support students and providers.

Tuition protection arrangements can be used only for tuition fees paid using a VET Student Loan.

### 50.2 Exempt providers

TAFEs, other government-owned providers and Table A universities are exempt from the tuition protection service levy. However, they still have obligations concerning providing information about replacement courses and obligations as replacement providers.

These providers are exempt because they are at very low risk of default. If they do default, they have a greater capacity and capability to place students in suitable replacement courses without the assistance of the VET Student Loans Tuition Protection Director.

To ensure students accessing a VET Student Loan with publicly owned providers receive equal protections and assistance as those studying with private providers, conditions of approval have been imposed on publicly owned providers to ensure they support their VSL students if the provider stops offering any of their courses.

As part of their support for students, publicly owned providers must facilitate students' transfer to replacement courses/providers. If a replacement course or provider is not available, they must re-credit the student's HELP balance for affected parts of the course.

This recredit will be for tuition fees paid using VET Student Loan for the original course or parts of the course, which were not completed due to the provider's default.

### **50.3 Defaulting on a student**

If you intend to default in relation to a student, you must give the Secretary written notice of the intention as soon as practicable.

Upon default, you must notify the TPS Director of the circumstances of the default within 24 hours. You must also provide the affected students' contact details, their course and fee information within 3 business days. Failure to meet these obligations attracts a civil penalty.

### **50.4 Tuition Protection Review**

The [Tuition Protection Review](#) Final Report was tabled in Parliament on 7 April 2022. The review considered current tuition protection arrangements and explored the suitability and feasibility of expanding the Tuition Protection Service to the up-front payments VET sector, in line with the review terms of reference.

**Legislation:** Act Parts 5A and 5B, s 66, Rules s 47, s 51, s 111

## **51. Required provider processes and procedures**

Approved providers must put in place the procedures set out in section 48 of the *VET Student Loans Act 2016*.

Make sure your staff understand and are trained in the procedures they need to follow in their roles.

Your procedures must provide for equal and fair treatment of all students seeking to enrol in an approved course.

You must publish your procedures on your website in an easily accessible location that is not behind a login.

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. This excludes students' Tax File Numbers.

### **51.1 Specific procedures**

You must have procedures in place to:

- determine academic suitability [[part 32](#)] for a particular course (student entry procedure)
- determine and publish fee information [[part 19.3](#)] for students
- make the VSL application process clear to students (including submission deadlines)
- give students information about census days [[part 26](#)]
- publish your processes on your website in an easily accessible way
- assess a student's competence in reading and numeracy [[part 34](#)] against the Australian Core Skills Framework
- report literacy and numeracy [[part 34](#)] competency results (student entry procedure)
- collect and verify documents from students who apply for VET Student Loans – for example
  - student identity and date of birth
  - the citizenship and residency requirements [[part 31.1](#)]
  - tax file number certificate [[part 30](#)] showing a student has applied for a tax file number
- handle student information [[part 45](#)]
- determine tuition fees [[part 19.1](#)]
- manage student withdrawal from approved courses
- cancel a student's enrolment [[part 40.5](#)] after census day
- recredit a student's HELP balance [[part 46](#)]
- handle student complaints [[part 48](#)].

## 51.2 Publishing your processes and procedures

You must publish information about VSL on your website in a way that meets the requirements of both the Rules and the Act.

Examples of the information you must publish are:

- 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 want to use VSL
- your student grievance processes.

### Publishing requirements

These processes and procedures must be published prominently on your website and must be easily accessible without provision of login information. Please use the Publishing processes and procedure checklist [[Appendix K](#)] to ensure you meet all the requirements.

**Legislation:** Act s 48, Rules s 76–79, s 85–88, s 93, s 118

## 52. Record keeping

You must keep records for 7 years or as otherwise specified. You need a good system for maintaining records, as you may be audited at any time [part 60.1]. Keeping accurate and detailed records will help you comply with audits.

The following information and documents must be retained for 5 years:

- the information provided to a student before the student enrolls in an approved course
- documents obtained or assessments undertaken to determine a student's academic suitability
- records of students' enrolments, including the day and time the student enrolled in the course
- information and documents collected in relation to an application for a VET Student Loan
- if applicable, the day and time a student gives you a VET Student Loan application
- all correspondence between you and the student (or the student's parent or guardian) in relation to the course. This includes 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 by the Rules, including the dates when the version was current
- marketing and promotional material relating to approved courses.

This does not include the recording, using and disclosure of Tax File Numbers.

### Department may request information

We may give written notice requiring you to give information or documents relating to:

- the vocational education and training you provided
- your compliance with VSL legislation.

The information or documents must be given in the form requested by the notice. The notice may also include other requirements.

**Legislation:** Act s 45–46, s 51–54 and s 99–101, Rules s 98 and s 105

## 53. Marketing your courses

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.

Note: the marketing provisions (sections 60–64 of the Act) are civil penalty provisions. Breaching section 60 (misrepresenting VET Student Loans) 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 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.

### **53.1 Marketing that mentions VET Student Loans**

Any marketing in which you mention the possible availability of VSL (however described) for students undertaking a course must:

- prominently mention:
  - 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 VET Student Loan gives rise to a VETSL debt, which continues to be a debt due to the Commonwealth until it is repaid
- not represent that a VET Student Loan is not a loan or does not have to be repaid
- present the information above in a font size approximately the same as any other marketing information that it accompanies
- if the marketing is online, present the information 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 [VET Student Loans Style Guide](#).

### **53.2 Information about fees**

You must not market your courses unless the tuition fees for each course (including tuition fees for units/parts of courses) have been published on your website in way that is readily accessible by the public.

Any marketing that mentions a VSL approved course must also mention the course's maximum tuition fees.

### **53.3 Offering inducements**

You must not offer or provide a benefit (or cause anyone else to offer or provide a benefit) which would be reasonably likely to induce a person to apply for a VET Student Loan for a course.

This does not apply in relation to the following benefits:

- 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.

You should be careful that any bursaries, scholarships, or other tuition fee discounts you offer don't contravene the rules around offering benefits.

### **53.4 Inappropriate inducements**

Inappropriate inducements include items which:

- the student could use 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, or vouchers redeemable for goods or services and money.

Consider the following factors when determining whether a benefit is an inappropriate inducement. Depending on the circumstances, these factors may 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 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.

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.

### **53.5 Cold calling**

Cold calling includes making unsolicited contact with a student (or prospective student) in person, or by telephone, email or other form of electronic communication.

If you engage in cold calling to market, advertise or promote a course, you must not mention the possible availability of a VET Student Loan for students undertaking the course.

### **53.6 Use of third-party contact lists**

If you 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, you must not mention the possible availability of a VET Student Loan.

This does not apply where the student (or prospective student) has given express consent to for you to contact them. A student is taken to have provided express consent if all the following conditions are met:

- 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 they initiate contact with a third party for the purposes of giving information to you, or getting information from you, relating to education and training. 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.

### **53.7 Social media**

Any marketing of your organisation or your courses through social media must not mention the possible availability of a VET Student Loan for students undertaking a course.

Examples of social media platforms are Facebook, Instagram, X (formerly Twitter) and YouTube.

### **53.8 Branding**

You must use the approved VSL logo 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.

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.

For details, see the published [VET Student Loans Style Guide](#).

### **53.9 Use of brokers or agents**

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:

- 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 they 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 or with a member of the Australasian Conference of Tertiary Admission Centres.

If you fail to comply with these requirements, you may incur a civil penalty of up to 60 penalty units.

**Legislation:** Act s 49, s 60–64, Rules s 95–96 and 135–143, s 138(1)

## 54. Publishing information about your courses

When you publish information about VET Student Loans on your website you should ensure the content is published in a way that meets the requirements of both the [Rules](#) and the [Act](#), including that the information must be easily accessible without provision of login information.

You must publish:

- the student entry procedure, specifying
  - the requirements relating to student academic suitability
  - the process for assessing a student's competence in reading and numeracy, including the VET Student Loans approved assessment tool used and communication of the assessment results
- how you will treat students and handle students' personal information, including the information you collect and verify when they apply for VSL
- the processes and procedures for a student to withdraw from an approved course and also publish cancellation of enrolment processes
- your tuition fees for each part of the approved course (that is, unit/subject) (no later than the day before a student enrolls in a course)
- any variation to tuition fees if allowed, and the procedure for charging fees other than tuition fees
- 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
- any allowable variation to the census days.

- your process and procedure with dealing with students' complaints, including how they can seek a review without discrimination
- how students' HELP balances are re-credited and other information relating to reviewable decisions
- your procedure covering required actions when you default in relation to a student and how you will meet your obligations as a replacement provider to students enrolled in a replacement course.

Please use the *Publishing processes and procedure checklist* [[Appendix K](#)] to ensure you meet all the requirements.

**Legislation:** Act s 12, s 55–59, s 68, Rules s 75–79, s 80–82, s 84–94, s 115, s 126–127, s 132–134, s 144–146

## 55. Data reporting

You are required to report data for all students studying in approved courses who have been approved for a VET Student Loan.

Note: where a student is approved for a VET Student Loan at a time after commencing their study, all relevant data from the commencement of study must be reported as soon as reasonably possible. This means that previous units of study that did not involve a VET Student Loan will need to be reported to provide a complete picture of student's study in a course.

Data that you submit is used in:

- monitoring your compliance with the Act and Rules
- the publication of aggregate level information relating to the operation of the VSL program [part 56]
- data analysis and/or insight to further enhance understanding of the VSL students and provider populations
- submitting student debt information to the ATO that relates to the VSL program.

Civil penalties apply for failing to provide required data or providing false or misleading data.

You must comply with the data reporting requirements issued by the department. These requirements are located at [VET Reporting Requirements | TCSI Support](#).

### Contact officer information in HITS for CEO/CFO

You must keep your CEO/CFO contact officer information in HITS up to date. Instructions on how to update this information can be found in the [HITS User Guide](#).

## Uploading documents

You must upload any sensitive documents to HITS under *Ad-Hoc documents*, using the category *Administration*. This includes variation requests, audited financial statements and any documents containing private student information. You must not include student TFNs in any documents uploaded to HITS.

## 55.1 Data you must report

You must report:

- student data – information on student enrolments, and the personal details of students approved for a loan
- course data – information on your approved courses
- unit of study outcomes and course outcomes submissions – details of students' completion, withdrawal or deferments of courses and parts of courses.

Unit of study outcomes should be reported for all units – this applies even for the last unit and even if a course completion has already been reported.

## 55.2 Data certification

You must undertake a thorough quality assurance process before submitting your data. All student enrolment, unit and course outcome data must be quality checked and confirmed as accurate by an Executive Officer as defined in the Act before you submit it.

Your data must be accurate, complete, timely and submitted in the form prescribed in the VSL Data Reporting Notice on [VET Reporting Requirements | TCSI Support](#). Inaccurate or late data reporting may invalidate your payment from the department. If you submit invalid student enrolment data, we will provide you with a report detailing all unit of study records which are in error. This report will include the error codes. Please download the *Provider Payment Report* in [HITS](#) for this information.

The [Data Reporting Requirements for 2025](#) fact sheet details the error codes and how to fix them.

## 55.3 Data validation

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](#).

## 55.4 Increasing previously paid loan amounts

You must not edit data to increase the VET Student Loan amount of a student that has previously been paid to you. This is because increases to paid loan amounts update the

paid/effective date at the ATO and can affect how indexation is applied. Previously paid amounts may be edited to decrease the VET student loan amount.

If a loan increase is required, the provider should let the student know (by amending the Fee Notice, Statement of Covered Fees and Commonwealth Assistance Notice) and 'roll' the increase amount into the next unit of study.

Where the increase is required on the last unit of study, you should create a new unit with the same census date as the last unit and repeat as much of the unit ID as possible while:

- a) adding 'INCR' to the original Unit of Study Code (E354) and
- b) include the amount added to Amount Charged (E384), HELP Loan Amount (E558) and applicable Loan Fee (E529).

This additional loan will be paid as an increase and the old loan payment/effective date stays as it was.

A unit enrolment record should not be deleted and resubmitted to correct a loan amount. This action affects the indexation of the loan.

## 55.5 Equivalent full-time study load

You will need to determine the Equivalent Full-time Study Load (EFTSL) for each student's parts of courses or units of study. 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.

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 student's mode of study.

See [Appendix Q](#) for an explanation of how to report EFTSL.

## 55.6 Reporting deadlines

A key aspect of the VSL reporting requirements is the timeframes for data reporting.

| 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.<br>Course outcome date required within 7 days of student completing the course. |
| Unit of study completions                                                               | Event based reporting. Within 7 days of the student enrolling in a unit of study.                                                                                                                                      |

| <b>Data type</b>                            | <b>Reporting timeframe</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Unit outcome status and unit outcome date) | Within 7 days of when the updated completion status becomes available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Revisions                                   | <p>All corrections and updates to data that have already been reported must be made:</p> <ul style="list-style-type: none"> <li>• before the initial reporting deadline, or</li> <li>• within 7 days of the information needed to make the correction or update becoming available, whichever date is later.</li> </ul> <p>Note: A previously paid loan amount may not be subsequently edited to increase the loan amount. An increase may be claimed by adding the increased amount to a subsequent unit of study. Where this is not possible, a new unit enrolment should be reported with the same information except:</p> <ol style="list-style-type: none"> <li>a) pre-fix 'INCR' to the original unit of study code followed by as much of the original value up to the 12-character field limit to make it unique, and</li> <li>b) only the amount added to amount charged, amount paid upfront, loan fee and HELP loan amount.</li> </ol> |

Further details of reporting requirements, and all documents referred to in the Notice, are available at [VET Reporting Requirements | TCSI Support](#).

## 55.7 Common data provision issues

Please note the following common issues with data provision:

- Course codes in eCAFs and TCSI systems must match the course codes as recorded on training.gov.au and those in the VET Student Loans (Courses and Loan Caps) Determination 2016.
- Course codes in TCSI must match the student's VSL eCAF.
- Course codes must match those listed in your Conditions of Approval.
- Loan amounts (and gap fees) must be spread evenly across the course. Payment will be rejected if the debt amount reported in a month does not reflect a reasonably proportionate spread of fees across the course duration.
- eCAF entries must match TCSI entries. For example, the student TFN, USI, CHESSN and ID, and course codes entered must match in both the eCAF system and the TCSI data submissions.

## 55.8 Reporting for students without a Tax File Number

Students may be enrolled in a course of study while they are waiting to receive a Tax File Number (TFN). However, payments under VSL cannot be made until a valid TFN has been notified to the department. You cannot report a VSL student's enrolment data without a valid TFN.

## 55.9 Failure to comply with reporting requirements

You are required to provide real-time event-based data because a delegate of the Secretary of the department has exercised powers under subsection 53(1) of the Act to request this information.

A civil penalty of 60 penalty units may apply where a provider fails to comply with such a request for information. This is a strict liability offence. Senior Executives of providers may also be personally liable.

A civil penalty of 240 penalty units may apply if you:

- provide information or a document that is false or misleading
- omit any matter or thing so the information or document is misleading.

Note that giving false or misleading information is a serious offence: see section 137.1 of the *Criminal Code Act 1995* and section 106 of the Act.

You can submit questions to the department using the online enquiry form on [Provider Enquiries](#).

**Legislation:** Act s 53(4), s 65, s 106

## 56. 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 and
- for each of those providers
  - 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 the VSL Data Collection at [VET Student Loans Statistics](#).

**Legislation:** Act s 103(a)

## 57. Ongoing course provider requirements

You have ongoing requirements related to:

- complying with conditions imposed on you at the time of your approval
- providing information (to students and to the department)
- having the appropriate procedures in place.

You must:

- keep all required records
- must meet all of your legislative obligations.

You can be audited at any time.

### 57.1 Approved provider requirements

When you applied to be an approved provider [[part 4](#)], you had to meet all the course provider requirements. To maintain your approved status, you must continue to meet those requirements. For example, you must continue to:

- meet the conditions imposed on your approval [[part 10](#)]
- meet the suitability requirements [[part 7.7](#)]
- 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 a territory provided funding
- be financially viable [[part 7.3](#)] and being able to pay your debts as and when they are due and payable
- have the appropriate insurance [[part 7.3](#)]
- have robust and appropriate management and governance structures
- show adequate student completion rates [[part 7.5](#)].

### 57.1 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
- 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
- comply with the required processes and procedures [\[part 51\]](#)

## 57.2 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
- 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.

## 57.3 Commissions for provider staff

You are prohibited 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.

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 2025 (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 standards 1.1, 1.3, 1.4, 1.5 and 1.6 of the Outcome RTO Standards. This could also be a breach of sections 8–11 and schedule 1 - Fit and Proper Persons Requirements of the Compliance 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.

## 57.4 Compliance

You must:

- comply with relevant laws and continually meet the appropriate RTO quality standards for training and assessment
- 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 \(VRQA\)](#).

**Legislation:** Act s 47(2), Rules s 22, s 26–30, s 32.

## 58. Ongoing financial performance requirements

Each year you must provide audited general purpose financial statements prepared by an independent qualified auditor. Listed providers are exempt from this.

If your organisation is a wholly owned subsidiary of another legal entity, or forms part of a larger tax group, it must also submit the financial statements of the consolidated group for the most recently completed annual financial reporting period. These must be prepared in accordance with applicable accounting standards.

You need to submit your financial performance information to the department through HITS and action the financial milestone. See the [HITS User Guide](#) for more information.

### 58.1 Qualified independent auditor

A qualified auditor is:

- the Auditor-General of a state or territory or
- a registered company auditor (within the meaning of section 9 of the *Corporations Act 2001*) or
- a person approved by the Secretary of the department in writing.

An independent auditor is a registered company auditor who is independent of the company being audited.

When you submit your paperwork, you should include details of the auditor's registration with ASIC.

## 58.2 Annual financial statements

Each year all non-listed providers must give us audited general purpose financial statements for the financial year (within the meaning of section 323D of the *Corporations Act 2001*), within 4 months after the end of the financial year.

The Act doesn't allow extensions to this timeframe. We may take compliance action if you don't submit the required information within the 4-month deadline. If you can't meet your statutory requirements in time, you should contact us as soon as possible to agree on other arrangements.

You must submit audited general purpose financial statements. Special purpose financial statements are not an acceptable alternative. Submitting them instead would be a compliance breach.

The financial statements must be:

- 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:

- 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:
  - 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:

- a copy of the most recent consolidated financial statements for the entity prepared in accordance with applicable accounting standards and
- any additional information about the consolidated entity that the department requests.

## 58.3 Submitting annual financial statements

You must submit your financial statements and accompanying documents and information through HITS. For help with this, see the [HITS User Guide](#).

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

You should notify the department that you have uploaded your annual financial statements to HITS. Do this using the online enquiry form on [Provider Enquiries](#).

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

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

Any transaction between you and your key personnel, or related parties, may only be made:

- where the transaction is reasonably necessary for your operations and
- where the terms and conditions of the transaction are reasonable having regard to your circumstances.

**Legislation:** Rules s 4, s 113(1–4), s 24

## **59. Ongoing information requirements**

You must provide certain information to the department on an ongoing basis. If you fail to do so, you may be liable for a civil penalty of 60 penalty units. This is an offence of strict liability.

### **59.1 Information you must give to the department**

You must provide certain information to the department on an ongoing basis. If you fail to do so, you may be liable for a civil penalty of 60 penalty units. This is an offence of strict liability.

You must give notice to the department if:

- certain events affect your capacity to comply with the Act
- there are changes to your organisation
- any of the other types of events listed below occur.

To give notice to the department, use the online enquiry form on [Provider Enquiries](#) and upload any relevant attachments to HITS.

You must give the Secretary:

- information about notifiable events
- other information such as:
  - annual financial statements
  - copies of notices given to other regulators
  - annual reports

## 59.2 Notifiable events

### Students not wanting fees to be paid with VSL

Some students who have requested a loan for their course may decide to pay upfront for a unit or part of a course.

If a student advises you on or before the census day that they don't want to use VSL to pay tuition fees for part of a course, you must inform the Secretary as soon as practicable.

You need to do this by reporting the student in TCSI as 'paid upfront' for the unit or part of a course in line with the usual reporting requirements, with a zero loan amount.

### Events affecting capacity to comply with the Act

If you or any of your key personnel or your related body corporate experience any event that is likely to affect your capacity to comply with the Act or any instrument made under the Act, you must notify the department.

For example, if one of the key personnel goes bankrupt, this could affect your ability to meet the fit and proper person [\[part 8.1\]](#) requirements.

### Changes to provider

You must notify the department in writing as soon as possible if:

- there is a change to your legal name or to the business name you use for delivering VET
- there is a change to your key personnel (give the reason for the change)
- there are planned changes to the ownership of your organisation or your corporate structure
- you undertake any major projects
- you make any major purchases of assets.

### Other events

You must give written notice to the department within 24 hours if any of the following events occur:

- your organisation defaults in relation to a student (inform us as soon as possible)
- notice is served on your organisation or proceedings are taken to:
  - cancel your organisation's incorporation or registration under the *Corporations Act 2001* or similar legislation or
  - dissolve your organisation as a legal entity
- your organisation comes under a form of external administration referred to in subsection 600H(2) of the *Corporations Act 2001* or an equivalent arrangement
- your organisation fails to comply with a statutory demand within the meaning of section 459F of the *Corporations Act 2001*

- your organisation cannot pay all their debts when they become due
- proceedings are initiated for an order for your organisation's winding up
- at a meeting of the provider, a resolution is made to wind up your organisation.

Note: the department is not required to pay a loan amount to a provider in certain circumstances. This includes where we suspect, on reasonable grounds, that you are not complying with the Act. The types of notifiable events listed above may be grounds for us to form that view.

## 59.3 Copies of notices given to other regulators

### National VET Regulator

If you give a notice to the National VET Regulator under section 25 of the NVR Act, you must give the department a copy of the notice at the same time.

### Commissioner of Australian Charities and Not-for-profits Commission

If you give a notice 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*, you must give the department a copy of it at the same time. When you provide this notice to us, you should state what it relates to.

## 59.4 Annual reporting

You must give the following information to the Secretary each year:

- information about the links your organisation has with industry and other bodies
- information about any 'third party arrangements', whether approved or not, your organisation has with a third party to deliver all or part of an approved course
- a report on the results of your organisation's last annual assessment of student satisfaction in relation to each of its courses made
- any other information determined by the Secretary.

The Secretary may determine different information that must be given by different approved course providers.

### Providing your annual reporting

You will be notified by email (or other appropriate means) of the date by which the information is required to be provided.

Your annual reports should be uploaded to HITS. You must place the annual report in your *Document List* under *Compliance Requirements*.

**Legislation:** Act s 52(4–5)], s 20, s 15(1)(b), Rules s 107, s 109–111, s 114 (1–2), s 116(1), s 34 (2), s 3

## 60. Provider legislative obligations

You must comply with your provider legislative obligations. If you don't meet them, you may be liable to civil penalties or criminal prosecution [[part 61.1](#)].

Under section 24A of the *National Vocational Education and Training Regulator Act 2011* (NVR Act), VSL providers must comply with the *VET Student Loans Act 2016* as a condition of registration as an RTO. Failure to comply with the Act could be grounds for ASQA to consider regulatory action under its legislation.

Note: In dealing with matters involving VSL providers, we may work with, exchange information with or engage in joint compliance activities with the ASQA, the ACCC, the VET Student Loans Ombudsman, the ATO and other stakeholders.

### Assistance with meeting legislative requirements

To help you to meet all requirements, you can use the *Checklist for administrative requirements* at [Appendix P](#).

You can request help by completing the online enquiry form at [Provider Enquiries](#).

### 60.1 Provider audits

The department can audit you at any time on your compliance with the statutory requirements and/or on whether your students are genuine students [[part 42](#)]. You may face serious consequences (such as a civil penalty) if you fail to cooperate with an audit.

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

### Department may request information

We may require you to provide information or documents relating to:

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

We will give you notice in writing if we want you to provide this information.

If we request information, you must provide it in the form specified in the notice (for example, in the form of a Statutory Declaration) and in line 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).

### 60.2 Commonwealth regulatory powers

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

- monitoring powers to determine whether the Act has been complied with, including powers of entry and inspection
- investigation powers to determine whether a provision has been contravened, including powers of entry, search and seizure
- enforcement of civil penalty provisions under Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014*, including by obtaining an order for a person to pay a pecuniary penalty
- issuing infringement notices for contravention of an offence provision or a civil penalty provision
- accepting and enforcing undertakings relating to compliance with provisions
- using injunctions to enforce provisions
- appointment of investigators.

Taking action under the above provisions does not limit the department from taking action under any other provision of the Act.

**Legislation:** Act s 45–46, s 53, s 88–90

## 61. Compliance action against providers

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 your student(s)
- conditions being placed on your VSL approval
- compliance notice being issued
- suspension or revocation of your approval
- issuing an infringement notice where there is a reasonable belief that your organisation has contravened a civil penalty provision
- the imposition of a civil penalty by a court, where your organisation has contravened a civil penalty provision.

### 61.1 Civil penalties and criminal offences

The Act includes several civil penalties provisions for contravention of certain requirements. For example, you may face penalties concerning:

- 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

- 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 (\$19,800–\$79,200)
- 300 penalty units to 1200 penalty units (\$99,000–\$396,000) for corporations.

The current value of a penalty unit can be found on [Fines and penalties | ASIC](#).

On 1 July 2026, the value of one penalty unit will be indexed based on the formula in section 4AA of the *Crimes Act 1914*.

As well as incurring penalties, your 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 R - Civil penalties and criminal offences](#).

## 61.2 Personal liability for executive officers

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:

- your organisation 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 your organisation in relation to the commission of the offence, and
- the officer failed to take all reasonable steps to prevent the commission of the offence.

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 your organisation. This means that, if your organisation would be subject to 60 penalty units, the executive officer would be subject to a maximum of 12 penalty units.

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

- your organisation 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 your organisation 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 your organisation.

### 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 your organisation'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.

**Legislation:** Act s 20(f), s 34, s 36, s 43, s 65 (1) and (3)

## 62. Voluntary revocation of a provider's approval

Please follow these instructions if you want your VSL approval revoked before 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:

- approved for VSL, and
- 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.

More information on eligibility of student payments is available at [Services Australia – Approved courses and education providers](#).

## 62.1 Request for the department to revoke your VSL approval

### Formal request

If your organisation requests VSL approval to be revoked, your CEO (or other authorised entity representative listed in HITS) 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):

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Request for revocation of approval pursuant to clause 30 of the VET Student Loans Act 2016.

Name of organisation [approved provider], ACN XXX XXX XXX / ABN XX XXX XXX XXX

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 *VET Student Loans Act 2016*.

I am the duly authorised officer for [legal name of organisation] and am hereby requesting the revocation take effect from [insert date of effect – cannot be retrospective and must allow sufficient administration time – for example, request should be made at least 30 days in advance].

The reason for revocation is [insert reason].

Additional information may be included, as well as the information required below attached.

Signature

Name Position

Legal name of organisation that is the approved provider

Day Month Year

RTO Code

---

## 62.2 What to include in your request

Your formal request should include:

- Confirmation that your organisation has no current VSL students or
- 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
- 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
- confirmation your organisation has fully reported student course and unit of study data, including unit and course completions data.

## 62.3 How to submit your request

You can either:

- 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 9828, 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:

- provide your organisation with a formal letter of revocation, in line with the requirements of the *VET Student Loans Act 2016*
- disable your organisation's access to eCAF (if not already actioned upon receipt of the revocation request)
- revoke your organisation's provider approval in HITS
- disable your organisation's access to TCSI (as appropriate) and
- 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.

## 62.4 Administrative requirements for revoked providers

After the approval of revocation, you must meet the following requirements.

## Students – tuition protection

You must complete teaching all your current VSL students before progressing a request for voluntary revocation. If this is not possible and your request for revocation is approved, the VSL Tuition Protection Director may require you to provide periodic reports on those VSL students you have undertaken to continue to teach.

If you cease to make a course or part of a course available to a student who is accessing a VET Student Loan (other than where a student withdraws), you will have defaulted in relation to the student. If you default, you may be required to repay to the Commonwealth the cost of recrediting affected students' HELP balances [[part 39](#)].

If you default in relation to a VSL student, you have obligations under the [Tuition Protection Service](#) for those students. You must 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.

## Possible future recrediting of a HELP balance

Your former students may apply for recrediting of their HELP balance and remission of the associated debt in certain circumstances. If you receive any queries from students, you should refer students to [VET student loan complaints | Commonwealth Ombudsman](#).

As part of your revocation process, you must enter the contact details of the person/area to contact regarding any such future matters into HITS.

## Final submissions of VSL data

As part of your revocation, you must have your student liability data reconciled and any overpayments/underpayments settled. The relevant VSL teams and TCSI Support will be advised of your request for revocation.

Before you request revocation, you must ensure all student data has been reported, including any unit of study records for students in the current or prior years. You must report completion status for:

- all students who have completed any award courses in the current year or prior years (2017 onwards)
- all units of study undertaken by students – this includes passed, failed, withdrew or incomplete study outcomes.

You must also resolve all data reporting errors listed in your TCSI Notification Reports, including errors relating to students with unverified Tax File Numbers [[part 30](#)].

You must verify the accuracy and completeness of all reported data by reviewing your reports in TCSI Analytics and Statutory Declarations uploaded to HITS.

## 62.5 After revocation

After revocation, your organisation must continue to be able to report any student revisions to the department, particularly for students who have had their VET 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 online Enquiry Form at [Provider Enquiries](#). Please seek advice on how to submit this data in TCSI from the TCSI Support Team at [TCSIsupport@dewr.gov.au](mailto:TCSIsupport@dewr.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

You must ensure previous students are able to access their records, as well as all records relating to any HELP or VSL assistance matters.

You must comply with record-keeping requirements [[part 52](#)].

The [Australian Taxation Office](#) also requires relevant records be kept for a specific time.

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.

## More information

If you have any questions about the voluntary revocation process, please contact us using the online enquiry form on [Provider Enquiries](#).

**Legislation:** Act s 66b and 66c(2)

## 63. VET FEE-HELP scheme

This information is for providers that were approved for VET FEE-HELP, which operated between 2008 and 2016.

The VET FEE-HELP scheme closed in 2016. In 2017 the VET Student Loans program replaced it.

The *VET Student Payment Arrangements (Miscellaneous Amendments) Act 2021*:

- ended the Commonwealth's obligation to pay providers VET FEE-HELP amounts for a student unless the provider confirmed the student's liability for tuition fees by specified deadlines (30 June 2021 and 31 December 2021)
- permitted the Commonwealth to offset VET FEE-HELP amounts owed to it by VET providers against FEE-HELP and VET Student Loan amounts payable to the provider

- on 1 July 2021, revoked the approval of all remaining providers that operated under VET FEE-HELP.

This means that providers are no longer able to report new VET FEE-HELP loan amounts.

VSL providers who were formerly VET FEE-HELP providers can make adjustments to VET FEE-HELP data. However, this is only to be undertaken in exceptional circumstances.

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 online enquiry form at [Provider Enquiries](#).

## Appendices

### A. Legislation: requirements you must meet

The [VET Student Loans Act 2016](#) and the [VET Student Loans Rules 2016](#) govern the VSL program. The [VET Student Loans \(Charges\) Act 2016](#) governs annual approved course provider charges.

### Key legislation for the VSL program

#### 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 legislation

Higher Education Support Act 2003

Registered Training Organisations (RTOs) 2025

Standards for VET Accredited Courses 2021

Standards for VET Regulators 2025

Student Identifier Act 2014

## **Other Commonwealth and state and territory legislation**

Privacy Act 1988

National Vocational Education and Training Regulator Act 2011

Crimes Act 1914

Competition and Consumer Act 2010

Corporations Act 2001

## B. Help and further information

### IT help

[HELP Information Technology System \(HITS\) User Guide](#)

[TCSI Support](#)

[eCAF User Guide](#)

### Other useful links

[Your Career](#)

[Study Assist](#)

[myHELPbalance](#)

[MyGov](#)

[VET student loan complaints | Commonwealth Ombudsman](#)

[Tuition Protection Service](#)

[Immigration and citizenship \(homeaffairs.gov.au\)](#)

### Contact

You can send any inquiries or notifications through the online enquiry form on [Provider Enquiries](#).

The person who contacts the department must be listed in HITS as being authorised to receive sensitive provider information.

## C. Glossary

| Term                          | Explanation                                                                                                                                                                                                                                            |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ACSF</b>                   | Australian Core Skills Framework                                                                                                                                                                                                                       |
| <b>Act</b>                    | <i>VET Student Loans Act 2016</i>                                                                                                                                                                                                                      |
| <b>ADI</b>                    | Authorised Deposit-Taking Institution                                                                                                                                                                                                                  |
| <b>APP</b>                    | Australian Privacy Principles, as defined in the <i>Privacy Act 1988</i>                                                                                                                                                                               |
| <b>AQF</b>                    | Australian Qualifications Framework                                                                                                                                                                                                                    |
| <b>ART</b>                    | Administrative Review Tribunal                                                                                                                                                                                                                         |
| <b>ASQA</b>                   | Australian Skills Quality Authority                                                                                                                                                                                                                    |
| <b>ATO</b>                    | Australian Taxation Office                                                                                                                                                                                                                             |
| <b>AVETMISS</b>               | Australian Vocational Education and Training Management Information Statistical Standard                                                                                                                                                               |
| <b>business day</b>           | 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                                                                                                                            |
| <b>CAN</b>                    | Commonwealth Assistance Notice                                                                                                                                                                                                                         |
| <b>census day</b>             | A date on or 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.                                                                              |
| <b>CHESSN</b>                 | Commonwealth Higher Education Student Support Number                                                                                                                                                                                                   |
| <b>course</b>                 | A course listed in the VET Student Loans (Courses and Loan Caps) Determination 2016                                                                                                                                                                    |
| <b>Department</b>             | Commonwealth Department of Employment and Workplace Relations                                                                                                                                                                                          |
| <b>eCAF</b>                   | Electronic Commonwealth Assistance Form – the electronic application form for VSL.                                                                                                                                                                     |
| <b>EFTSL</b>                  | Equivalent full-time study load                                                                                                                                                                                                                        |
| <b>ETA</b>                    | <i>Electronic Transactions Act 1999</i>                                                                                                                                                                                                                |
| <b>HESA</b>                   | <i>Higher Education Support Act 2003</i>                                                                                                                                                                                                               |
| <b>HITS</b>                   | HELP Information Technology System                                                                                                                                                                                                                     |
| <b>Listed Course Provider</b> | 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.        |
| <b>National VET Regulator</b> | 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. |
| <b>Minister</b>               | The Minister responsible for the administration of VSL                                                                                                                                                                                                 |
| <b>NVR</b>                    | National Vocational Education and Training Regulator, or ASQA                                                                                                                                                                                          |
| <b>NVR Act</b>                | <i>National Vocational Education and Training Regulator Act 2011</i>                                                                                                                                                                                   |
| <b>provider</b>               | An RTO approved as a VSL approved course provider under the Act                                                                                                                                                                                        |
| <b>RTO</b>                    | Registered Training Organisation as listed on the National Register of VET at training.gov.au                                                                                                                                                          |
| <b>Rules</b>                  | VET Student Loans Rules 2016                                                                                                                                                                                                                           |

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

## D. Obtaining mandatory HITS user access credentials

You must use HITS to lodge your application to become a VSL approved provider. It is important you allow sufficient time to apply for access and complete using the required forms. You will not be able to submit your application to become a VSL approved provider without obtaining HITS access in advance.

If you are registered in HITS and have current eSAM login credentials, you will be able to proceed with your application.

### New HITS users

Organisations that do not have an existing record in HITS are New HITS users. If you are a new applicant, please follow the instructions below to set up your HITS user access credentials.

Click on [Register and Apply](#) on HITS. Complete all required fields and click Submit.

Please note: If you receive the below error message, your organisation is already registered in the system, and you should proceed to the next steps:

The Organisation details provided has a matching record in the system.  
Please contact your Organisation security administrator to access the  
application. Contact [VETStudentLoans@dewr.gov.au](mailto:VETStudentLoans@dewr.gov.au) if you need further  
assistance.

Within 3 business days of submitting your registration, we will email an ICT Security Pack to the person listed as your contact during your HITS registration. The ICT pack must be completed and returned to the department as soon as possible.

We have developed an IT user security arrangement for HITS access whereby each organisation will manage their own staff's access to HITS through 2 nominated Provider Security Contact (PSC) administrators. The ICT pack requires you to nominate 2 PSC administrators on the Initial Access Request form. Each nominated PSC must also complete the ICT Security Declaration form.

When we receive the completed Initial Access Request form and ICT Security Declaration forms, an eSAM registration email and confirmation key will be sent via SMS to each nominated PSC. This will initiate the set-up of their HITS user access credentials. When your access registration is complete, you will be able to log into HITS with your eSAM details via the Sign in page.

### If your organisation is already registered in HITS

If you are already registered in HITS and have current eSAM login credentials, you will be able to update your HITS profile and proceed with an application.

If your organisation was previously registered in HITS but you do not have eSAM secure identification credentials, or if they have expired, you must request an ICT pack via the enquiry form on [Provider Enquiries](#) to gain access to HITS. The department will send you the appropriate

forms to nominate new PSCs for them to gain access to HITS. The PSCs will then be able to manage HITS access for other staff in your organisation.

## **IT system requirements for applicants**

To use HITS, and to complete the Application Form, you must use a computer with Windows 7, or above, and be able to scan and send documents in support of your application. Documents should be in colour and in PDF.

Note: the HITS URL has an embedded anti-phishing rule that times out the URL 30 minutes after it is first used. The link must always be refreshed, otherwise a user may experience an error or must enter their password several times before they can log in.

HITS access will automatically be disabled after 40 days of inactivity. We recommend you set monthly reminders to log into HITS to keep your account active. If your account is disabled, you will need to re-submit the ICT declaration to have your account re-enabled.

It is your responsibility to ensure your IT systems support the HITS compatible software.

## **Tips for HITS**

Tips to avoid common HITS user errors:

- Only a member of your staff with CEO or SAO user access privileges to the HITS system will have the Lodge button to apply enabled. You must click on the Lodge button to submit your application. Until this is done your VSL application will be treated as an incomplete draft.

Note: If the Lodge button in HITS is either greyed-out or invisible, this means you are not logged on to HITS with user access privileges high enough to apply in HITS. Your PSC officer, not the department, can upgrade your HITS access privileges for you.

- You must not click on Lodge in HITS until you have uploaded every document and completed every required field in HITS. After you click on Lodge your organisation will be locked out of editing or uploading documents to HITS.
- Documents uploaded to HITS must have names, (including the file extension, of less than 100 characters. For example, Audited Financial Statements 2019.pdf (35 characters) can be uploaded to HITS without risk of corrupting the file, whereas Revised and Annotated Audited Special Purpose Financial Statements for the period ending 31 December 2019.pdf (112 characters) cannot.
- Do not zip documents with names longer than 99 characters into a zip file with a 20-character name as the system will not allow unzipping of files containing lengthy file names.
- HITS enables you to upload up to 5 documents simultaneously. Individual documents must not exceed 15MB. Some individual documents of over 15MB in size may appear to upload successfully to HITS, but typically become damaged and are unreadable.

Note: If you inadvertently click on Lodge, and wish to add to, or amend, the application you submitted, please call the department on (02) 6240 0650 between 9:00am and 5:00pm AEST for your application to be unlocked. You may also email [VSLProgramIntegrity@dewr.gov.au](mailto:VSLProgramIntegrity@dewr.gov.au) for any issues with your application.

## Document naming convention in HITS

The Application Form including supporting documentation should use short (less than 100 characters in length), standardised file names comprising:

| Example of name                    | Example of naming convention                |
|------------------------------------|---------------------------------------------|
| Your four-character HITS ID number | 4567                                        |
| The document name                  | Employer Endorsement from XYZ               |
| The date of the document           | 20240327                                    |
| Full document name                 | 4567-Employer Endorsement from XYZ-20240327 |

All attachments uploaded to HITS should be listed by title in your application submission.

## E. Reporting recognition of prior learning

This guide explains how to report recognition of prior learning (RPL) in TCSI.

Providers are encouraged to report each unit of competency as a Unit of Study (UoS) to ensure transparency.

How you need to report RPL depends on the circumstances in which RPL is granted. Follow the guidance for one of these 3 scenarios as appropriate:

- Scenario 1: RPL is granted as part of the UoS
- Scenario 2: RPL is granted (or not granted) following an RPL assessment with an assessment fee charged
- Scenario 3: RPL is granted following an RPL assessment with no assessment fee charged.

### Scenario 1: RPL is granted as part of the UoS

It is intended that the student will enrol in a standard UoS (or the majority of it) as negotiated with the provider. Only a small proportion of the UoS will be granted via RPL.

Please report the Unit enrolment packet (VET) via TCSI Support as a typical unit as follows.

**Table 1: Scenario 1**

| <b>TCSI Element</b>                         | <b>Guidance</b>                                                                                                                                                                                                                                                                          |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>E329</u> Mode of attendance              | Is a required field for reporting in-scope unit enrolments. This data element is an assessment-only mode of study and does not usually require any attendance. If unsure which value to report, you may use 3, which will cover all possible scenarios (Multi-modal Mode of Attendance). |
| <u>E354</u> Unit of Study Code              | Is the same for all students enrolled in the UoS. This is irrespective of whether they access RPL for some, none or all of the UoS.                                                                                                                                                      |
| <u>E355</u> Unit of Study Status Code       | Indicates the outcome of the UoS in accordance with data element specifications. Must be either 1, 2, 3, 4 or 6 as appropriate. Do not report 5 (RPL) as this code refers to cases where the student does not undertake a standard UoS.                                                  |
| <u>E339</u> EFTSL                           | EFTSL is the same for all students. Report the EFTSL value for UoS.                                                                                                                                                                                                                      |
| <u>E384</u> Amount Charged                  | Is the tuition fee that the student was charged for the UoS. This could be the published fee or a lower fee if some of the UoS is covered by RPL.                                                                                                                                        |
| <u>E577</u> RPL Code                        | Must be null (to be left blank/empty). This is irrespective of whether the student is receiving RPL for some, none, or all of the UoS.                                                                                                                                                   |
| <u>E489</u> Unit of Study Census Date       | Is reported in accordance with data element specifications.                                                                                                                                                                                                                              |
| <u>E600</u> Unit of Study Commencement Date | Is reported in accordance with data element specifications.                                                                                                                                                                                                                              |

| <b>TCSI Element</b>                    | <b>Guidance</b>                                             |
|----------------------------------------|-------------------------------------------------------------|
| <u>E601</u> Unit of Study Outcome Date | Is reported in accordance with data element specifications. |

## Scenario 2: RPL is granted (or not granted) following an RPL assessment with assessment fee charged

It is intended that the student will not study the UoS (or the majority of it). The student will be charged an assessment fee and may or may not be undertaking some gap training. Most or all of the UoS will be covered by RPL.

Please report the Unit enrolment packet (VET) via TCSI Support with RPL details as follows:

**Table 2: Scenario 2**

| <b>TCSI Element</b>                         | <b>Guidance</b>                                                                                                                                                                                                                                                                          |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>E329</u> Mode of attendance              | Is a required field for reporting in-scope unit enrolments. This data element is an assessment-only mode of study and does not usually require any attendance. If unsure which value to report, you may use 3, which will cover all possible scenarios (Multi-modal Mode of Attendance). |
| <u>E354</u> Unit of Study Code              | Is reported, as per the provider's preference, as either: <ul style="list-style-type: none"> <li>the UoS Code for which RPL is granted or</li> <li>a unique UoS Code created for reporting RPL against a UoS</li> </ul>                                                                  |
| <u>E355</u> Unit of Study Status Code       | Must be 5 (RPL).                                                                                                                                                                                                                                                                         |
| <u>E339</u> EFTSL                           | Must be 0.000000001.                                                                                                                                                                                                                                                                     |
| <u>E384</u> Amount Charged                  | Is equal to the RPL assessment fee that the student was charged.                                                                                                                                                                                                                         |
| <u>E577</u> RPL Code                        | Must be either 1 (RPL with no gap training) or 2 (RPL with gap training). Where RPL is not granted following the assessment, use 1.                                                                                                                                                      |
| <u>E489</u> Unit of Study Census Date       | Is reported in accordance with data element specifications.                                                                                                                                                                                                                              |
| <u>E600</u> Unit of Study Commencement Date | Is the date that the RPL assessment starts. Must align with the 'Activity Start Date' reported to AVETMISS for assessment only clients.                                                                                                                                                  |
| <u>E601</u> Unit of Study Outcome Date      | Must align with the 'Activity End Date' reported to AVETMISS for 'assessment only clients'.                                                                                                                                                                                              |

## Scenario 3: RPL is granted following an RPL assessment with no assessment fee charged

It is intended that the student will not study the UoS (or the majority of it). The student is not charged an assessment fee and may or may not be undertaking some gap training. Most or all of the UoS will be covered by RPL.

The RPL does not need to be reported. If you choose to report the RPL (optional), please report the Course prior credit packet (VET) via TCSI Support as follows:

**Table 3: Scenario 3**

| <b>TCSI Element</b> | <b>Guidance</b> |
|---------------------|-----------------|
|---------------------|-----------------|

|                               |                                                                        |
|-------------------------------|------------------------------------------------------------------------|
| <u>E560</u> Credit Value Used | Is the EFTSL value of RPL used towards the requirements of the course. |
|-------------------------------|------------------------------------------------------------------------|

|                               |                                                                                                                                                                                         |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>E561</u> Credit Basis Code | Must be either 0500 (work experience) or 0600 (other). The other credit codes relate to study undertaken at another institution which does not constitute RPL for the reporting of VSL. |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## F. Checking a student's HELP balance

There are several ways for you to check a student's HELP balance. However, only the eCAF will let you check a student's use of loans against the applicable loan cap [[part 35](#)].

The other procedures set out below will show you a student's use of their HELP balance against the HELP loan limit [[part 38](#)]. They won't give you information relevant to particular course codes (although course information will be available to the student in [myHELPbalance](#)).

[TCSI](#) doesn't give VET Student Loan specific limits like course caps for students and providers.

### eCAF web interface

To check a HELP balance on eCAF, enter the student's Commonwealth Higher Education Student Support Number (CHESSN) when you create an enrolment in the eCAF system. You will then see the student's HELP loan limit, total HELP use and VETSL debt for the course code.

The system will check the CHESSN against the student record in TCSI. If a student has more than one CHESSN, it will suggest the preferred CHESSN to use.

See the [eCAF User Guide](#) for more information.

### API

You can find the HELP balance on the eCAF Application Programming Interface (API) as well as the web interface.

You should check these details before you create an enrolment record in eCAF. You can only see information about VSL and only at the time you create the eCAF.

See the [eCAF User Guide](#) for more information.

### Definitions

- Accumulated debt for course is an indicative cumulative debt amount accrued by the student for the VET course code, as reported by providers in TCSI. This amount may be adjusted when payment claims are validated. It may include both VET FEE-HELP and VSL accrued from 1 January 2017. The department plans to adjust the system so that only VSL is included.
- Loan limit for course is the maximum VSL loan cap for the VET course code.
- Accumulated debt for FEE-HELP 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. It is the total debt that the student has accrued as reported to date under VSL, VET FEE-HELP, FEE-HELP and HECS-HELP from 1 January 2020.
- Loan limit for FEE-HELP (HELP) is the combined HELP loan limit for HELP/VSL. This is the total amount available to a student under VSL, VET FEE-HELP, FEE-HELP and HECS-HELP.

The HELP loan limit amount is published in the VSL Student Manual 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 used a HELP loan, you will see they have the full HELP balance available. If the student has used a HELP loan, you will see the remaining available HELP balance.

If the student has not previously studied and is a new student starting tertiary study for the first time, you will need to report their Unique Student Identifier and verify it in TCSI before they can log in to myHELPbalance.gov.au.

## **TCSI B2G API**

TCSI B2G API allows student management software to retrieve:

- TCSI Support – Available HELP balance
- TCSI Support – HELP loan limit
- TCSI Support – Pending help balance.

## **TCSI Data Entry**

TCSI Data Entry can retrieve the same details as TCSI B2G API.

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 monthly VSL payment assessment processing checks that reported loans are under the VSL maximum course cap after data is accepted in TCSI. If this process finds that a record is in error, the record will get an error code. The Provider Payment Report showing records that failed payment processing is available in HITS each month. A record that has failed payment validation 3 months in a row will be invalidated in TCSI. To avoid this, you should correct the failed records as soon you receive notification of an error in the Provider Payment Report in HITS.

You can do an entitlement search to check a student's accumulated debt against their HELP loan limit and VSL approved courses. You must check whether the student has accessed VSL for parts of courses or units of study that may not have been reported at the time of enrolment. If a student does not have enough HELP balance to cover a part of a course or a unit of study, we will send you an exception report.

You will need to give the commencing student their HELP balance when you give them a CHESSN.

See [TCSI Support](#) for more information on how to check a student's HELP balance.

## Notes

- Student entitlement calculations are done by the Student Entitlement Management Engine component of TCSI, based on the data reported.
- HELP assistance may not accurately show the exact amount of the student's HELP debt and/or VSL debt. This is because there may be VET FEE-HELP or VSL 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 are sent to the ATO and the debt information is updated then.

Accumulated debt 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.

## G. Eligibility criteria for Australian citizens

### Born in Australia before 20 August 1986

Note: Students who have a current Australian passport don't need to provide this.

Applicants who were born in Australia before 20 August 1986 must provide their full birth certificate issued by an Australian Registry of Births, Deaths and Marriages (RBDM).

Applicants who were born while their parents were in Australia as diplomats or consular officers won't have an Australian birth certificate. Instead, they need to provide a citizenship certificate or extract of citizenship certificate.

If they don't have a citizenship certificate or extract, they will need to lodge [Form 119 Application for evidence of Australian citizenship](#) with Home Affairs. Home Affairs will send them a certificate for your reference.

### Born in Australia on or after 20 August 1986

Note: Students who have a current Australian passport don't need to provide this.

#### One parent was born in Australia

Applicants in this situation must provide their full birth certificate issued by an Australian RBDM.

If their full birth certificate shows that at least one of their parents was born in Australia, and the parent was born before 20 August 1986, this is enough evidence to prove the student's Australian citizenship.

#### One parent was a citizen of Australia at the time of the applicant's birth

If neither parent was born in Australia, the applicant must show that at least one parent was a citizen at the time of the applicant's birth. To do this, they need to show the parent's Australian citizenship certificate or extract of citizenship certificate.

#### One parent was a permanent resident of Australia at the time of the applicant's birth

Applicants in this situation who don't have a current Australian passport must provide their own Australian citizenship certificate or extract of citizenship certificate.

If they don't have a citizenship certificate or extract, they will need to lodge [Form 119 Application for evidence of Australian citizenship](#) with Home Affairs. Home Affairs will send them a certificate for your reference.

### Applicant was mostly resident in Australia for their first 10 years

If the applicant lived mostly in Australia for the first 10 years after they were born, they will have gained Australian citizenship on their 10th birthday. This is the case even if neither parent was an Australian citizen or an Australian permanent resident when the applicant was born.

Applicants in this situation will need to provide their Australian citizenship certificate or extract of citizenship certificate.

If they don't have a citizenship certificate or extract, they will need to lodge [Form 119 Application for evidence of Australian citizenship](#) with Home Affairs, with certified copies of the required documents and the application fee. Home Affairs will send them a certificate for your reference.

## **Born overseas and acquired Australian citizenship by application**

Applicants in this situation will need to provide one of the following:

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

If they don't have any of these, they will need to apply for evidence of Australian citizenship. They can do this by lodging [Form 119 Application for evidence of Australian citizenship](#) with Home Affairs. Home Affairs will send them a certificate for your reference.

## **First Nations applicant not registered at birth by state/territory authority**

First Nations applicants who were not registered at birth and don't have a current Australian passport may submit a [Statutory Declaration Form - citizenship - First Nations student - birth not registered](#).

The Statutory Declaration has been pre-populated. It 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.

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

Note: Students who have a current Australian passport don't need to provide this.

Papua New Guinea (PNG) became independent on 16 September 1975. Assessing Australian citizenship status of people born in PNG before 16 September 1975 can be complex.

Refer applicants in this situation to the Department of Home Affairs to obtain evidence of Australian citizenship. They can do this by lodging [Form 119 Application for evidence of Australian citizenship](#) if:

- evidence of their citizenship was issued before 1 January 2009 and the applicant was born in PNG before 16 September 1975, or
- they acquired citizenship by descent before 1 January 2009 based on having a parent born in PNG before 16 September 1975.

You can accept a citizenship certificate or extract as evidence that the applicant is an Australian citizen if it was issued on or after 1 January 2009, regardless of the applicant's or date of birth or when they acquired citizenship.

## **Becoming an Australian citizen**

If a student acquires Australian citizenship part way through their course, they may be eligible for a VET Student Loan for parts of their course for which the census days have not passed. This includes parts of a course in which they're currently enrolled. The student must submit an eCAF after becoming an Australian citizen and on or before the next census day for their course.

## H. Applying for approval of an external LLN tool

You can apply for approval of an external tool for assessing a student's competence in language, literacy and numeracy (LLN). 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 address the relevant criteria in and be independently reviewed against the [Assessment of LLN testing tools and processes for the VET Student Loans Program](#) document published by the department.

Your application must contain all the required information (see below).

You must upload applications to HITS. See the chapter on 'Uploading a Document' in the [HITS User Guide](#) for further information. You must also complete the online enquiry form on [Provider Enquiries](#) to let us know you've uploaded an application.

We will approve the tool if your application contains all the required information and the tool meets all requirements.

### Required information

#### About you

Your application must contain:

- your legal entity names
- contact information for the purposes of the application
- registered business name (if different)
- any other business name(s)
- business address

#### About the language, literacy and numeracy testing tool

You must include:

- name/description of the LLN testing tool(s) proposed for approval (including version and other relevant identifiers)
- name and other relevant details of the organisation/person reviewing the tool
- certification/information from the organisation/person reviewing the tool, as follows:
  - name/description of the LLN testing tool(s) reviewed (including version and other relevant identifiers)
  - 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 tools
  - 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 they relied on in reaching those findings). This must be documented in line with the Appendix I: Checklist for Auditable Requirements for LLN Testing Tools in [Assessment of LLN testing tools and processes for the VET Student Loans Program](#).

Copies of the evidence and other material relied on in reaching the findings are to be submitted with the checklist.

Applications that don't meet the above requirements may be considered invalid.

## Independent review of your proposed LLN tool

You must arrange to have your proposed LLN tool independently reviewed against the [Assessment of LLN testing tools and processes for the VET Student Loans Program](#).

- In determining the appropriateness of the reviewer, we will give weight to their:
- absence of real or apparent bias or conflict of interest, indicated by:
  - independence from the product assessed (no proprietary, 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 (no current, material commercial, financial or similar interests)
  - independence from the applicant RTO (not employed or subcontracted by the RTO to provide training and assessment, no other involvement or interest in the operations of the RTO)
- possession of the necessary expertise, indicated by conducting:
  - other such approval or auditing processes, preferably within the VET sector
  - adult LLN assessments, including with the ACSF.

The review by the independent expert must be evidence based. The findings of the independent expert should be documented against *Appendix II: Checklist of Auditable Requirements for Foundation Skills* assessments of [Assessment of LLN testing tools and processes for the VET Student Loans Program](#).

Reviews and assessments that do not meet the above criteria, or do not include findings, are unlikely to be given weight in the department's assessment of your application.

## Provider responsibilities

Your use of the LLN tool comes with the responsibility of developing procedures [[part 34](#)] for recording and reporting the results of the assessments.

Your 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.

Your assessment process must be conducted with honesty and integrity.

You must retain documents obtained or assessments undertaken for the purposes of assessing a student's academic suitability for at least 5 years.

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.

**Legislation:** Rules s 81–82, s 105

## I. Reviewable decision - Review rights

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. This type of notice should only be provided when 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):

### **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: [postal 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].

On receiving a request for reconsideration, [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.

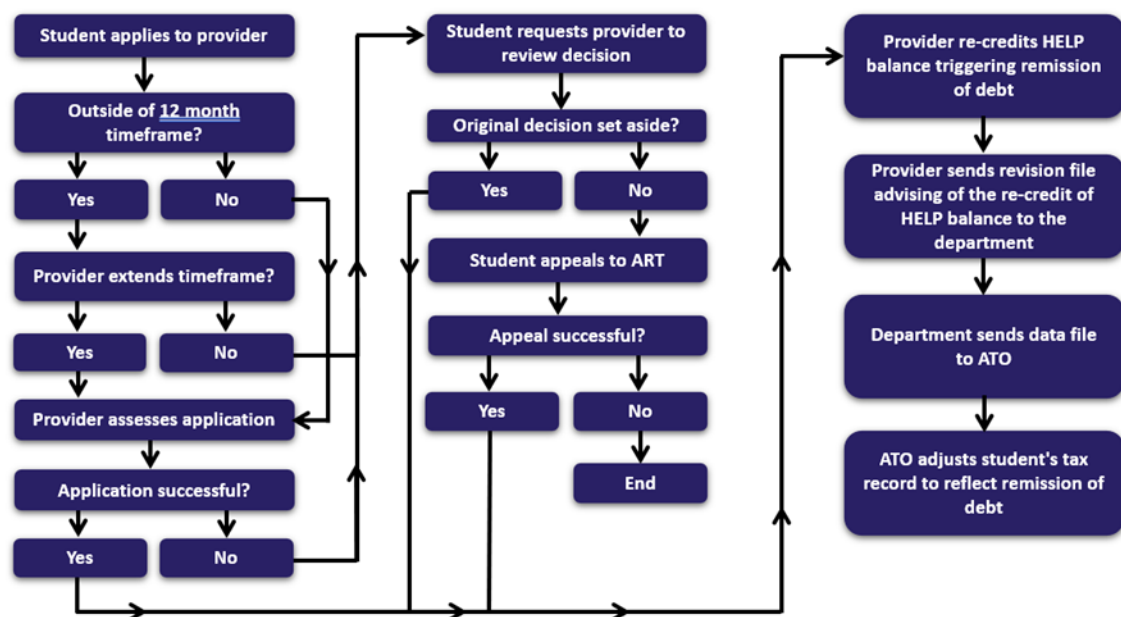
If you do not receive a response within 45 days of your request for reconsideration, the original decision is taken to be confirmed.

If, after [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 [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.

## J. Review process - flowchart



## K. Publishing processes and procedures checklist

These processes and procedures must be published prominently on your website and must be easily accessible without provision of login information.

### Processes and procedures

|                                                                                                                                                                                                                                                                                                                                                          |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. Student entry<br>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).[Act s 12, Rules s 80–82] | <input type="checkbox"/> |
| 2. Course enrolment<br>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.[Rules s 84]                                                                                                                                                    | <input type="checkbox"/> |
| 3. Information relating to applications for VET Student Loans<br>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. [Rules s 85]                                                                         | <input type="checkbox"/> |
| 4. Withdrawal from courses and cancellation of enrolment<br>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. [Rules s 86–87]                                                                                      | <input type="checkbox"/> |
| 5. Dealing with complaints – grievance procedure<br>I/we have published on our website a grievance procedure to deal with complaints from students. [Rules s 88]                                                                                                                                                                                         | <input type="checkbox"/> |
| 6. Re-crediting HELP balances<br>I/we have published on our website processes and procedures for explaining the re-crediting of students' HELP balances. [Rules s 89]                                                                                                                                                                                    | <input type="checkbox"/> |
| 7. Treatment of students seeking review<br>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 s 90.                                                                                                                         | <input type="checkbox"/> |
| 8. Fees other than tuition fees<br>I/we have published on our website processes and procedures in relation to charging fees other than tuition fees. [Rules s 93]                                                                                                                                                                                        | <input type="checkbox"/> |
| 9. Handling information<br>I/we have published on our website processes and procedures in relation to handling students' personal information. [Rules s 94]                                                                                                                                                                                              | <input type="checkbox"/> |
| 10. Publishing tuition fees<br>I/we have published our tuition fees for approved courses prominently on our website in a way that is readily accessible by the public. [Act s 57]                                                                                                                                                                        | <input type="checkbox"/> |
| 11. Variation of tuition fees<br>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                                                                                                                                                | <input type="checkbox"/> |

|                                                                                                                                                                                                                                                                               |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| on our website prominently and are easily accessible without provision of login information. [Rules s 127]                                                                                                                                                                    |                          |
| 12. Advising the Secretary of tuition fees<br>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. [Rules s 115]                 | <input type="checkbox"/> |
| 13. Census days<br>I/we have published on our website the census days determined for all approved courses provided by us, and any variation of census dates. [Act s 58, Rules s 132–134]                                                                                      | <input type="checkbox"/> |
| 14. Marketing that mentions VET Student Loans - VET Student Loans logo<br>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 <a href="#">VET Student Loans Style Guide</a> . [Rules s 142] | <input type="checkbox"/> |

## L. Checklist of information to be provided to students prior to enrolment

| Information required to be provided prior to enrolment [Rules s 98]                                                                                                                                                                                                                                                                                                                                                                                                                                    | Information provided     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. All information required to be provided under the Standards for Registered Training Organisations (RTOs) 2025 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: payment by the student as fees become due, and a VET Student Loan.                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> |
| 5. Information about VET Student Loans, including that: <ul style="list-style-type: none"> <li>it is a loan from the Commonwealth, and</li> <li>the loan will remain a personal debt until it is repaid to the Commonwealth, and</li> <li>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>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 [Act s 9–12].                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> |
| 7. The application process for a VET Student Loan [Act s 17].                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> |
| 8. An explanation that the student may be required during the course to communicate their 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"/> |
| 12. Information about census days, including: <ul style="list-style-type: none"> <li>the meaning of a census day [Act s 58(3)] and</li> </ul>                                                                                                                                                                                                                                                                                                                                                          |                          |

- 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
- 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. ☐

13. How to access the following on the approved course provider's website:

- the tuition fees for the course
- the census days for the course
- the provider's procedures for withdrawal from the course and cancellation of enrolment ☐
- other procedures the provider is required to have under the Rules.

14. Advice that it is important for an enrolled student to notify the provider of any change of contact details. ☐

15. Advice that the department will contact the student to verify the student's enrolment in the course. ☐

## M. Sample Statement of Covered Fees

### VET Student Loans Statement of Covered Fees

|                       |                                                         |
|-----------------------|---------------------------------------------------------|
| <b>Date of notice</b> | DD/MM/YYYY (must be issued before the first census day) |
|-----------------------|---------------------------------------------------------|

Issued to:

|                            |                                                                                |
|----------------------------|--------------------------------------------------------------------------------|
| <b>Student name</b>        | Sample Student                                                                 |
| <b>Residential address</b> | 5 Sample St Sampletown, NSW, 2000                                              |
| <b>Phone number</b>        | 0404 XXX XXX                                                                   |
| <b>Email address</b>       | <a href="mailto:Sample.student@server.com.au">Sample.student@server.com.au</a> |
| <b>Student ID number</b>   | XXXX                                                                           |
| <b>CHESSN</b>              | XXX XXXX XXX                                                                   |
| <b>USI</b>                 | XXX XXXX XXX                                                                   |

Issued by:

|                         |                                 |
|-------------------------|---------------------------------|
| <b>Provider name</b>    | Top Provider                    |
| <b>Business name(s)</b> | Top Vocational Training Pty Ltd |
| <b>RTO code</b>         | XXXXXX                          |

Course details:

| <b>Course name<br/>(and code)</b>           | <b>Total course<br/>cost</b> | <b>Tuition fees covered by a VET<br/>Student Loan</b> | <b>Tuition fees not covered by VET<br/>Student Loan</b> |
|---------------------------------------------|------------------------------|-------------------------------------------------------|---------------------------------------------------------|
| Diploma of XYZ<br>(Course code:<br>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.

## N. Sample of VSL 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.

**Date of notice** DD/MM/YYYY (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         | DD/MM/YYYY | \$1,000.00   | \$877.00              | \$175.40 | \$1,052.40         | \$123.00           | DD/MM/YYYY     |
| CUAPPR515          | Establish and maintain safe practice | DD/MM/YYYY | \$1,000.00   | \$877.00              | \$175.40 | \$1,052.40         | \$123.00           | DD/MM/YYYY     |
| CUAMUP411          | Design, apply and remove make-up     | DD/MM/YYYY | \$1,000.00   | \$877.00              | \$175.40 | \$1,052.40         | \$123.00           | DD/MM/YYYY     |
| Totals for Term 3  |                                      |            | \$3,000.00   | \$2,631.00            | \$526.20 | \$3,157.20         | \$369.00           |                |

\*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.

## O. Sample of Commonwealth Assistance Notice

**Date of notice** DD/MM/YYYY (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         | DD/MM/YYYY | \$1,000.00   | \$877.00 | \$175.40 | \$1,052.40         | \$123.00        | DD/MM/YYYY   |
| CUAPPR515          | Establish and maintain safe practice | DD/MM/YYYY | \$1,000.00   | \$877.00 | \$175.40 | \$1,052.40         | \$123.00        | DD/MM/YYYY   |
| CUAMUP411          | Design, apply and remove make-up     | DD/MM/YYYY | \$1,000.00   | \$877.00 | \$175.40 | \$1,052.40         | \$123.00        | DD/MM/YYYY   |

Totals for Term 3 \$3,000.00 \$2,631.00 \$526.20 \$3,157.20 \$369.00

\*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].

## P. Checklist for administrative requirements

### Processes and procedures

#### Student eligibility

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. [Act s 11, Rules s 85]

☐

#### Academic suitability

I/we have procedures in place that specify 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. [Act s 12, Rules s 80]

☐

#### Information for students

I/we have processes in place to provide particular information to students before enrolment. [Act s 50, Rules s 98]

☐

#### VET Student Loans Fee Notice

I/we have processes in place to issue a student with a VET Student Loan Fee Notice. [Act s 50, Rules s 99]

☐

#### Commonwealth Assistance Notice (CAN)

I/we have processes in place to issue a student with a Commonwealth Assistance Notice. [Act s 50, Rules s 129]

☐

#### VET Student Loans Statement of Covered Fees

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. [Act s 56, Rules s 129]

☐

#### Marketing that mentions VET Student Loans

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 s 60–64, and the Rules s 140–143.

☐

#### Determining tuition fees

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 s 118.

☐

#### Marketing through social media

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. [Rules s 143]

☐

#### Retaining information and documents

I/we have processes in place to ensure required information and documentation is retained in compliance with the Act s 51 and the Rules s 105.

☐

## Q. Equivalent Full-time Study Load

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 VSL data reporting, you determine the EFTSL for each course and unit of study against study undertaken by a full-time student. You may use a number of methods to determine EFTSL. For example, students may have to undertake a certain number of VET units of competency or 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, you 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

The following examples apply:

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 ( $= 720 \times 1.5$ ) 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).

Both examples assume that 720 hours is equal to one year's full-time study for the courses listed.

## R. 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.<br>120 penalty units                                                                                                                                                                                                     | s12(3) |
| Provider completes any part of an application for a VET Student Loan that the student is required to complete.<br>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).<br>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.<br>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.<br>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.<br>60 penalty units | s48(5) |

### Brokers and Agents

| Short description provisions including civil penalty units and offence provisions | Act |
|-----------------------------------------------------------------------------------|-----|
|-----------------------------------------------------------------------------------|-----|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <p>Provider must not enter into an arrangement which provides for another person to:</p> <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> <p>60 penalty units</p> | ss49(1) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

## Information

| Short description provisions including civil penalty units and offence provisions                                                                                                                                                             | Act    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <p>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.</p> <p>60 penalty units</p>                                  | s50(2) |
| <p><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.</p> <p>60 penalty units</p> | s50(3) |
| <p>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).</p> <p>60 penalty units</p>                                           | s51(3) |
| <p><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).</p> <p>60 penalty units</p>          | s51(4) |
| <p>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</p>                                                                   | s52(4) |
| <p><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).</p> <p>60 penalty units</p>                           | s52(5) |
| <p>Provider fails to comply with a notice given under subsection 53(1) to provide information or documents to the Secretary.</p> <p>60 penalty units</p>                                                                                      | s53(4) |
| <p><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.</p> <p>60 penalty units</p>                                                     | s53(5) |

## Fees

| Short description provisions including civil penalty units and offence provisions                                                                                                                        | Act    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <p>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).</p> <p>120 penalty units</p> | 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 *covered fees*.

120 penalty units

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 *covered fees*.

60 penalty units

## 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).

s58(6)

60 penalty units

Provider varies a 'census day' not in accordance with the Rules (that is Division 7, Part 7 of the Rules).

s58(7)

60 penalty units

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.

s59(1)

120 penalty units

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.

s59(2)

120 penalty units

The provider engages in conduct which prevents, or unnecessarily inconveniences, the student from cancelling their enrolment.

s59(3)

120 penalty units

## 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.

s60

240 penalty units

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).

s61(1)

120 penalty units

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.

s62(1)

60 penalty units

Provider uses third party contact lists to market, advertise or promote a course and while 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

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

## 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. | s66C(6) |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                                                                                                |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <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. | s66C(7) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                          |         |
|----------------------------------------------------------------------------------------------------------|---------|
| Provider fails to give notice of default to affected students in accordance with section 66D of the Act. | s66D(4) |
|----------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                                                             |         |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <i>Strict liability offence:</i> A provider fails to give notice of default to affected students in accordance with section 66D of the Act. | s66D(5) |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                                                                                                                                    |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 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. | s66F(3) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                                                                                                                                                                       |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <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. | s66F(4) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                    |         |
|----------------------------------------------------------------------------------------------------|---------|
| Provider fails to meet obligations as a replacement provider as set out in section 66G of the Act. | s66G(4) |
|----------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                                                       |         |
|---------------------------------------------------------------------------------------------------------------------------------------|---------|
| <i>Strict liability offence:</i> A provider fails to meet obligations as a replacement provider as set out in section 66G of the Act. | s66G(5) |
|---------------------------------------------------------------------------------------------------------------------------------------|---------|

60 penalty units

|                                                                                                                                                                                                                                                                    |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 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. | s104A(3) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

60 penalty units

|                                                                                                                                                                      |          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <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 | s104A(4) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

information or documents the Director reasonably requires, to determine whether Part 5A of the Act has been complied with.  
60 penalty units

## 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).<br>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).<br>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).<br>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).<br>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))<br>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.<br>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.<br>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:                                                                                                          | s100(3) |

(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.

A person commits an offence if:

s101(1)

- the person causes any unauthorised access to, or modification of, personal information; and
- the personal information is VET information:
  - (i) which is held on a computer, and
  - (ii) to which access is restricted by an access control system associated with a function of the computer, and
- the person intends to cause the access or modification; and
- the person knows the access or modification is unauthorised; and
- one or more of the following apply: [Note, absolute liability applies to the following]
  - (i) the information is held on a computer of an approved course provider
  - (ii) the information is held on behalf of an approved course provider
  - (iii) the information is held on a computer of a Tertiary Admission Centre
  - (iv) the information is held on behalf of a Tertiary Admission Centre.

Penalty: Imprisonment for two years.

## S. Change Register

The most recent changes to the VSL Provider Manual will be referenced with an \*.

| Chapter           | Part        | Updates to information                                                                                                                          |
|-------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3</b>          | <b>3</b>    | References to MySkills replaced by Your Career                                                                                                  |
| <b>11</b>         | <b>11.1</b> | Provider fee limit – further clarification provided                                                                                             |
| <b>13</b>         | <b>13</b>   | Revised to clarify definition of a third party arrangement                                                                                      |
| <b>13</b>         | <b>13.1</b> | Revised to clarify provision and delivery by a third party                                                                                      |
| <b>30*</b>        | <b>30.4</b> | Technical changes to eCAF to mask TFNs. Technical changes to TCSI to retrieve TFNs from eCAF .                                                  |
| <b>31</b>         | <b>31.4</b> | New eligibility criteria: Pacific Engagement visa holder                                                                                        |
| <b>40</b>         | <b>40</b>   | Amended Administrative Appeals Tribunal (AAT) to Administrative Review Tribunal (ART)                                                           |
| <b>45</b>         | <b>45.3</b> | Advice regarding notification of data breaches                                                                                                  |
| <b>46</b>         | <b>46.1</b> | Amended Administrative Appeals Tribunal (AAT) to Administrative Review Tribunal (ART)                                                           |
| <b>47</b>         | <b>47</b>   | Amended Administrative Appeals Tribunal (AAT) to Administrative Review Tribunal (ART)                                                           |
| <b>55*</b>        | <b>55.1</b> | Revised advice to report loan data for students approved to access a VET Student Loan instead of students eligible to access a VET Student Loan |
| <b>55*</b>        | <b>55.4</b> | Advice regarding increasing student loan amounts                                                                                                |
| <b>55</b>         | <b>55.5</b> | Revised guidance regarding change to payment schedule                                                                                           |
| <b>59</b>         | <b>59.3</b> | Annual reporting replaces annual forecasting.                                                                                                   |
| <b>62</b>         | <b>62</b>   | Revocation process – new section                                                                                                                |
| <b>62</b>         | <b>62.1</b> | Revocation process – update to template                                                                                                         |
| <b>63</b>         | <b>63</b>   | Update regarding closure of VET FEE-HELP                                                                                                        |
| <b>Appendix C</b> |             | Amended Administrative Appeals Tribunal (AAT) to Administrative Review Tribunal (ART)                                                           |
| <b>Appendix E</b> |             | Resource added - Reporting Recognition of Prior Learning (RPL) in TCSI                                                                          |
| <b>Appendix I</b> |             | Amended Administrative Appeals Tribunal (AAT) to Administrative Review Tribunal (ART)                                                           |
| <b>Appendix J</b> |             | Flowchart amended from AAT to ART                                                                                                               |
| <b>Appendix Q</b> |             | New Provider Checklist replaced with Checklist for administrative requirements                                                                  |
| <b>Multiple*</b>  |             | References to RTO Standards 2015 amended to RTO Standards 2025                                                                                  |