VET Student Loans Act 2016

No. 98, 2016

Compilation No. 14

Compilation date: 3 August 2025

Includes amendments: Act No. 30, 2025

Prepared by the Office of Parliamentary Counsel, Canberra

Authorised Version C2025C00474 registered 08/08/2025

About this compilation

This compilation

This is a compilation of the *VET Student Loans Act 2016* that shows the text of the law as amended and in force on 3 August 2025 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide for loans to students for vocational education and training, and for related purposes

Part 1—Preliminary

1 Short title

This Act is the *VET Student Loans Act 2016*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. The whole of this Act	1 January 2017.	1 January 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Act binds the Crown

(1) This Act binds the Crown in each of its capacities.

(2) This Act does not make the Crown liable to be:

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(a) prosecuted for an offence; or
(b) subject to civil proceedings for a civil penalty order under Part 4 of the Regulatory Powers Act; or
(c) given an infringement notice under Part 5 of the Regulatory Powers Act.

(3) The protection in subsection (2) does not apply to an authority of the Crown.

4 Objects

The object of this Act is to provide for loans to students for vocational education and training, ensuring that loans are provided:
(a) to genuine students; and
(b) for education and training that meets workplace needs and improves employment outcomes.

5 Simplified outline of this Act

VET student loans are approved by the Secretary for eligible students for approved courses.

VET student loans are used by the Secretary to pay tuition fees for students.

If the Secretary uses a loan amount to pay tuition fees, the student incurs a VETSL debt. These debts are generally repayable through the tax system once the person's income exceeds the minimum repayment income under the *Higher Education Support Act 2003* and the person has finished repaying any debt under that Act.

In certain circumstances the course provider, instead of the student, must repay a loan amount. This includes circumstances in which the student's HELP balance may be re-credited.

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For a course to be an approved course, the course provider must have been approved by the Secretary. The Secretary is able to take action to ensure that approved course providers are complying with this Act.

Part 5 sets out requirements to be met by approved course providers, and includes civil penalty and offence provisions.

Part 5A sets out arrangements relating to tuition protection.

Part 5B establishes the VSL Tuition Protection Fund, the office of the VSL Tuition Protection Director and the VSL Tuition Protection Fund Advisory Board.

Certain decisions relating to VET student loans, approval of course providers, and assessments involving repayment of VETSL debts, are reviewable.

The *Regulatory Powers (Standard Provisions) Act 2014* applies for the purposes of this Act.

The use and disclosure of information is regulated.

Rules can be made under this Act.

6 Definitions

In this Act:

accumulated VETSL debt: see subsection 23CC(1).

affected part, of an original course, means a part of the course that a student was enrolled in when an approved course provider defaulted in relation to the student.

approved course: see section 13.

approved course provider: see section 24.

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approved external dispute resolution scheme: see section 42B.

approved external dispute resolution scheme operator: see paragraph 42B(c).

approved form has the meaning given by section 388-50 in Schedule 1 to the *Taxation Administration Act 1953*.

assessed worldwide income has the same meaning as in the *Higher Education Support Act 2003*.

Australian Privacy Principles has the same meaning as in the *Privacy Act 1988*.

Australian Qualifications Framework means the framework for recognition and endorsement of qualifications:

(a) that is established by the Council consisting of the Ministers for the Commonwealth and each State and Territory responsible for higher education; and

(b) that is to give effect to agreed standards in relation to the provision of education in Australia;

as in force from time to time.

Note: The Australian Qualifications Framework could in 2016 be viewed on the Australian Qualifications Framework website (http://www.aqf.edu.au).

census day: see subsection 58(3).

civil penalty provision has the same meaning as in the Regulatory Powers Act.

cold-calling: see subsections 62(2) and (3).

commence, in relation to winding up a body corporate, has the same meaning as in the *Corporations Act 2001*.

Commissioner means the Commissioner of Taxation.

Commonwealth officer has the same meaning as in the *Higher Education Support Act 2003*.

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compliance audit: see subsection 45(2).

compliance notice: see subsection 43(3).

compulsory VETSL repayment amount means an amount that:

(a) is required to be paid in respect of an accumulated VETSL debt under section 23EA or 23EC; and

(b) is included in a notice of an assessment made under section 23EE.

course means a course of study.

course provider means a person who provides, or offers to provide, a course of study.

courses and loan caps determination: see subsection 16(2).

covered fees: see subsection 56(3).

decision maker: see paragraph 74(b).

decision notice: see subsection 36(4).

default: see section 66B.

Departmental investigator: see subsection 88(1).

dependent child means a person who is aged under 18 and does not have a spouse or de facto partner.

Education Minister means the Minister who administers the *Education Services for Overseas Students Act 2000*.

electronic communication has the same meaning as in the *Electronic Transactions Act 1999*.

eligible student: see section 9.

executive officer, of an approved course provider, means a person (whether or not a director of the provider) who is concerned in, or takes part in, the management of the provider.

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foreign resident has the same meaning as in the *Income Tax Assessment Act 1997*.

former accumulated VETSL debt: see subsection 23CB(1).

genuine student has a meaning affected by any rules made for the purposes of this definition.

guidance and appeals panel has the same meaning as in the *Administrative Review Tribunal Act 2024.*

guidance and appeals panel application has the same meaning as in the *Administrative Review Tribunal Act 2024.*

HELP balance has the same meaning as in the *Higher Education Support Act 2003*.

income tax has the same meaning as in the *Income Tax Assessment Act 1997*.

income year has the same meaning as in the *Income Tax Assessment Act 1997*.

intention notice: see subsection 36(2).

judicial officer means:

(a) a magistrate; or

(b) a Judge of a court of a State or Territory; or

(c) a Judge of the Federal Circuit and Family Court of Australia (Division 2); or

(d) a Judge of the Federal Court of Australia.

listed course provider: see subsection 27(2).

loan amount means all or a part of a VET student loan.

Medicare levy means Medicare levy imposed by the *Medicare Levy Act 1986*.

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member of an approved external dispute resolution scheme that is Part IIE of the *Ombudsman Act 1976* (which establishes the VET Student Loans Ombudsman): see section 42BA of this Act.

minimum repayment income has the same meaning as in the *Higher Education Support Act 2003*.

National VET Regulator has the same meaning as in the *National Vocational Education and Training Regulator Act 2011*.

NVETR investigator: see subsection 88(2).

NVETR staff member means a member of the staff of the Regulator (within the meaning of the *National Vocational Education and Training Regulator Act 2011*).

officer of an approved course provider means:

(a) an officer or employee of an approved course provider; or

(b) a person who performs services for or on behalf of an approved course provider.

officer of an approved external dispute resolution scheme operator means:

(a) an officer or employee of an approved external dispute resolution scheme operator; or

(b) if the VET Student Loans Ombudsman is an approved external dispute resolution scheme operator—the VET Student Loans Ombudsman or a member of the staff of the VET Student Loans Ombudsman (see Part IIE of the *Ombudsman Act 1976*); or

(c) in any case—a person who performs services for or on behalf of an approved external dispute resolution operator.

officer of a Tertiary Admission Centre has the same meaning as in the *Higher Education Support Act 2003*.

ongoing information requirements: see subsection 52(1).

original course means an approved course in relation to which an approved course provider has defaulted.

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Pacific engagement visa: see subsection 11(1B).

permanent humanitarian visa: see subsection 11(1A).

permitted purpose: see subsection 95(1).

personal information has the same meaning as in the *Privacy Act 1988*.

provider fee limit: see subsection 34(3).

qualifying New Zealand citizen: see subsection 11(2).

registered training organisation has the same meaning as in the *National Vocational Education and Training Regulator Act 2011*.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

repayable VETSL debt: see subsection 23EB(1).

repayment income has the same meaning as in the *Higher Education Support Act 2003*.

replacement component means a part of a replacement course that replaces an affected part of an original course.

replacement course means an approved course that enables a student to finish:

(a) an original course; or

(b) a course that is equivalent to an original course.

responsible parent has the same meaning as in the *Australian Citizenship Act 2007*.

return means an income tax return within the meaning of subsection 995-1(1) of the *Income Tax Assessment Act 1997*.

reviewable decision: see paragraph 74(a).

rules means the rules made under section 116.

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Secretary means the Secretary of the Department.

special category visa has the same meaning as in the *Migration Act 1958*.

special circumstances: see subsection 68(3).

student includes a prospective student.

student entry procedure means a course provider's procedure to ensure that a student is academically suited to undertake a course.

student identifier has the same meaning as in the *Student Identifiers Act 2014*.

Table A provider has the same meaning as in the *Higher Education Support Act 2003*.

Table B provider has the same meaning as in the *Higher Education Support Act 2003*.

taxable income has the same meaning as in the *Income Tax Assessment Act 1997*.

tax file number has the same meaning as in the *Income Tax Assessment Act 1936*.

TEQSA means the body established by section 132 of the *Tertiary Education Quality and Standards Agency Act 2011*.

this Act includes:

(a) the rules; and

(b) any other instrument made under this Act; and

(c) the *Higher Education Support Act 2003* to the extent that it relates to this Act; and

(d) any instrument made under the *Higher Education Support Act 2003* to the extent that the instrument relates to this Act.

unacceptable conduct: see subsection 71(2).

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VET information means information obtained or created for the purposes of this Act.

VET officer means:

(a) a Commonwealth officer; or

(b) an officer of a Tertiary Admission Centre; or

(c) an officer of an approved course provider; or

(e) an officer of an approved external dispute resolution scheme operator.

VET Regulator has the same meaning as in the *National Vocational Education and Training Regulator Act 2011*.

VETSL debt: see subsection 23BA(1).

VET student loan: see subsection 7(2).

voluntary repayment means a payment made to the Commissioner in discharge of an accumulated VETSL debt or a VETSL debt. It does not include a payment made in discharge of a compulsory VETSL repayment amount.

VSL Tuition Protection Director means the person referred to in section 66M.

VSL Tuition Protection Fund means the VSL Tuition Protection Fund established by section 66J.

VSL Tuition Protection Fund Advisory Board means the VSL Tuition Protection Fund Advisory Board established by section 66Q.

VSL tuition protection levy means levy imposed by the *VET Student Loans (VSL Tuition Protection Levy) Act 2019*.

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Part 2—Loans to students

Division 1—Secretary may approve loans

7 Secretary may approve loans

(1) The Secretary may approve a loan for a student for a course of study if the Secretary is satisfied that:
  (a) the student is an eligible student (see Division 2); and
  (b) the course is an approved course (see Division 3).

(2) The loan is a ***VET student loan***.

8 Amount of loan

The amount of the loan must not be greater than any of the following:
  (a) the maximum loan amount for the course specified in, or worked out in accordance with, the courses and loan caps determination;
  (b) the amount that would reduce the student's HELP balance to zero;
  (c) the tuition fees for the course.

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Division 2—Eligible students

9 Eligible students

To be an ***eligible student***, the student must meet the requirements of this Division.

10 Enrolment and loan application

(1) The student must:
  (a) be enrolled in the course; and
  (b) have provided the course provider with any information and documents required by the rules; and
  (c) meet any other requirements set out in the rules.

(2) The student must be undertaking the course primarily at a campus in Australia.

(3) The student must have applied for a VET student loan for the course in accordance with Division 4.

11 Citizenship and residency

(1) The student must be:
  (a) an Australian citizen; or
  (b) the holder of a permanent humanitarian visa, or a Pacific engagement visa, who is usually resident in Australia; or
  (c) a qualifying New Zealand citizen.

(1A) ***Permanent humanitarian visa*** has the same meaning in this Act as in the *Migration Regulations 1994*.

(1B) A ***Pacific engagement visa*** is:
  (a) a visa referred to in the *Migration Regulations 1994* as a Subclass 192 (Pacific Engagement) visa; or
  (b) a visa of a kind determined under subsection (1C).

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(1C) The Minister may, by legislative instrument, determine a kind of visa for the purposes of paragraph (1B)(b) if the Minister has been advised by the Minister administering the *Migration Act 1958* (the ***Immigration Minister***) that, in the opinion of the Immigration Minister:

(a) the kind of visa has replaced or will replace:

(i) the kind of visa mentioned in paragraph (1B)(a); or

(ii) a kind of visa previously determined under this subsection; and

(b) the replacement kind of visa is intended to give the same benefits as the replaced kind of visa.

(2) A ***qualifying New Zealand citizen*** is a New Zealand citizen who:

(a) holds a special category visa; and

(b) has been usually resident in Australia for at least 10 years; and

(c) was a dependent child when he or she was first usually resident in Australia; and

(d) has been in Australia for periods totalling 8 years during the previous 10 years; and

(e) has been in Australia for periods totalling 18 months during the previous 2 years.

12 Academic suitability

(1) The student must have been assessed by the course provider as academically suited to undertake the course concerned.

(2) The assessment must have been done in accordance with:

(a) the course provider's student entry procedure; and

(b) any requirements set out in the rules.

(3) The course provider contravenes this subsection if the 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.

Civil penalty: 120 penalty units.

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Division 3—Approved courses

13 Approved courses

To be an ***approved course***, the course must meet the requirements of this Division.

14 Kinds of courses

(1) The course must be a structured and integrated program of vocational education or vocational training that leads to one of the following:

(a) a qualification:

(i) of diploma, advanced diploma, graduate certificate or graduate diploma in the Australian Qualifications Framework; and

(ii) that meets the guidelines for a VET award as set out in the Australian Qualifications Framework;

(b) a qualification specified by the rules.

(2) The course must:

(a) be specified in the courses and loan caps determination; and

(b) meet any requirements set out in the rules.

15 Provision and delivery

(1) The course must be provided by an approved course provider and delivered:

(a) by the approved course provider; or

(b) for the approved course provider by one or more of the following:

(i) another approved course provider;

(ii) a person or body registered by TEQSA;

(iii) a person or body approved in writing by the Secretary to deliver the course.

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(2) A reference in subsection (1) to an approved course provider does not include a reference to an approved course provider whose approval is suspended.

16 The *courses and loan caps determination*

(1) The Minister may by legislative instrument determine:
  (a) courses of study for which VET student loans may be approved; and
  (b) maximum loan amounts, or methods for working out maximum loan amounts, for those courses.

(2) The determination is the ***courses and loan caps determination***.

(3) The determination may provide for the method set out in Part 5-6 of the *Higher Education Support Act 2003* to be used to index amounts determined by, or worked out in accordance with, the determination.

(4) Despite subsection 14(2) of the *Legislation Act 2003*, a determination made under subsection (1) may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

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Division 4—Applications for loans

17 Applications for loans

(1) An application for a VET student loan for a course must:
  (a) include the student's tax file number or a certificate from the Commissioner stating that the student has applied to the Commissioner asking the Commissioner to issue a tax file number to the student; and
  (b) include the student's student identifier.

(2) The application:
  (a) must be in the form approved by the Secretary; and
  (b) must not be made before the end of any period specified in the rules; and
  (c) must meet any other requirements set out in the rules.

(3) The application must be signed by both the student and a responsible parent of the student if the following apply:
  (a) the student is under 18 years of age;
  (b) the student has a responsible parent;
  (c) the student has not received youth allowance (within the meaning of the *Social Security Act 1991*) on the basis that the student is independent (within the meaning of Part 2.11 of that Act).

(4) The Secretary may:
  (a) request the student to provide further information for the purposes of deciding the application; and
  (b) require some or all of the further information to be provided as a statutory declaration.

(5) A course provider contravenes this subsection if the provider completes any part of an application for a VET student loan that the student is required to complete.

  Civil penalty: 120 penalty units.

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(6) A course provider contravenes this subsection if:

(a) the provider collects information (including from a student) for the purposes of, or in relation to, applications by students for VET student loans; and

(b) the provider:

(i) gives the collected information to the Secretary; or

(ii) gives the Secretary information based on the collected information; and

(c) either or both of the following apply:

(i) the collected information omits a material particular or is incorrect in a material particular;

(ii) the information based on the collected information omits a material particular or is incorrect in a material particular.

Note: This subsection means that providers will need to verify information they collect from students for the purposes of, or in relation to, applications by students for VET student loans.

Civil penalty: 120 penalty units.

(7) Subparagraph (6)(c)(i) does not apply if the provider has taken the steps (if any) set out in rules made under subsection 48(1) to verify that the collected information is correct.

Note: Under section 48, the rules may require an approved course provider to have specified processes and procedures in place.

(8) Subparagraph (6)(c)(ii) does not apply if:

(a) the information is incorrect only because the collected information is incorrect; and

(b) the provider has taken the steps (if any) set out in rules made under subsection 48(1) to verify that the collected information is correct.

Note: Under section 48, the rules may require an approved course provider to have specified processes and procedures in place.

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18 Decisions about loans

(1) The Secretary must decide whether or not to approve a VET student loan if:
  (a) an application is made for the loan; and
  (b) the application complies with section 17; and
  (c) the applicant has complied with any request under that section.

(2) The Secretary must give written notice of the decision to both:
  (a) the applicant; and
  (b) the course provider.

(3) The notice must:
  (a) be given in accordance with any requirements set out in the rules; and
  (b) if the Secretary decides not to approve the loan—must include the reasons for the decision.

(4) The rules may provide for another person to give the notice on the Secretary's behalf.

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Part 3—Paying and repaying loan amounts

Division 1—Paying loan amounts

19 Loan must be used to pay tuition fees

(1) If the Secretary approves a VET student loan for a student for a course, the Secretary must use the loan to pay tuition fees for the student for the course.

(2) The Secretary may pay loan amounts to the course provider.

(3) The Secretary may pay loan amounts:
  (a) before or after the student begins the course; or
  (b) after the student has completed the course; or
  (c) by instalments.

(4) Subsections (2) and (3) do not limit the way in which the Secretary may use the loan to pay tuition fees.

Note 1: If the Secretary uses a loan amount to pay tuition fees for a student, the student incurs a VETSL debt under section 23BA.

Note 2: If the Secretary used a loan amount to pay tuition fees for a student before 1 July 2019, the student will have incurred a debt under section 137-19 of the *Higher Education Support Act 2003* as then in force. Those debts are managed under that Act as HELP debts.

20 When Secretary is not required to pay loan amount

The Secretary is not required to pay a loan amount for a student for a course if any of the following applies:
  (a) the student has not given the Secretary the student's tax file number;
  (b) the student has not given the Secretary the student's student identifier;
  (c) the Secretary is satisfied that the student:
    (i) is not an eligible student; or

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(ii) is not a genuine student;

(d) payment of the amount would breach a provider fee limit;

(e) the loan amount is greater than the student's HELP balance;

(f) the Secretary suspects on reasonable grounds that the course provider is not complying with this Act;

(g) the approval of the course provider has been revoked or suspended, or has expired;

(h) the Secretary is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course;

(i) the Secretary is satisfied that the course provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan;

(j) both of the following apply:

(i) the student has not completed the requirements for the course, or the part of the course, because the provider defaulted in relation to the student;

(ii) the VSL Tuition Protection Director decides, under paragraph 66E(1)(b), that the Director is not satisfied that there is a suitable replacement course for the student.

Note: For ***provider fee limit***, see subsection 34(3).

21 Notice about payment of loan amount

(1) If the Secretary decides not to pay a loan amount for a student for a course, the Secretary must notify the course provider of the decision as soon as practicable.

(2) The rules may set out requirements in relation to notifying the following that loan amounts have been or will be, or have not been or will not be, paid:

(a) course providers;

(b) students;

(c) other persons.

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Division 2—Repaying loan amounts

22 When course provider must repay loan amount

(1) The course provider must pay to the Commonwealth an amount equal to a loan amount that was:

(a) used to pay tuition fees for a student for a course; and

(b) re-credited to the student's HELP balance under Division 2 or 3 of Part 6.

Note: If a student's HELP balance is re-credited under Division 2 or 3 of Part 6, the student's VETSL debt is taken to be remitted to the extent to which the debt relates to the loan amount concerned: see section 23BA. (For remission of debts incurred before 1 July 2019, see section 137-19 of the *Higher Education Support Act 2003*).

(2) A course provider must pay to the Commonwealth an amount equal to any amount that was purportedly paid to the provider under this Act that was not payable.

(3) A course provider must pay to the Commonwealth an amount equal to any amount paid to the provider that exceeded a provider fee limit imposed on the provider.

Note: For ***provider fee limit***, see subsection 34(3).

(4) An amount that a course provider must pay under this section is a debt due to the Commonwealth by the provider.

(5) The Commonwealth may recover the debt from one or more loan amounts that would otherwise be payable to the course provider in relation to a student.

(6) If a debt is recovered from a loan amount that is otherwise payable in relation to a student, the amount recovered is taken to have been paid to the course provider in relation to the student.

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Part 3A—VETSL debts

Division 1—Simplified outline of this Part

23AA Simplified outline of this Part

Loans that the Secretary approves and uses to pay tuition fees for a person are repayable under this Part.

A person incurs a debt (called a VETSL debt) each time a loan amount is used to pay tuition fees for the person. Each of those debts is then incorporated into a single debt called the person's accumulated VETSL debt.

An accumulated VETSL debt can be repaid in 2 ways:

(a) by making voluntary repayments; or

(b) by making compulsory repayments (based on the person's income) through the income tax system.

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Division 2—VETSL debts

23BA VETSL debt

(1) A person incurs a debt to the Commonwealth if the Secretary:
  (a) approves a VET student loan for the person; and
  (b) uses a loan amount covered by the VET student loan to pay tuition fees for the person for a course.

The debt is a ***VETSL debt***.

(2) The amount of the VETSL debt is:
  (a) 120% of the loan amount; or
  (b) if the rules specify a lesser percentage of the loan amount for the person—that lesser percentage of the loan amount.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

(3) A VETSL debt is incurred on the relevant day.

(3A) For the purposes of subsection (3), the ***relevant day*** is:
  (a) unless paragraph (b) applies—the day the Secretary pays the loan amount; or
  (b) if subsection (3B) applies to the loan amount—1 June 2025.

(3B) This subsection applies to a loan amount if:
  (a) the loan amount should have been paid on or before 1 June 2025 but was paid after 1 June 2025 as a result of an administrative error; or
  (b) the loan amount:
    (i) was paid during the period of 6 months beginning immediately after 1 June 2025; and
    (ii) was used to pay tuition fees for a course, or a part of a course, for which the census day was on or before 1 June 2025.

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(4) A person's VETSL debt, in relation to a loan amount used to pay tuition fees for the person for a course, is taken to be remitted if the person's HELP balance is re-credited under Division 2 or 3 of Part 6 in relation to the loan amount.

23BAA Reduction in VETSL debts incurred between 1 January and 1 June 2025

(1) This section applies if, under section 23BA, a person incurs a VETSL debt during the period beginning on 1 January 2025 and ending on 1 June 2025.

Note: Certain VETSL debts are taken to have been incurred on 1 June 2025: see paragraph 23BA(3A)(b).

(2) For the purposes of this Act, and despite subsection 23BA(2), the amount of the VETSL debt is the amount worked out under that subsection reduced by 20%.

23BB VETSL debt discharged by death

Upon the death of a person who owes a VETSL debt to the Commonwealth, the debt is taken to have been paid.

Note: VETSL debts are not provable in bankruptcy: see subsection 82(3AB) of the *Bankruptcy Act 1966*.

23BC Notice to Commissioner

(1) If a person incurs a VETSL debt, the Secretary must give the Commissioner a notice specifying the amount of the debt incurred by the person.

(2) The Secretary may include in the notice any other details the Commissioner requests for the purpose of ensuring the Commissioner has the information needed to exercise powers or perform functions of the Commissioner under or in relation to this Act.

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Division 3—Accumulated VETSL debts

23CA Simplified outline of this Division

There are 2 stages to working out a person's accumulated VETSL debt for a financial year.

In stage 1, the person's former accumulated VETSL debt is worked out. This is done by adjusting the preceding financial year's accumulated VETSL debt to take account of:

(a) changes in the Consumer Price Index and the Wage Price Index; and
(b) the VETSL debts the person incurs during the last 6 months of the preceding financial year; and
(c) voluntary repayments of the debt; and
(d) compulsory VETSL repayment amounts in respect of the debt.

In stage 2, the person's accumulated VETSL debt is worked out from:

(a) the person's former accumulated VETSL debt; and
(b) the VETSL debts the person incurs during the first 6 months of the financial year; and
(c) voluntary repayments of those debts.

Note: Incurring that financial year's accumulated VETSL debt discharges the previous accumulated VETSL debt and VETSL debts: see section 23CE.

23CB Stage 1—working out a former accumulated VETSL debt

(1) A person's ***former accumulated VETSL debt***, in relation to the person's accumulated VETSL debt for a financial year, is worked out by multiplying:

(a) the amount worked out using the following method statement; by

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(b) the HELP debt indexation factor (within the meaning of the *Higher Education Support Act 2003*) for 1 June in that financial year.

Method statement

Step 1. Take the person's accumulated VETSL debt for the immediately preceding financial year. (This amount is taken to be zero if the person has no accumulated VETSL debt for that financial year.)

Step 2. Add the sum of all of the VETSL debts (if any) that the person incurred during the last 6 months of the immediately preceding financial year. If the total is a number of whole dollars and a number of cents, the total is taken to be the number of whole dollars. If the total is an amount of less than one dollar, the total is taken to be zero.

Step 3. Subtract the sum of the amounts by which the person's debts referred to in steps 1 and 2 are reduced because of any voluntary repayments that have been made during the period:

(a) starting on 1 June in the immediately preceding financial year; and

(b) ending immediately before the next 1 June.

Step 4. Subtract the sum of all of the person's compulsory VETSL repayment amounts that:

(a) were assessed during that period (excluding any assessed as a result of a return given before that period); or

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(b) were assessed after the end of that period as a result of a return given before the end of that period.

Step 5. Subtract the sum of the amounts by which any compulsory VETSL repayment amount of the person is increased (whether as a result of an increase in the person's taxable income of an income year or otherwise) by an amendment of an assessment made during that period.

Step 6. Add the sum of the amounts by which any compulsory VETSL repayment amount of the person is reduced (whether as a result of a reduction in the person's taxable income of an income year or otherwise) by an amendment of an assessment made during that period.

Note: This method statement is modified for the purposes of working out a person's former accumulated VETSL debt in relation to the financial year starting on 1 July 2024: see section 23CCA.

Example: Lorraine is studying part-time for a Diploma of Early Childhood Education and Care. On 1 June 2020, Lorraine had an accumulated VETSL debt of $15,000. She incurred a VETSL debt of $1,500 on 31 March 2020. She made a voluntary repayment of $525 on 1 May 2021. Lorraine lodged her 2019-20 income tax return and a compulsory VETSL repayment amount of $3,000 was assessed and notified on her income tax notice of assessment on 3 September 2020.

To work out Lorraine's former accumulated VETSL debt before indexation on 1 June 2021:

Step 1: Take the previous accumulated VETSL debt of $15,000 on 1 June 2020.

Step 2: Add the VETSL debt of $1,500 incurred on 31 March 2020.

Step 3: Subtract the $525 voluntary repayment made on 1 May 2021.

Step 4: Subtract the $3,000 compulsory repayment assessed on 3 September 2020.

Step 5: Does not apply because since 1 June 2020 Lorraine had no amendments to any assessment.

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Step 6: Does not apply because since 1 June 2020 Lorraine had no amendments to any assessment.

Lorraine's former accumulated VETSL debt before indexation on 1 June 2021 is:

$$\left(\$15{,}000 + \$1{,}500\right) - \left(\$525 + \$3{,}000\right) = \$12{,}975$$

If, for example, the indexation factor for 1 June 2021 were 1.030, then the former accumulated VETSL debt would be:

$$\$12{,}975 \times 1.030 = \$13{,}364.25$$

(2) For the purposes of this section, an assessment, or an amendment of an assessment, is taken to have been made on the day specified in the notice of assessment, or notice of amended assessment, as the date of issue of that notice.

23CC Stage 2—working out an accumulated VETSL debt

(1) A person's ***accumulated VETSL debt***, for a financial year, is worked out as follows:

$$\text{Former accumulated VETSL debt} + \text{VETSL debts incurred} - \text{VETSL debt repayments}$$

where:

former accumulated VETSL debt means the person's former accumulated VETSL debt in relation to that accumulated VETSL debt.

VETSL debt repayments means the sum of all of the voluntary repayments (if any) paid, on or after 1 July in the financial year and before 1 June in that year, in reduction of the VETSL debts incurred in that year.

VETSL debts incurred means the sum of the amounts of all of the VETSL debts (if any) that the person incurred during the first 6 months of the financial year, with the total rounded down to the

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nearest whole dollar (and a total of less than one dollar taken to be zero).

Note: The formula in this subsection is modified for the purposes of working out a person's accumulated VETSL debt for the financial year starting on 1 July 2024: see section 23CCA.

Example: Paula is studying part-time for a Diploma of Nursing. On 1 June 2021, her former accumulated VETSL debt was worked out using section 23CB to be $20,000. She incurred a VETSL debt of $1,500 on 31 August 2020. No repayments have been made in the 12 months from 1 June 2020.

Paula's accumulated VETSL debt on 1 June 2021 is worked out by taking her former accumulated VETSL debt of $20,000 and adding the $1,500 VETSL debt incurred on 31 August 2020. That is:

$20,000 + $1,500 = $21,500

(2) The person incurs the accumulated VETSL debt on 1 June in the financial year.

(3) The first financial year for which a person can have an accumulated VETSL debt is the financial year starting on 1 July 2019.

23CCA Reduction in VETSL debts incurred before 1 January 2025

(1) For the purposes of working out a person's former accumulated VETSL debt in relation to the person's accumulated VETSL debt for the financial year starting on 1 July 2024, section 23CB has effect as if the method statement in subsection (1) of that section included the following step after step 6:

Step 7.	Reduce the amount worked out under step 6 by 20%.

(2) For the purposes of working out a person's accumulated VETSL debt for the financial year starting on 1 July 2024, section 23CC has effect as if the first formula in subsection (1) of that section were omitted and the following formula substituted:

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$$\text{Former accumulated VETSL debt} + \left[\left(\text{VETSL debts incurred} - \text{VETSL debt repayments}\right) \times 0.8\right]$$

23CD Rounding of amounts

(1) If, apart from this section, a person's accumulated VETSL debt would be an amount consisting of a number of whole dollars and a number of cents, disregard the number of cents.

(2) If, apart from this section, a person's accumulated VETSL debt would be an amount of less than one dollar, the person's accumulated VETSL debt is taken to be zero.

23CE Accumulated VETSL debt discharges earlier debts

(1) The accumulated VETSL debt that a person incurs on 1 June in a financial year discharges, or discharges the unpaid part of:
  (a) any VETSL debt that the person incurred during the calendar year immediately preceding that day; and
  (b) any accumulated VETSL debt that the person incurred on the immediately preceding 1 June.

(2) Nothing in subsection (1) affects the application of Division 2 or section 23CB, 23CC or 23CCA.

23CF Accumulated VETSL debt discharged by death

(1) Upon the death of a person who has an accumulated VETSL debt, the accumulated VETSL debt is taken to be discharged.

(2) To avoid doubt, this section does not affect any compulsory VETSL repayment amounts required to be paid in respect of the accumulated VETSL debt, whether or not those amounts were assessed before the person's death.

Note: Accumulated VETSL debts are not provable in bankruptcy: see subsection 82(3AB) of the *Bankruptcy Act 1966*.

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Division 4—Voluntary discharge of debt

23DA Voluntary repayments

(1) A person may at any time make a payment in respect of a debt that the person owes to the Commonwealth under this Part.

(2) The payment must be made to the Commissioner.

23DB Application of voluntary repayments

(1) Any money a person pays under this Division to meet the person's debts to the Commonwealth under this Part is to be applied in payment of those debts as the person directs at the time of the payment.

(2) If the person has not given any directions, or the directions given do not adequately deal with the matter, any money available is to be applied as follows:

(a) first, in discharge or reduction of any accumulated VETSL debt of the person;

(b) secondly, in discharge or reduction of:

(i) any VETSL debt of the person; or

(ii) if there is more than one such debt, those debts in the order in which they were incurred.

23DC Refunding of payments

If:

(a) a person pays an amount to the Commonwealth under this Division; and

(b) the amount exceeds the sum of:

(i) the amount required to discharge the total debt that the person owed to the Commonwealth under this Part; and

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(ii) the total amount of the person's primary tax debts (within the meaning of Part IIB of the *Taxation Administration Act 1953*);

the Commonwealth must refund to the person an amount equal to that excess.

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Division 5—Compulsory discharge of debt

Subdivision A—Compulsory repayments

23EA Compulsory repayments

(1) If:

(a) a person's repayment income for an income year exceeds the minimum repayment income for the income year; and

(b) on 1 June immediately preceding the making of an assessment in respect of the person's income of that income year, the person had an accumulated VETSL debt;

the person is liable to pay to the Commonwealth, in accordance with this Division, the amount worked out using the following formula in reduction of the person's repayable VETSL debt:

$$\text{Applicable repayable amount} _ \text{Relevant income-contingent loans liability}$$

where:

applicable repayable amount means the amount that is the least of the following:

(a) the amount worked out under subsection 154-20(2) of the *Higher Education Support Act 2003* for the income year, as if:

(i) references in that subsection to the person's repayment income were references to the person's repayment income within the meaning of this Act; and

(ii) references in that subsection to the person's minimum repayment income were references to the person's minimum repayment income within the meaning of this Act;

(b) the amount equal to 10% of the person's repayment income for the income year;

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(c) the amount of the person's repayable VETSL debt for the income year.

relevant income-contingent loans liability means the amount that is the sum of any amounts the person is liable to pay under section 154-1 or 154-16 of the *Higher Education Support Act 2003* in respect of the income year.

(2) A person is not liable under this section to pay an amount for an income year if the amount worked out under subsection (1) is zero or less.

(3) A person is not liable under this section to pay an amount for an income year if, under section 8 of the *Medicare Levy Act 1986*:
(a) no Medicare levy is payable by the person on the person's taxable income for the income year; or
(b) the amount of the Medicare levy payable by the person on the person's taxable income for the income year is reduced.

23EB Repayable VETSL debt for an income year

(1) A person's ***repayable VETSL debt*** for an income year is:
(a) the person's accumulated VETSL debt referred to in paragraph 23EA(1)(b) in relation to that income year; or
(b) if one or more amounts:
(i) have been paid in reduction of that debt; or
(ii) have been assessed under section 23EE to be payable in respect of that debt;
the amount (if any) remaining after deducting from that debt the amount, or sum of the amounts, so paid or assessed to be payable.

(2) A reference in paragraph (1)(b) to an amount assessed to be payable is, if the amount has been increased or reduced by an amendment of the relevant assessment, a reference to the increased amount or the reduced amount.

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Subdivision B—Levy for overseas debtors

23EC Liability of overseas debtors to repay amounts

(1) If:

(a) a person is a foreign resident during an income year; and

(b) the person's assessed worldwide income for the income year exceeds the minimum repayment income for the income year; and

(c) on 1 June immediately preceding the making of an assessment in respect of the person's income of that income year, the person had an accumulated VETSL debt;

the person is liable to pay to the Commonwealth, in accordance with this Division, a levy of the amount worked out under subsection (2).

Note: An amount a person is liable to pay under this section is imposed as a levy under the *Student Loans (Overseas Debtors Repayment Levy) Act 2015*.

(2) The amount of levy that a person is liable to pay under this section, in respect of an income year, is an amount equal to the difference between:

(a) the amount that the person would have been liable to pay under section 23EA if:

(i) the person had a repayment income for the income year of an amount equal to the person's assessed worldwide income for the income year; and

(ii) subsection 23EA(3) did not apply to the person; and

(b) the amount (if any) the person is liable to pay under section 23EA, in respect of the income year.

23ED Notices to be given to the Commissioner

Notice relating to leaving Australia

(1) A person who:

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(a) has an accumulated VETSL debt or otherwise has a VETSL debt that has not yet been discharged; and

(b) leaves Australia (other than in circumstances specified in the rules) with the intention of remaining outside Australia for at least 183 days;

must, no later than 7 days after leaving Australia, give a notice to the Commissioner in the approved form.

Notice relating to absence from Australia

(2) A person who:

(a) has an accumulated VETSL debt or otherwise has a VETSL debt that has not yet been discharged; and

(b) has been outside Australia for at least 183 days (other than in circumstances specified in the rules) in any 12 month period; and

(c) was not required under subsection (1) to give a notice to the Commissioner in connection with that absence from Australia;

must, no later than 7 days after the end of those 183 days, give a notice to the Commissioner in the approved form.

Notice relating to income (including foreign-sourced income)

(3) A person who:

(a) is a foreign resident; and

(b) on 1 June immediately preceding an income year, had an accumulated VETSL debt;

must (other than in circumstances specified in the rules) give to the Commissioner, in the approved form, a notice relating to the person's income (including foreign-sourced income) for the income year. The notice must be given within the period specified in the form.

Note: The Commissioner may defer the time for giving a notice: see section 388-55 in Schedule 1 to the *Taxation Administration Act 1953*.

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Content of notices under this section

(4) The rules may provide for the content of notices under this section.

Subdivision C—Assessments

23EE Commissioner may make assessments

The Commissioner may, from any information in the Commissioner's possession, whether from a return or otherwise, make an assessment of:

(a) a person's accumulated VETSL debt on 1 June immediately before the making of the assessment; and

(b) the amount required to be paid in respect of that debt under section 23EA or 23EC.

23EF Notification of notices of assessment of tax

If:

(a) the Commissioner is required to serve on a person a notice of assessment in respect of the person's income of an income year under section 174 of the *Income Tax Assessment Act 1936*; and

(b) the Commissioner has made, in respect of the person, an assessment under section 23EE of this Act of the amounts referred to in that section; and

(c) notice of the assessment under that section has not been served on the person;

notice of the assessment under that section may be served by specifying the amounts concerned in the notice referred to in paragraph (a) of this section.

23EG Commissioner may defer making assessments

(1) A person may apply in the approved form to the Commissioner for deferral of the making of an assessment in respect of the person under section 23EE.

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(2) The application must specify:
  (a) the income year for which the deferral is being sought; and
  (b) the reasons for seeking the deferral.

(3) The income year specified in the application must be:
  (a) the income year in which the person makes the application; or
  (b) the immediately preceding income year; or
  (c) the immediately succeeding income year.

(4) The Commissioner may, on application by a person under this section, defer making an assessment in respect of the person under section 23EE if the Commissioner is of the opinion that:
  (a) if the assessment were made, payment of the assessed amount would cause serious hardship to the person; or
  (b) there are other special reasons that make it fair and reasonable to defer making the assessment.

(5) The Commissioner may defer making the assessment for any period the Commissioner thinks appropriate.

(6) The Commissioner must, as soon as practicable after an application is made under this section:
  (a) consider the matter to which the application relates; and
  (b) notify the applicant of the Commissioner's decision on the application.

Note: Deferrals of making assessments, or refusals of applications, are reviewable under Part 7.

23EH Commissioner may amend assessments

(1) A person may apply in the approved form to the Commissioner for an amendment of an assessment made in respect of the person under section 23EE so that:
  (a) the amount payable under the assessment is reduced; or
  (b) no amount is payable under the assessment.

(2) The application:

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(a) must be made within 2 years after the day on which the Commissioner gives notice of the assessment to the person; or

(b) must specify the reasons justifying a later application.

(3) The Commissioner may, on application by a person under this section, amend an assessment made in respect of the person under section 23EE so that:

(a) the amount payable under the assessment is reduced; or

(b) no amount is payable under the assessment;

if the Commissioner is of the opinion that:

(c) payment of the assessed amount has caused or would cause serious hardship to the person; or

(d) there are other special reasons that make it fair and reasonable to make the amendment.

(4) The Commissioner must, as soon as practicable after an application is made under this section:

(a) consider the matter to which the application relates; and

(b) notify the applicant of the Commissioner's decision on the application.

Note: Amendments of assessments, or refusals of applications, are reviewable under Part 7.

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Division 6—Application of tax legislation

23FA Returns, assessments, collection and recovery

Subject to Divisions 4 and 5 and this Division:

(a) Part IV of the *Income Tax Assessment Act 1936*; and

(b) Division 5 of the *Income Tax Assessment Act 1997*; and

(c) Part 4-15 in Schedule 1 to the *Taxation Administration Act 1953*;

apply, so far as they are capable of application, in relation to a compulsory VETSL repayment amount of a person as if it were income tax assessed to be payable by a taxpayer by an assessment made under Part IV of the *Income Tax Assessment Act 1936*.

23FB Charges and civil penalties for failing to meet obligations

(1) Part 4-25 in Schedule 1 to the *Taxation Administration Act 1953* has effect as if:

(a) any compulsory VETSL repayment amount of a person were income tax payable by the person in respect of the income year in respect of which the assessment of that debt was made; and

(b) paragraphs 17(1)(a) and 20(a), this Part and sections 97 and 107 of this Act were income tax laws (within the meaning of the *Income Tax Assessment Act 1997*).

(2) Subsection (1) does not have the effect of making a person liable to a penalty for any act or omission that happened before the commencement of this subsection.

23FC Pay as you go (PAYG) withholding

Part 2-5 (other than section 12-55 and Subdivisions 12-E, 12-F and 12-G) in Schedule 1 to the *Taxation Administration Act 1953* applies, so far as it is capable of application, in relation to the collection of amounts of a compulsory VETSL repayment amount

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of a person as if the compulsory VETSL repayment amount were income tax.

23FD Pay as you go (PAYG) instalments

Division 45 in Schedule 1 to the *Taxation Administration Act 1953* applies, so far as it is capable of application, in relation to the collection of a compulsory VETSL repayment amount of a person as if the compulsory VETSL repayment amount were income tax.

23FE Failures to comply with section 23ED

Part III of the *Taxation Administration Act 1953* applies in relation to a failure to comply with section 23ED of this Act as if that section were a taxation law (within the meaning of section 2 of that Act).

23FF Extent of Commissioner's general administration of this Act

The Commissioner has the general administration of this Act to the following extent:

(a) paragraphs 17(1)(a) and 20(a) (loan applications to include tax file numbers);

(b) this Part;

(c) Part 7 so far as it relates to reviewable decisions for which the Commissioner is the decision maker;

(d) section 97 (Commissioner may disclose VET information);

(e) section 107 (verifying tax file numbers).

Note: One effect of this is that this Act is to that extent a taxation law for the purposes of the *Taxation Administration Act 1953*.

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Part 4—Approved course providers

Division 1—Approving course providers

24 Meaning of *approved course provider*

A body approved by the Secretary under this Division is an ***approved course provider***.

25 Secretary may approve a body

(1) The Secretary may approve a body as an approved course provider if the Secretary is satisfied that the body meets the course provider requirements.

(2) To meet the ***course provider requirements*** the body must:
- (a) be a body corporate that is not a trustee; and
- (b) be established under the law of the Commonwealth, a State or a Territory; and
- (c) carry on business in Australia and have its central management and control in Australia; and
- (d) be a registered training organisation; and
- (e) meet the provider suitability requirements; and
- (f) be a fit and proper person; and
- (h) be a member of an approved external dispute resolution scheme.

Note: If Part IIE of the *Ombudsman Act 1976* (VET Student Loans Ombudsman) is an external dispute resolution scheme, all approved course providers are taken to be members of the scheme (see section 42BA).

(3) The Secretary may, in writing, exempt a body from the requirement in paragraph (2)(h) to be a member of an approved external dispute resolution scheme.

(4) An exemption under subsection (3) is subject to such conditions as are specified in the exemption.

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26 Provider suitability requirements

(1) The rules may set out ***provider suitability requirements*** for the purposes of ensuring that loan amounts are paid to suitable course providers.

(2) The provider suitability requirements may deal with the following in relation to a course provider:
  (a) financial performance;
  (b) management and governance;
  (c) experience in providing vocational education;
  (d) scope of courses;
  (e) fees and modes of delivery for courses;
  (f) student outcomes;
  (g) industry links.

(3) Subsection (2) does not limit the provider suitability requirements.

27 Listed course providers may be taken to meet requirements

(1) The rules may provide for a listed course provider to be taken to meet one or more course provider requirements.

(2) Each of the following is a ***listed course provider*** as long as it is a registered training organisation:
  (a) a Table A provider;
  (b) a Table B provider;
  (c) a body established to provide vocational education or training under one of the following:
    (i) the *Technical and Further Education Commission Act 1990* (NSW);
    (ii) the *Education and Training Reform Act 2006* (Vic.);
    (iii) the *TAFE Queensland Act 2013* (Qld);
    (iv) the *Vocational Education and Training Act 1996* (WA);
    (v) the *TAFE SA Act 2012* (SA);
    (vi) the *Training and Workforce Development Act 2013* (Tas.);

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(vii) the *Canberra Institute of Technology Act 1987* (ACT);

(d) a training organisation owned by the Commonwealth, a State or a Territory;

(e) a body specified in the rules.

28 Application for approval

(1) A body may apply to the Secretary for approval as an approved course provider.

(2) The application must be:

(a) in the form approved by the Secretary; and

(b) accompanied by the application fee for the application.

(3) The Secretary may:

(a) request the applicant to provide further information for the purposes of deciding the application; and

(b) require some or all of the further information to be provided as a statutory declaration.

(4) The rules may set out requirements in relation to applying for approval.

29 Period of approval

(1) Approval as an approved course provider has effect for the period specified in the approval.

(2) The period must not be more than 7 years.

(3) This section has effect subject to section 33.

30 Decisions about approval

(1) This section applies if:

(a) a body applies to the Secretary for approval as an approved course provider; and

(b) the Secretary considers and decides the application.

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Note: The Secretary is not required to consider or decide an application for approval as an approved course provider: see section 32.

(2) The Secretary must give written notice of the decision to the body.

(3) The notice must:
(a) be given in accordance with any requirements set out in the rules; and
(b) if the Secretary decides to approve the body for a period of less than 7 years—include the reasons for the period being less than 7 years.

31 Fees for applications

(1) The Secretary may, by legislative instrument, prescribe fees, or a method of working out fees, for making applications for approval as an approved course provider.

(2) A fee for making an application for approval as an approved course provider must not be such as to amount to taxation.

32 When Secretary is not required to consider application

(1) The Secretary is not required to consider or decide an application for approval as an approved course provider:
(a) if the application does not comply with section 28; or
(b) in circumstances set out in the rules.

(2) If the Secretary does not consider or decide an application, the Secretary must:
(a) give the applicant written notice of, and reasons for, not so considering or deciding; and
(b) refund any application fee for the application.

(3) The notice must be given within 30 days after the application is made, otherwise the Secretary must consider and decide the application.

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33 Period of approval extends to cover decision on re-approval

(1) This section applies if:

(a) a body is approved (the ***current approval***) as an approved course provider; and

(b) the body applies for approval as an approved course provider for a further period; and

(c) the application is made before the beginning of:

(i) the period of 90 days before the current approval ends; or

(ii) such shorter period as the Secretary allows.

(2) The provider's current approval continues in effect until the application is decided.

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Division 2—Conditions of approval

34 Secretary may impose conditions

(1) The Secretary may, at any time:
  (a) impose conditions on the approval of an approved course provider; or
  (b) vary a condition of the approval.

(2) The conditions may include the following:
  (a) that one or more provider fee limits apply to the provider;
  (b) that loan amounts will be paid to the provider for specified approved courses only;
  (c) that an approved course provided by the provider will:
    (i) be delivered in a particular way; or
    (ii) address particular content or skills.

(3) A ***provider fee limit*** is a limit on loan amounts that can be paid to a provider:
  (a) for a particular period; or
  (b) for a particular approved course; or
  (c) for a particular approved course for a particular period.

(4) Subsection (2) does not limit the conditions the Secretary may impose on the approval.

(5) The Secretary must give the provider written notice of, and written reasons for:
  (a) imposing a condition on the approval; or
  (b) varying a condition of the approval.

(6) The rules may set out requirements in relation to giving such notice and reasons.

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Division 3—Revoking and suspending approvals

35 Automatic revocation on winding up

If an approved course provider is wound up, the approval of the body is revoked when the winding up commences.

Note: ***Commence***, in relation to winding up, has the same meaning as in the *Corporations Act 2001*: see section 6.

35A Automatic revocation if body ceases to be a registered training organisation

(1) The approval of a body as an approved course provider is revoked if:

(a) the body ceases to be listed as a registered training organisation on the National Register (within the meaning of the *National Vocational Education and Training Regulator Act 2011*); and

(b) in each case where the relevant VET Regulator has made a decision covered by subsection (2):

(i) the decision has not been set aside or quashed; and

(ii) any applicable time limits for applying for a review (however described) or lodging an appeal (however described) of or in relation to the decision have expired; and

(iii) if there is such a review or appeal of or in relation to the decision—the review or appeal (and any later reviews or appeals) have been finally disposed of.

(2) The decisions are:

(a) a decision under section 17 of the *National Vocational Education and Training Regulator Act 2011* to refuse an application to renew the body's registration as an NVR registered training organisation (within the meaning of that Act); and

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(b) a decision under section 39 of that Act to cancel the body's registration as an NVR registered training organisation; and

(c) a decision under a law of a State that has a similar effect to a decision referred to in paragraph (a) or (b).

(3) The revocation of the body's approval as an approved course provider takes effect at the start of the day after the first day on which subsection (1) applies to the body.

(4) The Secretary must notify the body in writing of the revocation.

36 Secretary may revoke or suspend approval

(1) The Secretary may revoke or suspend the approval of an approved course provider if the Secretary is satisfied that the provider is not complying with this Act.

(2) Before revoking or suspending the approval, the Secretary must give the provider written notice (the ***intention notice***) of the following:

(a) that the Secretary is proposing to revoke or suspend the approval;

(b) the reasons why the Secretary is proposing to revoke or suspend the approval;

(c) that the provider may make written submissions to the Secretary as to why the Secretary should not revoke or suspend the approval;

(d) that the written submissions must be given to the Secretary within the period (the ***submission period***):

(i) for proposed suspension—that ends 14 days after the intention notice is given; or

(ii) for proposed revocation—that ends 28 days after the intention notice is given.

(3) The Secretary must consider any submissions given by the provider within the submission period.

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(4) The Secretary must give the provider written notice (the ***decision notice***) of:

(a) the Secretary's decision on the suspension or revocation; and

(b) the reasons for the decision.

The decision notice must be given within 28 days after the end of the submission period.

(5) If the Secretary revokes or suspends the approval, the revocation or suspension takes effect on the day specified in the decision notice, which must not be a day before the decision is made.

(6) A decision to suspend or revoke is not invalid merely because the Secretary failed to give the decision notice within the time required under subsection (4).

Note: The Secretary may publish information about compliance action that has been taken under this Act: see section 103.

37 Immediate suspension in certain circumstances

(1) The Secretary may suspend the approval of an approved course provider (without giving the provider an intention notice under section 36) if:

(a) the Secretary suspects on reasonable grounds that the provider is not complying with this Act; and

(b) the Secretary is satisfied that the circumstances require urgent action.

(2) The Secretary must give the provider written notice of:

(a) the suspension; and

(b) the reasons for the suspension; and

(c) the effect of subsection (4).

(3) The suspension begins at the time specified in the notice, which must not be before the notice is given.

(4) Unless subsection (5) or (6) applies, the suspension ends when one of the following happens:

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(a) the Secretary notifies the provider in writing that the suspension has ended;
(b) 14 days have passed since the suspension began.

(5) If, within 14 days after the suspension began, the Secretary gives the provider an intention notice under section 36, the suspension ends when the Secretary gives the provider the decision notice under that section.

(6) If, within 14 days after the suspension began, the Secretary requires the provider to be audited under section 45, the suspension ends:
(a) unless paragraph (b) applies—14 days after the Secretary receives the report on the audit; or
(b) if, within that 14 days, the Secretary gives the provider an intention notice under section 36—when the Secretary gives the provider the decision notice under that section.

Note: The Secretary may publish information about compliance action that has been taken under this Act: see section 103.

38 Secretary must revoke approval on provider request

(1) If an approved course provider makes a written request to the Secretary for the approval of the provider to be revoked, the Secretary must:
(a) revoke the approval; and
(b) give the provider written notice of the revocation.

(2) Despite subsection (1), the Secretary may refuse to revoke the approval if, at the time the request is made:
(a) the Secretary has given the provider written notice, under subsection 36(2), that the Secretary is proposing to revoke or suspend the approval; and
(b) the Secretary has not given written notice, under subsection 36(4), of the Secretary's decision on the suspension or revocation.

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(3) Despite subsection (1), the Secretary may refuse to revoke the approval if, at the time the request is made:

(a) the Secretary has given the provider a written notice, under subsection 36(4) or 37(2), that the Secretary has suspended the provider's approval; and

(b) the suspension has not ended.

39 Secretary to notify relevant VET Regulator and VSL Tuition Protection Director if approval is revoked or suspended

If the approval of an approved course provider is revoked or suspended, the Secretary must give written notice of the revocation or suspension to:

(a) the relevant VET Regulator; and

(b) the VSL Tuition Protection Director.

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Division 4A—External dispute resolution

42A Minister may specify external dispute resolution scheme

(1) The Minister may, by legislative instrument, specify a scheme that provides for investigation and resolution of disputes relating to the following:

(a) VET student loans;

(b) compliance by approved course providers with this Act;

(c) VET FEE-HELP assistance (within the meaning of the *Higher Education Support Act 2003*);

(d) compliance by VET providers (within the meaning of the *Higher Education Support Act 2003*) with the *Higher Education Support Act 2003*.

(2) The Minister must specify the operator of the scheme in the legislative instrument.

Note: The rules may provide for matters that the Minister may or must have regard to in deciding to specify a scheme: see subsection 116(3).

42B Meaning of *approved external dispute resolution scheme*

A scheme is an ***approved external dispute resolution scheme*** if the scheme:

(a) provides for investigation and resolution of disputes as mentioned in section 42A; and

(b) is specified in a legislative instrument made under section 42A; and

(c) is operated by the person (the ***approved external dispute resolution scheme operator***) specified in the legislative instrument.

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42BA External dispute resolution scheme—VET Student Loans Ombudsman

If Part IIE of the *Ombudsman Act 1976* is specified as an external dispute resolution scheme under section 42A:

(a) the scheme is taken to be operated by the VET Student Loans Ombudsman; and

(b) all approved course providers are taken to be members of the scheme.

42C Approved course provider must comply

An approved course provider must comply with the requirements of the approved external dispute resolution scheme of which the provider is a member.

Note: The rules may set out additional processes and procedures in relation to external dispute resolution: see section 48.

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Division 5—Ensuring compliance

43 Compliance notices

(1) This section applies if the Secretary:

(a) is satisfied that an approved course provider is not complying with this Act; or

(b) is aware of information that suggests that an approved course provider may not be complying with this Act.

(2) The Secretary may give the provider a compliance notice.

(3) The ***compliance notice*** must:

(a) set out the name of the provider to which the notice is given; and

(b) set out brief details of the non-compliance or possible non-compliance; and

(c) specify action that the provider must take, or refrain from taking, in order to address the non-compliance or possible non-compliance; and

(d) specify a reasonable period within which the provider must take, or refrain from taking, the specified action; and

(e) if the Secretary considers it appropriate—specify a reasonable period within which the provider must provide the Secretary with evidence that the provider has taken, or refrained from taking, the specified action; and

(f) state that a failure to comply with the notice is subject to a civil penalty and may also lead to the provider's approval being suspended or revoked; and

(g) set out any other matters specified in the rules for the purposes of this paragraph.

(4) An approved course provider contravenes this subsection if the provider fails to comply with a compliance notice.

Civil penalty: 60 penalty units.

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(5) To avoid doubt, the Secretary is not required to give an approved course provider a compliance notice before suspending or revoking the provider's approval.

44 Varying and revoking compliance notices

(1) The Secretary may, by written notice given to an approved course provider, vary or revoke a compliance notice if the Secretary considers that taking such action is in the public interest.

Note: A variation could, for example, specify different action to be taken by the provider or a different period for complying with the notice.

(2) In deciding whether to vary or revoke a compliance notice, the Secretary must consider any submissions that are received from the provider before the end of the period mentioned in paragraph 43(3)(d).

45 Compliance audits

(1) The Secretary may require an approved course provider to be audited.

(2) The audit (the ***compliance audit***) must be for the purposes of determining either or both of the following:
  (a) whether the provider is complying with this Act;
  (b) whether one or more students enrolled by the provider are genuine students.

(3) The audit must be conducted:
  (a) by:
    (i) the National VET Regulator; or
    (ii) an auditor approved in writing by the Secretary; and
  (b) at such time or times, and in such manner, as the Secretary requires.

(4) The auditor may require any person to provide the auditor with all reasonable facilities and assistance for the purposes of the audit.

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(5) A person contravenes this subsection if the person fails to cooperate fully with the auditor in relation to a compliance audit.

Civil penalty: 60 penalty units.

46 Approved course provider must cooperate

An approved course provider contravenes this section if the provider fails to cooperate fully with any of the following in ensuring compliance with, and the efficient and effective administration of, this Act:

(a) a VET Regulator;

(b) the Secretary;

(ba) the VSL Tuition Protection Director;

(c) an APS employee in the Department;

(d) a consultant engaged by the Commonwealth to perform work in relation to this Act;

(e) the operator of the approved external dispute resolution scheme of which the provider is a member.

Civil penalty: 60 penalty units.

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Part 5—Other requirements for approved course providers

Division 1—General

47 Conditions of approval and course provider requirements

(1) An approved course provider must comply with any conditions imposed on the provider's approval.

(2) An approved course provider must continue to meet the course provider requirements.

48 Provider must have certain processes and procedures

(1) The rules may require an approved course provider to have specified processes and procedures in place.

(2) The processes and procedures may relate to one or more of the following:

(a) information the provider collects for the purposes of, or in relation to, applications by students for VET student loans;

(b) processes or procedures for students to enrol in courses (including student entry procedures) and withdraw from courses;

(c) tuition protection, including requirements about offering replacement courses;

(d) student grievances;

(e) equal benefits and opportunities for students;

(f) review of decisions.

(3) Subsection (2) does not limit the processes and procedures that may be required by the rules.

(4) The rules may specify requirements to be met in establishing and operating the processes and procedures.

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(5) An approved course provider contravenes this subsection if the provider fails to comply with rules made under this section.

Civil penalty: 60 penalty units.

49 Provider must not use broker or agent

(1) An approved course provider contravenes this subsection if the provider enters into an arrangement (whether written or not) that provides for another person to do one or more of the following in relation to an approved course:

(a) enrol students, or accept applications for enrolment, in the course;

(c) provide information or advice in relation to VET student loans (however described) for the course;

(d) assist students to complete or submit applications for a VET student loan for the course;

(e) assist, or provide support for, students who could be eligible for a VET student loan for the course to complete any assessments required to show that students are academically suited to undertake the course.

Civil penalty: 60 penalty units.

(2) Subsection (1) does not apply in relation to an arrangement that is:

(a) a contract of employment; or

(b) specified in the rules.

Note: Employees of approved course providers will be covered by other requirements that apply to approved course providers.

49A VSL tuition protection levy

(1) An approved course provider to whom Part 5A applies must pay the following when it is due and payable by the provider:

(a) VSL tuition protection levy;

(b) any penalty for late payment of VSL tuition protection levy.

Note 1: VSL tuition protection levy is imposed by the *VET Student Loans (VSL Tuition Protection Levy) Act 2019*. Amounts of levy for a year

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are either determined before, or indexed on, 1 August in the year: see sections 9 and 10 of that Act.

Note 2: See section 66A for the providers to whom Part 5A applies.

(2) The rules may make provision for, or in relation to, all or any of the following matters:

(a) the issue of notices setting out the amount of VSL tuition protection levy payable by a provider;

(b) when VSL tuition protection levy is due and payable;

(c) the issue of notices extending the time for payment of VSL tuition protection levy;

(d) penalties for late payment of VSL tuition protection levy;

(e) to whom VSL tuition protection levy and any penalties for late payment are payable;

(f) the refund, remission or waiver of VSL tuition protection levy or penalties for late payment;

(g) the notional liability of the Commonwealth to pay VSL tuition protection levy;

(h) the review of decisions made under the rules in relation to the collection or recovery of VSL tuition protection levy;

(i) any other matters relating to the collection or recovery of VSL tuition protection levy.

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Division 2—Information

50 Information for students

(1) The rules may require an approved course provider to do one or more of the following in relation to VET student loans or the operation of this Act:
  (a) give particular information to students;
  (b) give information to students in a particular way;
  (c) give information to students at a particular time.

(2) An approved course provider contravenes this subsection if the provider fails to comply with rules made under subsection (1).

  Civil penalty: 60 penalty units.

(3) An approved course provider commits an offence of strict liability if the provider fails to comply with rules made under subsection (1).

  Penalty: 60 penalty units.

51 Retaining information and documents

(1) An approved course provider must retain documents and information:
  (a) related to the operation of this Act; and
  (b) specified by the rules.

(2) The documents and information must be retained for:
  (a) the period specified in the rules; or
  (b) if no period is specified—7 years.

(3) An approved course provider contravenes this subsection if the provider fails to retain documents and information in accordance with this section.

  Civil penalty: 60 penalty units.

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(4) An approved course provider commits an offence of strict liability if the provider contravenes this section.

Penalty: 60 penalty units.

52 Ongoing information requirements

(1) The rules may set out ***ongoing information requirements*** for the purposes of ensuring that:
  (a) approved course providers are complying with this Act: and
  (b) the Secretary has access to information and documents related to the operation of this Act.

(2) The ongoing information requirements may require an approved course provider to do one or more of the following:
  (a) be audited in circumstances set out in the rules, including by a specified person, and provide reports of audits to the Secretary;
  (b) provide the Secretary with specified information or documents, including in relation to the following:
    (i) the provider's financial position;
    (ii) courses of study provided by the provider and the delivery of those courses;
    (iii) the provider's students (including information and documents relating to enrolment, attendance, completion rates, education outcomes and existing and projected enrolment numbers);
    (iv) the administration and operation of the business of the provider;
    (v) tuition fees charged by the provider;
    (vi) the provider's plans for improving its business;
    (vii) changes in the provider's key personnel;
    (viii) changes in the provider's management or governance arrangements;
    (ix) information the provider has collected for the purposes of, or in relation to, applications by students for VET student loans;

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(x) tuition protection;

(c) notify the Secretary if the provider is not complying with this Act, or particular provisions of this Act;

(d) provide the information in a particular form, including as a statutory declaration.

(3) Subsection (2) does not limit the ongoing information requirements.

(4) An approved course provider contravenes this subsection if the provider fails to comply with the ongoing information requirements.

Civil penalty: 60 penalty units.

(5) An approved course provider commits an offence of strict liability if the provider fails to comply with the ongoing information requirements.

Penalty: 60 penalty units.

53 Secretary may request information

(1) The Secretary may, by notice in writing, require an approved course provider to give the Secretary information or documents that relate to:

(a) the provision of vocational education and training by the provider; or

(b) the provider's compliance with this Act.

(2) The information or documents must be provided:

(a) in the form specified in the notice, which may be a statutory declaration; and

(b) in accordance with other requirements specified in the notice.

(3) A notice under this section must not require the giving of information or documents that the provider is required to give to the Secretary under any other provision of this Act.

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(4) An approved course provider contravenes this subsection if the provider fails to comply with a notice given under this section.

Civil penalty: 60 penalty units.

(5) An approved course provider commits an offence of strict liability if the provider fails to comply with a notice given under this section.

Penalty: 60 penalty units.

54 Dealing with personal information

(1) An approved course provider must comply with the Australian Privacy Principles in relation to personal information obtained for the purposes of this Act.

(2) A failure to comply with subsection (1) 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*.

Note: The act or practice may be the subject of a complaint under section 36 of that Act.

(3) The provider must have a procedure under which a student enrolled with the provider may apply to the provider for, and receive, a copy of personal information that the provider holds in relation to the student.

(4) The provider must comply with any requirements set out in the rules relating to the management of personal information.

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Division 3—Fees

55 Determining tuition fees

(1) An approved course provider must determine the tuition fees for each approved course offered by the provider for a particular period.

(2) The rules may specify the following in relation to tuition fees for an approved course:
  (a) matters to which an approved course provider must or must not have regard in determining tuition fees;
  (b) goods or services that must not be covered by tuition fees;
  (c) how and when tuition fees may be charged;
  (d) how and when tuition fees may be varied.

(3) An approved course provider contravenes this subsection if the provider fails to comply with the requirements of the rules in relation to tuition fees for approved courses.

  Civil penalty: 120 penalty units.

56 Student not liable for covered fees

(1) If an approved course provider enrols a student in a course, the provider must give the student a written statement as to whether or not the enrolment is accepted on the basis that some or all of the tuition fees for the course will be covered by a VET student loan.

(2) The statement must:
  (a) be given in accordance with the rules; and
  (b) if the enrolment is accepted on the basis that only some of the tuition fees for the course will be covered—show the amounts of the tuition fees that will, and will not, be covered by the VET student loan; and
  (c) meet any other requirements set out in the rules.

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(3) Fees stated to be covered by a VET student loan are ***covered fees***.

(4) An approved course provider contravenes this subsection if the provider requires a student to pay covered fees.

Civil penalty: 120 penalty units.

57 Publishing tuition fees

An approved course provider contravenes this section if:

(a) the provider enrols a student in a course on the basis that some or all of the tuition fees for the course are covered fees; and

(b) on the day before the student is enrolled, the tuition fees for the course were not available on the provider's website in a way that was readily accessible by the public.

Civil penalty: 60 penalty units.

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Division 4—Census days

58 Determining and publishing census days

(1) This section applies if an approved course provider offers an approved course for a particular period.

(2) The provider must determine the date or dates for the course by which a student's enrolment in the course can be cancelled without the student incurring tuition fees for the course or a part of the course.

(3) A date by which enrolment may be cancelled without incurring tuition fees for the course or a part of the course is a ***census day***.

(4) A census day must be:
  (a) determined in accordance with any requirements set out in the rules; and
  (b) published in accordance with any requirements set out in the rules.

(5) Once published, the provider must not vary a census day otherwise than in accordance with the rules.

(6) An approved course provider contravenes this subsection if the provider fails to determine or publish a census day in accordance with the rules.

Civil penalty: 60 penalty units.

(7) An approved course provider contravenes this subsection if the provider varies a census day other than in accordance with the rules.

Civil penalty: 60 penalty units.

59 No penalty for cancelling enrolment before census day

(1) An approved course provider contravenes this subsection if:

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(a) the provider enrols a student in a course on the basis that some or all of the tuition fees for the course are covered fees; and

(b) on or before a census day for the course, the student requests in writing that the provider cancel the enrolment; and

(c) the provider fails to cancel the enrolment before the end of the census day.

Civil penalty: 120 penalty units.

(2) An approved course provider contravenes this subsection if:

(a) the provider enrols a student in a course on the basis that some or all of the tuition fees for the course are covered fees; and

(b) on or before the last census day for the course, the student requests in writing that the provider cancel the enrolment; and

(c) the provider charges a fee (however described) for cancelling the enrolment.

Civil penalty: 120 penalty units.

(3) An approved course provider contravenes this subsection if:

(a) the provider enrols a student in a course on the basis that some or all of the tuition fees for the course are covered fees; and

(b) the provider engages in conduct that:

(i) prevents the student from cancelling the enrolment; or

(ii) unnecessarily inconveniences the student in relation to cancelling the enrolment.

Civil penalty: 120 penalty units.

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Division 5—Marketing

60 Misrepresenting VET student loans

An approved course provider contravenes this section if the provider represents, whether by publishing or otherwise, that a VET student loan:

(a) is not a loan; or

(b) does not have to be repaid.

Civil penalty: 240 penalty units.

61 Offering certain inducements

(1) An approved course provider contravenes this subsection if:

(a) the provider:

(i) offers or provides a benefit; or

(ii) causes a benefit to be offered or provided; and

(b) the benefit would be reasonably likely to induce a person to apply for a VET student loan for a course.

Civil penalty: 120 penalty units.

(2) Subsection (1) does not apply in relation to a benefit specified in the rules.

62 Engaging in cold-calling

(1) An approved course provider contravenes this subsection if:

(a) the provider cold-calls another person to market, advertise or promote a course; and

(b) when doing so, or as a result of doing so, the provider mentions the possible availability of a VET student loan (however described) for students undertaking the course.

Civil penalty: 60 penalty units.

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(2) ***Cold-calling*** includes making unsolicited contact with a student:
  (a) in person; or
  (b) by telephone, email or other form of electronic communication.

Note: ***Student*** includes a prospective student: see section 6.

(3) The rules may set out conduct that is taken to be ***cold-calling***.

63 Use of third party contact lists

(1) An approved course provider contravenes this subsection if:
  (a) the provider receives a student's contact details from another person; and
  (b) the provider contacts the student to market, advertise or promote a course, or enrol the student in a course; and
  (c) when doing so, or as a result of doing so, the provider mentions the possible availability of a VET student loan (however described) for students undertaking the course.

Civil penalty: 60 penalty units.

(2) Subsection (1) does not apply in circumstances specified in the rules.

64 Other marketing requirements

(1) The rules may set out requirements in relation to marketing of courses in circumstances where tuition fees for the courses could be covered by VET student loans.

(2) An approved course provider contravenes this subsection if the provider fails to comply with rules made for the purposes of subsection (1).

Civil penalty: 60 penalty units.

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Division 6—Personal liability for executive officers

65 Personal liability for executive officers

(1) An executive officer of an approved course provider commits an offence if:

(a) the provider commits an offence against this Act; and

(b) the officer knew that the offence would be committed; and

(c) the officer was in a position to influence the conduct of the provider in relation to the commission of the offence; and

(d) the officer failed to take all reasonable steps to prevent the commission of the offence.

(2) The maximum penalty for an offence against subsection (1) is one-fifth of the maximum penalty that could be imposed for the offence committed by the provider.

(3) An executive officer of an approved course provider contravenes this subsection if:

(a) the provider contravenes a civil penalty provision of this Act; and

(b) the officer knew that the contravention would occur; and

(c) the officer was in a position to influence the conduct of the provider in relation to the contravention; and

(d) the officer failed to take all reasonable steps to prevent the contravention.

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

66 Reasonable steps to prevent offence or contravention

(1) For the purposes of section 65, in determining whether an executive officer of an approved course provider failed to take all reasonable steps to prevent the commission of an offence, or the

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contravention of a civil penalty provision, a court is to have regard to:

(a) what action (if any) the officer took towards ensuring that the provider's employees, agents and contractors had a reasonable knowledge and understanding of the requirements to comply with this Act, in so far as those requirements affected the employees, agents or contractors concerned; and

(b) what action (if any) the officer took when he or she became aware of the offence or contravention.

(2) This section does not limit the matters to which the court may have regard.

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Part 5A—Tuition protection

Division 1—Preliminary

66A Application of this Part

(1) This Part applies to approved course providers other than:
  (a) Table A providers; or
  (b) providers of a kind prescribed by the rules.

(2) Despite subsection (1), sections 66F and 66G apply to all approved course providers.

Note: Section 66F deals with provider obligations to provide information about replacement courses and section 66G deals with obligations of providers who provide replacement courses.

66B When an approved course provider defaults in relation to a student

(1) An approved course provider ***defaults*** in relation to a student if:
  (a) the provider fails to start to provide a course or a part of a course to the student on the day on which the course or part was scheduled to start; and
  (b) the student has not withdrawn before that day; and
  (c) either:
    (i) a VET student loan has been approved for the student for the course on or before that day; or
    (ii) the student is an eligible student for the course and has a HELP balance of greater than zero on that day.

(2) An approved course provider ***defaults*** in relation to a student if:
  (a) the provider ceases to provide a course or a part of a course to the student on a day that is after the course or part starts but before it is completed; and
  (b) the student has not withdrawn before that day; and

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(c) either:

(i) a VET student loan has been approved for the student for the course on or before that day; or

(ii) the student is an eligible student for the course and has a HELP balance of greater than zero on that day.

(3) An approved course provider ***defaults*** in relation to a student if circumstances prescribed by the rules apply in relation to the provider and the student.

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Division 2—Obligations when a provider defaults in relation to a student

66C Approved course providers must give notice of default to VSL Tuition Protection Director

Application of section

(1) This section applies if an approved course provider defaults in relation to a student.

Notifying the VSL Tuition Protection Director of default

(2) The approved course provider must, within 24 hours of the default occurring, give written notice to the VSL Tuition Protection Director of the circumstances of the default.

Notifying the VSL Tuition Protection Director of details of default

(3) The approved course provider must, within 3 business days of the default occurring, give a written notice to the VSL Tuition Protection Director specifying:

(a) the following information for each student in relation to whom the provider has defaulted:

(i) the student's full name and contact details;

(ii) the course, or part or parts of the course, that the student was enrolled in at the time of the default;

(iii) the amount of the tuition fees for each course, or part of the course, that student was enrolled in at the time of the default;

(iv) details about the payment of those tuition fees, including the amounts that are covered fees; and

(b) any other matter prescribed by the rules.

(4) If requested in writing by the VSL Tuition Protection Director, the approved course provider must give to the Director either of the

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following for a student in relation to whom the provider has defaulted:

(a) a copy of a statement of attainment or other Australian Qualifications Framework certification documentation issued by the course provider or an authorised issuing organisation in accordance with the Australian Qualifications Framework for the parts of the course that the student has completed;

(b) a copy of an authenticated VET transcript prepared by the Registrar (within the meaning of the *Student Identifiers Act 2014*) for the parts of the course that the student has completed.

Notice requirements

(5) A notice given under subsection (2) or (3) must comply with any requirements prescribed by the rules for the purposes of this subsection.

Civil penalty

(6) An approved course provider contravenes this subsection if the provider fails to comply with this section.

Civil penalty: 60 penalty units.

Offence

(7) An approved course provider commits an offence of strict liability if the provider contravenes this section.

Penalty: 60 penalty units.

66D Approved course providers must give notice of default to affected students

Application of section

(1) This section applies if an approved course provider defaults in relation to a student.

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Notifying students of default

(2) The approved course provider must, within 24 hours of the default occurring, give written notice of the default to the students in relation to whom the provider has defaulted.

Notice requirements

(3) A notice given under subsection (2) must comply with any requirements prescribed by the rules for the purposes of this subsection.

Civil penalty

(4) An approved course provider contravenes this subsection if the provider fails to comply with this section.

Civil penalty: 60 penalty units.

Offence

(5) An approved course provider commits an offence of strict liability if the provider contravenes this section.

Penalty: 60 penalty units.

66E Student placement service

VSL Tuition Protection Director must decide

(1) If an approved course provider defaults in relation to a student, the VSL Tuition Protection Director must decide:

(a) that the Director is satisfied that there are one or more suitable replacement courses for the student; or

(b) that the Director is not satisfied that there is a suitable replacement course for the student.

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Matters relating to whether a course is a suitable replacement course

(2) In deciding whether the VSL Tuition Protection Director is satisfied that there is a suitable replacement course for a student, the Director must have regard to the following matters:

(a) whether the replacement course leads to the same or a comparable qualification as the original course;

(b) whether the mode of delivery of the replacement course is the same as the mode of delivery of the original course;

(c) the location where the replacement course for a student will be primarily delivered;

(d) whether a student who enrols in the replacement course:

(i) will incur additional fees that are unreasonable; and

(ii) will be able to attend the course without unreasonable impacts on the student's prior commitments;

(e) any other matters prescribed by the rules.

Suitable replacement course available

(3) If paragraph (1)(a) applies, the VSL Tuition Protection Director must give a written notice to the student that includes the following:

(a) a description of each suitable replacement course, including the qualification that the course leads to;

(b) the contact details of the provider of each suitable replacement course;

(c) an explanation that, if tuition fees have been paid for the affected part of the original course, tuition fees would not be payable for the replacement component of the replacement course;

(d) an explanation that if the student chooses to enrol in another course, there is no obligation on the provider of the other course to offer a replacement component without charge to the student;

(e) an explanation of the matters the Director must have regard to under subsection (2);

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(f) an explanation of the student's right to request reconsideration, under section 76, of the Director's decision within 28 days after the day on which the student is given the notice (or such longer period as the Director allows);

(g) an explanation that if, upon reconsideration, it is determined that there is no suitable replacement course for the student, an amount in relation to the student's loan amount that has been used to pay tuition fees for the student for the affected part will be re-credited to the student's HELP balance;

(h) any other matters prescribed by the rules.

No suitable replacement course available

(4) If paragraph (1)(b) applies, the VSL Tuition Protection Director must give a written notice to the student that includes the following:

(a) an explanation of the matters the Director must have regard to under subsection (2);

(b) an explanation of the student's right to request reconsideration, under section 76, of the Director's decision within 28 days after the day on which the student is given the notice (or such longer period as the Director allows);

(c) a statement that, to facilitate early re-crediting, the student may, at any time during the 28 days, give the VSL Tuition Protection Director notice in writing that the student will not seek reconsideration of the decision;

(d) a statement that, if the decision is not reconsidered or is confirmed, an amount in relation to the student's loan amount that has been used to pay tuition fees for the student for the affected part will be re-credited to the student's HELP balance.

66F Obligations of providers to provide information about replacement courses

(1) The VSL Tuition Protection Director may, by notice in writing, require an approved course provider to provide such information

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that the Director reasonably requires to enable the Director to make a decision under subsection 66E(1) regarding suitable replacement courses for a student in relation to whom a provider has defaulted.

(2) The information must be provided:
  (a) in a form (if any) approved by the VSL Tuition Protection Director for the information; and
  (b) in accordance with such other requirements as the Director makes.

Civil penalty

(3) An approved course provider contravenes this subsection if:
  (a) the provider is given a notice under subsection (1); and
  (b) the provider fails to comply with the notice.

Civil penalty: 60 penalty units.

Offence

(4) An approved course provider commits an offence of strict liability if:
  (a) the provider is given a notice under subsection (1); and
  (b) the provider fails to comply with the notice.

Penalty: 60 penalty units.

66G Obligations of replacement provider

Application of section

(1) This section applies if a student accepts an offer of a place in a replacement course.

Notice of acceptance

(2) The approved course provider who provides the replacement course must give written notice of the acceptance to the VSL Tuition Protection Director within 14 days of the acceptance.

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Course credits must be granted etc.

(3) The approved course provider who provides the replacement course must ensure that the student:

(a) is granted course credits for parts of the original course successfully completed by the student, as evidenced by:

(i) a statement of attainment or other Australian Qualifications Framework certification documentation issued in accordance with the Australian Qualifications Framework; or

(ii) an authenticated VET transcript prepared by the Registrar (within the meaning of the *Student Identifiers Act 2014*); and

(b) if tuition fees have been paid for the affected part of the original course—is not charged tuition fees for the replacement component of the replacement course; and

(c) is enrolled in the replacement course as soon as practicable.

Civil penalty

(4) An approved course provider contravenes this subsection if the provider fails to comply with this section.

Civil penalty: 60 penalty units.

Offence

(5) An approved course provider commits an offence of strict liability if the provider contravenes this section.

Penalty: 60 penalty units.

66H Obligations where there is no replacement course

(1) This section applies if:

(a) an approved course provider defaults in relation to a student; and

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(b) the VSL Tuition Protection Director decides, under paragraph 66E(1)(b), that the Director is not satisfied that there is a suitable replacement course for the student.

(2) The VSL Tuition Protection Director must give a written notice to the Secretary of that fact.

(3) The VSL Tuition Protection Director must give a written notice to the provider:

(a) stating that an amount in relation to the loan amount that has been used to pay tuition fees for the student for the affected part:

(i) will be re-credited to the student's HELP balance; and

(ii) will be required to be paid by the provider to the Commonwealth; and

(b) inviting the provider to make written submissions to the Director about the amount of the re-credit within 28 days.

Note: The amount is re-credited by the Secretary under section 72A. The Secretary must consider submissions before re-crediting a student's HELP balance.

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Part 5B—VSL Tuition Protection Fund, VSL Tuition Protection Director and VSL Tuition Protection Fund Advisory Board

Division 1—VSL Tuition Protection Fund

66J Name of Fund

(1) The VSL Tuition Protection Fund is established by this section.

(2) The VSL Tuition Protection Fund is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

66K Credits to the VSL Tuition Protection Fund

There must be credited to the VSL Tuition Protection Fund amounts equal to the following:

(a) each amount of VSL tuition protection levy received from an approved course provider;

(b) each amount paid by a course provider to the Commonwealth under section 22 that relates to an amount re-credited under section 72A if the balance of the Fund had previously been reduced under paragraph 66L(1)(f) in relation to that amount;

(c) any other money appropriated by the Parliament for the purposes of the VSL Tuition Protection Fund;

(d) any penalties for late payment of VSL tuition protection levy;

(e) each amount received by the Commonwealth for the purposes of the VSL Tuition Protection Fund.

Note 1: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

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Note 2: VSL tuition protection levy is imposed by the *VET Student Loans (VSL Tuition Protection Levy) Act 2019*. The rules deal with collection of the levy (see subsection 49A(2)).

66L Purposes of the VSL Tuition Protection Fund

(1) The purposes of the VSL Tuition Protection Fund are as follows:
  (a) making payments in connection with tuition protection;
  (b) paying or discharging the costs, expenses and other obligations incurred by the Commonwealth in the performance of the VSL Tuition Protection Director's functions, including in managing the VSL Tuition Protection Fund;
  (c) paying any remuneration and allowances payable to the VSL Tuition Protection Director;
  (d) paying any remuneration and allowances payable to the members of the VSL Tuition Protection Fund Advisory Board;
  (e) paying any amount that is required or permitted to be repaid;
  (f) reducing the balance of the Fund (and therefore the available appropriation for the Fund) without making a real or notional payment.

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

(2) The rules may, for the purposes of paragraph (1)(a), make provision in relation to such payments, including in relation to the following:
  (a) the circumstances in which payments may be made;
  (b) amounts of different kinds of payments;
  (c) methods for calculating different kinds of payments.

Note: For example, the rules may provide that a replacement provider may receive a transfer payment if a student accepts an offer of a replacement course with the provider.

(3) The purposes in subsection (1) do not include paying or discharging any costs, expenses or other obligations associated

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with services provided to the VSL Tuition Protection Director by any employee or officer of a Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*).

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Division 2—VSL Tuition Protection Director

66M VSL Tuition Protection Director

(1) There is to be a VSL Tuition Protection Director.

(2) The office of VSL Tuition Protection Director is to be held by the person who holds the office of TPS Director under section 54A of the *Education Services for Overseas Students Act 2000*.

Note: The TPS Director also holds the office of Higher Education Tuition Protection Director under the *Higher Education Support Act 2003*.

(3) The reference in subsection (2) to the person who holds the office of TPS Director includes a reference to a person acting in that office for the time being because of an appointment under section 54K of the *Education Services for Overseas Students Act 2000*.

66N Functions of the VSL Tuition Protection Director

(1) The VSL Tuition Protection Director has the following functions:
- (a) facilitating and monitoring the placement of students in relation to whom an approved course provider has defaulted;
- (b) paying amounts out of, or reducing the balance of, the VSL Tuition Protection Fund under section 66L;
- (c) reporting to the Minister on:
  - (i) the operation of Part 5A (tuition protection); and
  - (ii) the financial status of the VSL Tuition Protection Fund;
- (d) managing the VSL Tuition Protection Fund in a way that ensures that it is able to meet all its liabilities from time to time;
- (e) making the legislative instrument each year for the purposes of section 12 of the *VET Student Loans (VSL Tuition Protection Levy) Act 2019*;

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(f) recommending that the Secretary take action against an approved course provider that has defaulted in relation to a student or has otherwise not complied with this Act;

(g) any other function conferred by this Act or any other law of the Commonwealth;

(h) any other function that is incidental or conducive to the performance of the above functions.

(2) The VSL Tuition Protection Director has power to do all things necessary or convenient to be done for, or in connection with, the performance of the Director's functions.

66P Administrative provisions relating to the VSL Tuition Protection Director

(1) Each provision of the *Education Services for Overseas Students Act 2000* specified in column 1 of an item in the following table applies in relation to the VSL Tuition Protection Director in accordance with columns 2 and 3 of the item.

Administrative provisions relating to the VSL Tuition Protection Director

Item	Column 1	Column 2	Column 3
	This provision of the *Education Services for Overseas Students Act 2000* …	**applies in relation to the VSL Tuition Protection Director as if the reference in that provision to …**	**were a reference to …**
1	A provision covered by subsection (2) of this section	TPS Director	VSL Tuition Protection Director
2	A provision covered by subsection (2) of this section	the regulations	the rules
3	A provision covered by subsection (2) of this section	the Department	the Department administered by the Minister administering this Act

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Section 66P

Administrative provisions relating to the VSL Tuition Protection Director			
Item	**Column 1**	**Column 2**	**Column 3**
	This provision of the *Education Services for Overseas Students Act 2000* …	**applies in relation to the VSL Tuition Protection Director as if the reference in that provision to …**	**were a reference to …**
4	Section 54D	the Minister	the Education Minister
5	Section 54E	the Minister	the Education Minister
6	Section 54F	the Minister	the Minister administering this Act and the Education Minister
7	Section 54J	the Minister	the Education Minister

(2) This subsection covers the following provisions of the *Education Services for Overseas Students Act 2000*:
(a) section 54C;
(b) section 54D;
(c) section 54E;
(d) section 54F;
(e) section 54J;
(f) section 54L;
(g) section 54N.

(3) For the purposes of section 54E of the *Education Services for Overseas Students Act 2000*, the Education Minister is taken to have given approval to the TPS Director to engage in paid employment as the VSL Tuition Protection Director.

(4) The Education Minister may terminate the appointment of the TPS Director if:
(a) the TPS Director engages, except with the Education Minister's approval, in paid employment outside the duties of his or her office as VSL Tuition Protection Director; or

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(b) the VSL Tuition Protection Director fails, without reasonable excuse, to comply with section 54F of the *Education Services for Overseas Students Act 2000* as applied to the VSL Tuition Protection Director by item 6 of the table in subsection (1) of this section.

(5) In this section:

TPS Director has the same meaning as in the *Education Services for Overseas Students Act 2000*.

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Division 3—VSL Tuition Protection Fund Advisory Board

66Q Establishment and membership

(1) The VSL Tuition Protection Fund Advisory Board is established by this section.

(2) The members of the VSL Tuition Protection Fund Advisory Board are the members of the TPS Advisory Board appointed under section 55D of the *Education Services for Overseas Students Act 2000*.

(3) The reference in subsection (2) to the members of the TPS Advisory Board includes a reference to a person for the time being acting as a member of that Board because of an appointment under subsection 55N(1) of the *Education Services for Overseas Students Act 2000*.

(4) The Chair of the VSL Tuition Protection Fund Advisory Board is the Chair of the TPS Advisory Board appointed under subsection 55C(3) of the *Education Services for Overseas Students Act 2000*.

(5) The reference in subsection (4) to the Chair of the TPS Advisory Board includes a reference to a person for the time being acting as the Chair of that Board because of an appointment under subsection 55N(2) of the *Education Services for Overseas Students Act 2000*.

(6) The Deputy Chair of the VSL Tuition Protection Fund Advisory Board is the Deputy Chair of the TPS Advisory Board appointed under subsection 55C(3) of the *Education Services for Overseas Students Act 2000*.

(7) Despite subsection 55C(2) of the *Education Services for Overseas Students Act 2000*, a person is eligible to be appointed to the TPS Advisory Board if the Education Minister is satisfied that the person has qualifications or experience that the Education Minister

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considers relevant to the performance of the VSL Tuition Protection Fund Advisory Board's functions.

66R Function of the VSL Tuition Protection Fund Advisory Board

The VSL Tuition Protection Fund Advisory Board's function is, either on its own initiative or at the request of the VSL Tuition Protection Director, to provide advice and make recommendations to the Director in relation to the making of a legislative instrument each year under section 12 of the *VET Student Loans (VSL Tuition Protection Levy) Act 2019*.

66S Administrative provisions relating to the VSL Tuition Protection Fund Advisory Board

(1) Each provision of the *Education Services for Overseas Students Act 2000* specified in column 1 of an item in the following table applies in relation to the VSL Tuition Protection Fund Advisory Board in accordance with columns 2 and 3 of the item.

Administrative provisions relating to the VSL Tuition Protection Fund Advisory Board

Item	Column 1	Column 2	Column 3
	This provision of the *Education Services for Overseas Students Act 2000* …	**applies in relation to the VSL Tuition Protection Fund Advisory Board as if the reference in that provision to …**	**were a reference to …**
1	A provision covered by subsection (2) of this section	the Board	the VSL Tuition Protection Fund Advisory Board
2	A provision covered by subsection (2) of this section	the Chair	the Chair of the VSL Tuition Protection Fund Advisory Board

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Section 66S

Administrative provisions relating to the VSL Tuition Protection Fund Advisory Board

Item	Column 1 **This provision of the *Education Services for Overseas Students Act 2000* …**	Column 2 **applies in relation to the VSL Tuition Protection Fund Advisory Board as if the reference in that provision to …**	Column 3 **were a reference to …**
3	A provision covered by subsection (2) of this section	the Deputy Chair	the Deputy Chair of the VSL Tuition Protection Fund Advisory Board
4	A provision covered by subsection (2) of this section	a Board member	a member of the VSL Tuition Protection Fund Advisory Board
5	A provision covered by subsection (2) of this section	the Board members	the members of the VSL Tuition Protection Fund Advisory Board
6	A provision covered by subsection (2) of this section	the Minister	the Minister administering this Act
7	Section 55E	the regulations	the rules
8	Paragraph 55L(2)(d)	section 55H	section 55H as applied to a member of the VSL Tuition Protection Fund Advisory Board by this section
9	Paragraph 55L(2)(d)	section 55J	section 55J as applied to a member of the VSL Tuition Protection Fund Advisory Board by this section

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Administrative provisions relating to the VSL Tuition Protection Fund Advisory Board			
Item	**Column 1**	**Column 2**	**Column 3**
	This provision of the *Education Services for Overseas Students Act 2000* …	**applies in relation to the VSL Tuition Protection Fund Advisory Board as if the reference in that provision to …**	**were a reference to …**
10	Paragraph 56C(2)(a)	section 55J	section 55J as applied to a member of the VSL Tuition Protection Fund Advisory Board by this section

(2) This subsection covers the following provisions of the *Education Services for Overseas Students Act 2000*:

(a) section 55E;
(b) section 55H;
(c) section 55J;
(d) section 56A;
(e) section 56B;
(f) section 56C;
(g) section 56D;
(h) section 56E;
(i) section 56F;
(j) section 56G.

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Part 6—Re-crediting HELP balances

Division 1—General

67 When HELP balance may be re-credited

A student's HELP balance may be re-credited under this Part only if an amount of a VET student loan has been used to pay tuition fees for the student for a course, or a part of a course.

Note 1: If the student's HELP balance cannot be re-credited under this Part because of this provision, the Secretary may decide not to pay the loan amount for the student for the course: see section 20.

Note 2: If a student's HELP balance is re-credited under Division 2 or 3 of this Part, the student's VETSL debt is taken to be remitted to the extent to which the debt relates to the loan amount concerned: see section 23BA. (For remission of debts incurred before 1 July 2019, see section 137-19 of the *Higher Education Support Act 2003*).

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Division 2—Re-crediting by course provider

68 Special circumstances

(1) The course provider must, on the Secretary's behalf, re-credit a student's HELP balance if:

(a) the student applies to the provider in writing for the re-credit; and

(b) the application is made within 12 months after the census day for the course, or the part of the course; and

(c) the provider is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course.

(2) The course provider may extend the period for making the application mentioned in paragraph (1)(b).

(3) Circumstances are ***special circumstances*** if they:

(a) are beyond the student's control; and

(b) do not make their full impact on the student until on or after the census day for the course, or the part of the course; and

(c) make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course.

(4) Subject to subsection (4A), the amount re-credited must equal the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of a course.

(4A) If:

(a) this section applies to re-credit a student's HELP balance in relation to an amount of a VET student loan that has been used to pay tuition fees for the student for a course, or a part of a course; and

(b) on or before 1 June 2025, the person incurred a VETSL debt relating to the amount of the VET student loan;

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then the amount to be re-credited to the student's HELP balance under this section is an amount equal to 80% of the amount of the VET student loan.

(5) The course provider must, as soon as practicable:

(a) consider an application for a student's HELP balance to be re-credited under this section; and

(b) notify the student of the provider's decision on the application.

The notice must include a statement of the reasons for the decision.

70 Secretary may act in place of provider

The Secretary may re-credit a student's HELP balance in accordance with this Division if:

(a) a course provider is unable to act under this Division or is being wound up or has been dissolved; or

(b) a course provider has failed to act under this Division and the Secretary is satisfied that the failure is unreasonable.

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Division 3—Re-crediting by Secretary other than on discharge of debt

71 When Secretary may re-credit HELP balance

(1) The Secretary may re-credit the student's HELP balance if the Secretary is satisfied that the course provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan.

(2) ***Unacceptable conduct***, in relation to an application for a VET student loan, has the meaning given by the rules.

(3) The Secretary may re-credit the student's HELP balance if the Secretary is satisfied of one or more of the following:

(a) the student is not an eligible student;

(b) the student is not a genuine student;

(c) the student does not have a tax file number;

(d) the student does not have a student identifier.

(4) The Secretary may re-credit the student's HELP balance if the Secretary is satisfied that:

(a) the provider has failed to comply with this Act; and

(b) the failure has adversely affected the student.

(5) The amount re-credited must not exceed the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of the course.

(6) This section applies whether or not the student applies for the re-credit.

72 Student may apply for re-crediting by Secretary

(1) A student may apply to the Secretary for the student's HELP balance to be re-credited under section 71.

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(2) The application must be in writing and meet any requirements set out in the rules.

72A When Secretary must re-credit HELP balance

(1) The Secretary must re-credit a student's HELP balance if:

(a) the student has not completed the requirements for the course, or the part of the course, because the provider defaulted in relation to the student; and

(b) the VSL Tuition Protection Director decides, under paragraph 66E(1)(b), that the Director is not satisfied that there is a suitable replacement course for the student.

Note: A course provider may be required to pay an amount to the Commonwealth as a result of re-crediting under this section: see section 22. That amount may be debited from the VSL Tuition Protection Fund: see section 66L. If the amount is debited from the Fund, a later payment of the amount by the provider is credited to the Fund: see section 66K.

(2) Subject to subsection (2A), the amount re-credited must equal the loan amount that has been used to pay tuition fees for the student for the affected part.

(2A) If:

(a) this section applies to re-credit a student's HELP balance in relation to a loan amount that has been used to pay tuition fees for the student for an affected part; and

(b) on or before 1 June 2025, the person incurred a VETSL debt relating to the loan amount;

then the amount to be re-credited to the student's HELP balance under this section is an amount equal to 80% of the loan amount.

(3) In determining the amount to be re-credited for the purposes of subsection (2) or (2A), the Secretary must take into account any submissions received by the VSL Tuition Protection Director under subsection 66H(3) in relation to the amount to be re-credited.

(4) The Secretary must give the student and the provider written notice of the Secretary's decision in relation to the re-credited amount.

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The notice must be given as soon as practicable after the decision is made.

73 Secretary must invite submissions before re-crediting

(1) Before re-crediting a student's HELP balance under this Division (other than section 72A), the Secretary must give the course provider concerned notice in writing:

(a) stating that the Secretary is considering the re-credit; and

(b) stating the reasons why the Secretary is considering the re-credit; and

(c) inviting the provider to make written submissions to the Secretary about the re-credit within 28 days.

(2) In deciding whether to re-credit the HELP balance, the Secretary must take into account any submissions received within the 28 day period.

(3) The Secretary must give the student and the provider written notice of the Secretary's decision and the reasons for the decision. The notice must be given as soon as practicable after the decision is made.

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Division 4—Re-crediting by Secretary on discharge or reduction of debt

73A When Secretary must re-credit HELP balance—discharge or reduction of debt

Payment made in discharge of VETSL debt

(1) If, during:

(a) the financial year starting on 1 July 2019; or

(b) a later financial year;

a payment was made in discharge of the whole or a part of a debt that a person owes to the Commonwealth under Part 3A, the Commissioner must:

(c) notify the payment to the Secretary; and

(d) do so as soon as practicable after the end of that financial year.

Note 1: The payment may be a voluntary repayment.

Note 2: The payment may be in the form of the application of an amount against the debt.

(2) If the Secretary is so notified, the Secretary must re-credit the person's HELP balance with an amount equal to the amount of the payment.

Reduction in certain VETSL debts etc.

(3) If an amount is reduced from:

(a) a person's VETSL debt because of the operation of section 23BAA; or

(b) a person's accumulated VETSL debt or former accumulated VETSL debt because of the operation of section 23CCA;

the Commissioner must notify the amount reduced to the Secretary as soon as practicable.

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(4) If the Secretary is so notified, the Secretary must re-credit the person's HELP balance with an amount equal to the amount reduced.

Note: Re-crediting under this Division does not have the same effect as re-crediting under Division 2 or 3 (re-crediting under those Divisions results in remission of the debt concerned: see section 23BA). For debts incurred before 1 July 2019, see section 137-19 of the *Higher Education Support Act 2003* (which applies unless an amount is re-credited under section 128-25 of that Act).

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Part 7—Review of decisions

Division 1—Reviewable decisions

74 Reviewable decisions

The following table sets out:

(a) the ***reviewable decisions*** under this Act; and

(b) the ***decision maker*** for each of those decisions.

Reviewable VET decisions			
Item	**Decision**	**Provision under which decision is made**	**Decision maker**
1	A decision to approve or not to approve a VET student loan	Section 18	the Secretary
1A	A decision to defer or refuse to defer the making of an assessment	Section 23EG	the Commissioner
1B	A decision to amend or refuse to amend an assessment	Section 23EH	the Commissioner
2	A decision to revoke the approval of an approved course provider	Section 36	the Secretary
2A	A decision that the VSL Tuition Protection Director is satisfied that there are one or more suitable replacement courses for a student	paragraph 66E(1)(a)	the VSL Tuition Protection Director

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Reviewable VET decisions			
Item	**Decision**	**Provision under which decision is made**	**Decision maker**
2B	A decision that the VSL Tuition Protection Director is not satisfied that there is a suitable replacement course for a student	paragraph 66E(1)(b)	the VSL Tuition Protection Director
3	A decision not to re-credit a student's HELP balance	Section 68 (special circumstances)	the course provider to whom the application was made
4	A decision not to re-credit a student's HELP balance	Section 68 (special circumstances)	the Secretary (in accordance with section 70)
5	A decision: (a) to re-credit a student's HELP balance; or (b) not to re-credit a student's HELP balance	Section 71 (unacceptable conduct)	the Secretary

75 When applications are taken to be refused

The decision maker is taken to have decided to refuse an application if:

(a) a person makes an application for a reviewable decision to be made; and

(b) the decision maker is required to notify the person of the decision; and

(c) the person is not notified:

(i) within the required time; or

(ii) if there is no required time—within 2 months after the application is made.

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Division 2—Reconsideration of reviewable decisions

76 Application for reconsideration

(1) A person whose interests are affected by a reviewable decision may request the decision maker to reconsider the decision.

(2) The request must be made in writing and given to the decision maker within 28 days after the day on which the person was notified of the decision, or within such longer period as the decision maker allows.

(3) The request must set out the reasons for requesting the reconsideration.

(4) After receiving the request, the decision maker must reconsider the decision and:
  (a) confirm the decision; or
  (b) vary the decision; or
  (c) set the decision aside and substitute a new decision.

(5) The decision maker's decision (the ***reconsidered decision***) to confirm, vary or set aside the reviewable decision takes effect:
  (a) on the day specified in the reconsidered decision; or
  (b) if a day is not specified—on the day on which the reconsidered decision is made.

(6) The decision maker must give the person written notice of the reconsidered decision.

(7) The notice:
  (a) must be given within a reasonable period after the reconsidered decision is made; and
  (b) must contain a statement of the reasons for the reconsidered decision.

(8) The decision maker is taken to have confirmed the reviewable decision if the decision maker does not give notice of the

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reconsidered decision to the person within 45 days after receiving the person's request.

77 Reconsideration without application

(1) The decision maker may reconsider a reviewable decision if the decision maker is satisfied that there is sufficient reason to do so.

(2) The decision maker may reconsider the decision whether or not:
  (a) an application for reconsideration of the decision has been made under section 76; or
  (b) the decision has been reconsidered under section 76; or
  (c) an application has been made under section 80 for review of the reconsidered decision by the Administrative Review Tribunal.

(2A) However, if an application has been made under section 80 for review of the decision, section 31 (decision cannot be altered outside Tribunal process) of the *Administrative Review Tribunal Act 2024* applies to the decision if:
  (a) the application is referred to the guidance and appeals panel under section 122 of that Act; or
  (b) a guidance and appeals panel application is taken to be made because the Administrative Review Tribunal's decision on the review is referred to the guidance and appeals panel under section 128 of that Act.

(3) After reconsidering the reviewable decision, the decision maker must, subject to subsection (2A):
  (a) confirm the decision; or
  (b) vary the decision; or
  (c) set the decision aside and substitute a new decision.

(4) The decision maker's decision (the ***reconsidered decision***) to confirm, vary or set aside the reviewable decision takes effect:
  (a) on the day specified in the reconsidered decision; or
  (b) if a day is not specified—on the day on which the reconsidered decision is made.

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(5) The decision maker must give written notice of the reconsidered decision to the person to whom the decision relates.

(6) The notice:
  (a) must be given within a reasonable period after the reconsidered decision is made; and
  (b) must contain a statement of the reasons for the reconsidered decision.

78 Reconsideration by delegates of the Secretary or Commissioner

(1) A delegate of the Secretary or Commissioner must not reconsider a reviewable decision made by the delegate.

(2) A reviewable decision made by a delegate of the Secretary or Commissioner may be reconsidered by another delegate if, and only if, the other delegate:
  (a) was not involved in making the decision; and
  (b) occupies a position at a level not lower than that of the delegate who made the decision.

78A Reconsideration by delegates of the VSL Tuition Protection Director

(1) A delegate of the VSL Tuition Protection Director must not reconsider a reviewable decision made by the delegate.

(2) A reviewable decision made by a delegate of the VSL Tuition Protection Director may be reconsidered by another delegate if, and only if, the other delegate:
  (a) was not involved in making the decision; and
  (b) occupies a position at a level not lower than that of the delegate who made the decision.

79 Approved course providers must have review officers

(1) An approved course provider must appoint an officer to reconsider reviewable decisions made by the provider.

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(2) The officer must be appointed by:
  (a) the chief executive officer of the provider; or
  (b) a delegate of the chief executive officer of the provider.

(3) The officer must not reconsider a decision if the officer:
  (a) was involved in making the decision; or
  (b) occupies a position at a level lower than that of the person who made the decision.

80 Review by the Administrative Review Tribunal

(1) Applications may be made to the Administrative Review Tribunal for the review of reconsidered decisions that have been made under section 76 or 77.

(2) For the purposes of the *Administrative Review Tribunal Act 2024* as it applies in relation to a reconsidered decision under section 18, 68 or 71 of this Act, the student concerned is taken to be the only person whose interests are affected by the decision.

(3) Despite subsection (1), an application cannot be made for the review of a decision made under paragraph 66E(1)(a) or (b) (about suitable replacement courses).

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Division 3—Reconsideration of other decisions

81 Reconsideration of other decisions

(1) A person who makes a decision (the ***initial decision***) under this Act other than a reviewable decision may reconsider the decision if the person is satisfied that there is sufficient reason to do so.

(2) After reconsidering the initial decision, the decision maker must:
  (a) confirm the initial decision; or
  (b) vary the initial decision; or
  (c) set the initial decision aside and substitute a new decision.

(3) The decision maker's decision (the ***reconsidered decision***) to confirm, vary or set aside the initial decision takes effect:
  (a) on the day specified in the reconsidered decision; or
  (b) if a day is not specified—on the day on which the reconsidered decision is made.

(4) The decision maker must give written notice of the reconsidered decision to the person to whom the decision relates.

(5) The notice:
  (a) must be given within a reasonable period after the reconsidered decision is made; and
  (b) must contain a statement of the reasons for the reconsidered decision.

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Part 8—Regulatory powers

82 Monitoring powers

(1) This Act is subject to monitoring under Part 2 of the Regulatory Powers Act.

Note: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether this Act has been complied with. It includes powers of entry and inspection.

(2) Information given in compliance or purported compliance with a provision of this Act is subject to monitoring under Part 2 of the Regulatory Powers Act.

Note: Part 2 of the Regulatory Powers Act creates a framework for monitoring whether the information is correct. It includes powers of entry and inspection.

(3) For the purposes of Part 2 of the Regulatory Powers Act as it applies in relation to this Act:

(a) each Departmental investigator and NVETR investigator is an authorised applicant; and

(b) each Departmental investigator and NVETR investigator is an authorised person; and

(c) a judicial officer is an issuing officer; and

(d) for an authorised person who is a Departmental investigator, the Secretary is the relevant chief executive; and

(e) for an authorised person who is an NVETR investigator, the National VET Regulator is the relevant chief executive; and

(f) each of the following is a relevant court:

(i) the Federal Court;

(ii) the Federal Circuit and Family Court of Australia (Division 2);

(iii) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

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(4) An authorised person may be assisted by other persons in exercising powers or performing functions or duties under Part 2 of the Regulatory Powers Act in relation to this Act.

83 Investigation powers

(1) A provision is subject to investigation under Part 3 of the Regulatory Powers Act if it is:

(a) an offence provision of this Act; or

(b) a civil penalty provision of this Act; or

(c) an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to this Act.

Note: Part 3 of the Regulatory Powers Act creates a framework for investigating whether a provision has been contravened. It includes powers of entry, search and seizure.

(2) For the purposes of Part 3 of the Regulatory Powers Act as it applies in relation to this Act:

(a) each Departmental investigator and NVETR investigator is an authorised applicant; and

(b) each Departmental investigator and NVETR investigator is an authorised person; and

(c) a judicial officer is an issuing officer; and

(d) for an authorised person who is a Departmental investigator, the Secretary is the relevant chief executive; and

(e) for an authorised person who is an NVETR investigator, the National VET Regulator is the relevant chief executive; and

(f) each of the following is a relevant court:

(i) the Federal Court;

(ii) the Federal Circuit and Family Court of Australia (Division 2);

(iii) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

(3) An authorised person may be assisted by other persons in exercising powers or performing functions or duties under Part 3 of the Regulatory Powers Act in relation to this Act.

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84 Civil penalty provisions

(1) Each civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

(2) For the purposes of Part 4 of the Regulatory Powers Act as it applies in relation to this Act:

(a) each of the following is an authorised applicant:

(i) the Secretary;

(ii) an SES employee, or an acting SES employee, in the Department; and

(b) each of the following is a relevant court:

(i) the Federal Court;

(ii) the Federal Circuit and Family Court of Australia (Division 2);

(iii) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

(3) For the purposes of Part 4 of the Regulatory Powers Act as it applies in relation to Part 5A and section 104A of this Act, the VSL Tuition Protection Director is an authorised applicant.

85 Infringement notices

(1) The following provisions are subject to an infringement notice under Part 5 of the Regulatory Powers Act:

(a) an offence provision of this Act;

(b) a civil penalty provision of this Act.

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

(2) For the purposes of Part 5 of the Regulatory Powers Act as it applies in relation to this Act:

(a) each of the following is an infringement officer:

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(i) an NVETR staff member who is an SES employee or an acting SES employee;

(ii) an NVETR staff member who is an APS employee who holds or performs the duties of an Executive Level 2 position or an equivalent position;

(iii) an SES employee, or an acting SES employee, in the Department; and

(b) the relevant chief executive is:

(i) for an infringement notice given by an infringement officer covered by subparagraph (a)(i) or (ii)—the National VET Regulator; and

(ii) for an infringement notice given by an infringement officer covered by subparagraph (a)(iii)—the Secretary.

(3) For the purposes of Part 5 of the Regulatory Powers Act as it applies in relation to Part 5A and section 104A of this Act, the VSL Tuition Protection Director:

(a) is an infringement officer; and

(b) is the relevant chief executive.

86 Enforceable undertakings

(1) The provisions of this Act are enforceable under Part 6 of the Regulatory Powers Act.

Note: Part 6 of the Regulatory Powers Act creates a framework for accepting and enforcing undertakings relating to compliance with provisions.

(2) For the purposes of Part 6 of the Regulatory Powers Act as it applies in relation to this Act:

(a) each of the following is an authorised person:

(i) the Secretary;

(ii) an SES employee, or an acting SES employee, in the Department; and

(b) each of the following is a relevant court:

(i) the Federal Court;

(ii) the Federal Circuit and Family Court of Australia (Division 2);

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(iii) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

87 Injunctions

(1) The provisions of this Act are enforceable under Part 7 of the Regulatory Powers Act.

Note: Part 7 of the Regulatory Powers Act creates a framework for using injunctions to enforce provisions.

(2) For the purposes of Part 7 of the Regulatory Powers Act as it applies in relation to this Act:

(a) each of the following is an authorised person:

(i) the Secretary;

(ii) an SES employee, or an acting SES employee, in the Department; and

(b) each of the following is a relevant court:

(i) the Federal Court;

(ii) the Federal Circuit and Family Court of Australia (Division 2);

(iii) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

88 Appointment of investigators

(1) The Secretary may, in writing, appoint a person as a ***Departmental investigator***.

(2) The National VET Regulator may, in writing, appoint an NVETR staff member as an ***NVETR investigator***.

(3) A person must not be appointed as a Departmental investigator, or an NVETR investigator, unless the appointer is satisfied that the person has the knowledge or experience necessary to properly exercise the powers of such an investigator.

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(4) A Departmental investigator, and an NVETR investigator, must, in exercising powers as such, comply with any directions of the appointer.

89 Delegation of regulatory powers

(1) The Secretary may, in writing, delegate his or her powers and functions under the Regulatory Powers Act as it applies in relation to this Act, to an SES employee, or an acting SES employee, in the Department.

(1A) The VSL Tuition Protection Director may, in writing, delegate his or her powers and functions under the Regulatory Powers Act as it applies in relation to Part 5A and section 104A of this Act, to an SES employee, or an acting SES employee, in:

(a) the Department; or

(b) the Department administered by the Education Minister.

(2) The National VET Regulator may, in writing, delegate his or her powers and functions under the Regulatory Powers Act as it applies in relation to this Act, and under section 88, to an NVETR staff member who is:

(a) an SES employee or an acting SES employee; or

(b) an APS employee who holds or performs the duties of an Executive Level 2 position or an equivalent position.

(3) A person exercising powers or performing functions under a delegation under subsection (1) or (2) must comply with any directions of the delegator.

(4) A person must not exercise powers or perform functions under a delegation under subsection (1) or (2) in relation to an infringement notice given by the person.

90 Other enforcement action

To avoid doubt, taking action under this Part does not limit the taking of action under any other provision of this Act.

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Part 9—Use of information

Division 1—Authorised use and disclosure of information

91 Use and disclosure by Commonwealth officers

A Commonwealth officer may use or disclose VET information if the information is used or disclosed for the purposes of:

(a) this Act; or

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

92 Use and disclosure by certain VET officers

(1) Each of the following VET officers may use VET information in his or her capacity as such an officer:

(a) an officer of a Tertiary Admission Centre;

(b) an officer of an approved course provider;

(d) an officer of an approved external dispute resolution scheme operator.

(2) The officer may disclose VET information to another VET officer if the officer believes on reasonable grounds that the disclosure is reasonably necessary for the purposes of exercising powers, or performing functions or duties, in relation to this Act.

93 Disclosure to certain agencies, bodies or persons

(1) The Secretary may disclose VET information to an agency, body or person mentioned in subsection (2) if the Secretary believes on reasonable grounds that the disclosure is reasonably necessary for the purposes of the exercise of the powers, or the performance of the functions or duties, of the agency, body or person.

(2) The agencies, bodies and persons to which the Secretary may disclose VET information under this section are the following:

(a) TEQSA;

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(b) the National VET Regulator;
(c) an agency or authority of a State or Territory responsible for regulating vocational education or vocational training in the State or Territory;
(d) the Australian Competition and Consumer Commission;
(e) an approved external dispute resolution scheme operator;
(f) an agency that is administered by a Minister who administers any of the following:
(i) the *Human Services (Centrelink) Act 1997*;
(ii) the *Social Security Act 1991*;
(iii) the *Student Assistance Act 1973*;
(iv) a law of the Commonwealth prescribed by the rules for the purposes of this paragraph.

(3) If VET information is disclosed to an agency, body or person under subsection (1), the agency, body or person may use the information for the purposes of exercising powers, or performing functions or duties, of the agency, body or person.

94 Disclosure for purposes of law enforcement

(1) The Secretary may disclose VET information to one or more of the following if the Secretary believes on reasonable grounds that the disclosure of the information is necessary for an enforcement related activity (within the meaning of the *Privacy Act 1988*):
(a) a Department, agency or authority of the Commonwealth, a State or a Territory;
(b) an enforcement body (within the meaning of the *Privacy Act 1988*).

(2) The VSL Tuition Protection Director may disclose VET information to one or more of the following if the Director believes on reasonable grounds that the disclosure of the information is necessary for an enforcement related activity (within the meaning of the *Privacy Act 1988*):
(a) a Department, agency or authority of the Commonwealth, a State or a Territory;

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(b) an enforcement body (within the meaning of the *Privacy Act 1988*).

95 Disclosure to other bodies for permitted purposes

(1) The Secretary may disclose VET information to an agency, body or person referred to in subsection (2) for any of the following purposes (a ***permitted purpose***):
  (a) improving the provision of vocational education and training;
  (b) research relating to the provision of vocational education and training, including research relating to:
    (i) quality assurance; or
    (ii) planning the provision of vocational education and training.

(2) The agencies, bodies and persons to which the Secretary may disclose VET information under this section are the following:
  (a) a State or Territory agency;
  (b) an approved course provider;
  (c) a person who performs services for or on behalf of an approved course provider;
  (d) a body or association determined, by legislative instrument, by the Minister for the purposes of this paragraph.

(3) However, if the information was provided by an approved course provider, the Secretary may only disclose the information to a person referred to in paragraph (2)(b), (c) or (d) if the provider consents to that disclosure.

96 Disclosure of publicly available information

A person may use or disclose VET information if the information has already been lawfully made available to the public.

97 Commissioner may disclose VET information

(1) The Commissioner may disclose VET information to a Commonwealth officer or an officer of a Tertiary Admission

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Centre if the Commissioner believes on reasonable grounds that the disclosure will enable or assist the officer to exercise powers, or perform functions or duties in relation to this Act.

(2) Subsection (1) has effect despite anything in an Act of which the Commissioner has the general administration.

(3) Despite subsection 13.3(3) of the *Criminal Code*, in a prosecution for an offence against an Act of which the Commissioner has the general administration, the defendant does not bear an evidential burden in relation to whether this section applies to a disclosure of personal information.

98 This Division does not limit use or disclosure of VET information

This Division does not limit the disclosure or use of VET information.

Note: The use or disclosure of VET information may also be authorised in other circumstances. For example, see the *Privacy Act 1988*.

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Division 2—Offences for misuse of personal information

99 VET officers

(1) A person commits an offence if:

(a) the person is, or has been, a VET officer; and

(b) the person has obtained or generated personal information in his or her capacity as a VET officer; and

(c) the person:

(i) uses the information; or

(ii) discloses the information to another person.

Penalty: Imprisonment for 2 years.

(2) Subsection (1) does not apply if the use or disclosure is authorised or required by:

(a) a law of the Commonwealth; or

(b) a law of a State or Territory listed in the rules for the purposes of this paragraph.

Note: A defendant bears an evidential burden in relation to a matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

(3) Subsection (1) does not apply if the person to whom the personal information relates has consented to the use or disclosure.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

100 Use of personal information for other purposes

(1) A person commits an offence if:

(a) the person uses personal information; and

(b) the information was disclosed to an agency, body or person under section 95; and

(c) the use of the information is not for a permitted purpose.

Note: For ***permitted purpose***, see subsection 95(1).

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Penalty: Imprisonment for 2 years.

(2) Subsection (1) does not apply if the use is authorised or required by:

(a) a law of the Commonwealth; or

(b) a law of a State or Territory listed in the rules for the purposes of this paragraph.

Note: A defendant bears an evidential burden in relation to a matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

(2A) Subsection (1) does not apply if the person to whom the personal information relates has consented to the use.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2A) (see subsection 13.3(3) of the *Criminal Code*).

(3) A person commits an offence if:

(a) the person discloses personal information; and

(b) the information was disclosed to an agency, body or person under section 95; and

(c) either or both of the following apply:

(i) the disclosure is not for a permitted purpose;

(ii) the disclosure is to a person who is not an officer or employee of, or engaged by, the agency, body or person to whom the information was disclosed under section 95.

Note: For ***permitted purpose***, see subsection 95(1).

Penalty: Imprisonment for 2 years.

(4) Subsection (3) does not apply if the disclosure is authorised or required by:

(a) a law of the Commonwealth; or

(b) a law of a State or Territory listed in the rules for the purposes of this paragraph.

Note: A defendant bears an evidential burden in relation to a matter in subsection (4) (see subsection 13.3(3) of the *Criminal Code*).

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(5) Subsection (3) does not apply if the person to whom the personal information relates has consented to the disclosure.

Note: A defendant bears an evidential burden in relation to the matter in subsection (5) (see subsection 13.3(3) of the *Criminal Code*).

101 Unauthorised access to, or modification of, personal information

(1) A person commits an offence if:

(a) the person causes any unauthorised access to, or modification of, personal information; and

(b) the personal information is VET information:

(i) that 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

(c) the person intends to cause the access or modification; and

(d) the person knows that the access or modification is unauthorised; and

(e) one or more of the following apply:

(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 2 years.

(2) Absolute liability applies to paragraph (1)(e).

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Part 10—General provisions

102 Communicating electronically

(1) The rules may set out requirements for and in relation to the following:

(a) electronic communication between the Commonwealth and students;

(b) electronic communication between the Commonwealth and approved course providers;

(c) electronic communication between students and approved course providers.

(2) An approved course provider contravenes this subsection if the provider fails to comply with rules made under subsection (1).

Civil penalty: 60 penalty units.

103 Secretary may publish information

(1) The Secretary may publish information (other than personal information about a student) if the Secretary is satisfied that the information would:

(a) assist a student to decide whether or not to enrol in a course provided by an approved course provider; or

(b) assist a student in relation to his or her eligibility for a VET student loan and the circumstances in which the Secretary would approve a VET student loan; or

(c) encourage compliance by an approved course provider with this Act.

(2) The information the Secretary may publish in relation to an approved course provider includes the following:

(a) completion rates for students;

(b) enrolment numbers and forecast enrolment numbers (including for particular courses);

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(c) courses offered;
(d) tuition and other fee arrangements and modes of delivery for those courses;
(e) compliance action that has been taken under this Act (including that an intention notice has been given to the provider).

(3) Subsection (2) does not limit subsection (1).

(4) The Secretary may require an approved course provider to release or publish the information that the Secretary could publish under this section in relation to the provider.

(5) An approved course provider contravenes this subsection if the provider fails to comply with a requirement under subsection (4).

Civil penalty: 60 penalty units.

103A Secretary must publish information relating to operation of the VET student loans program

The Secretary must publish the following information within 42 days after the end of the period of 6 months beginning on 1 January and 1 July in each year (the ***reporting period***):

(a) the number of approved course providers who operated during the reporting period;
(b) for each of those providers:
(i) the name of the provider; and
(ii) the value of VET student loans approved by the Secretary for approved courses offered by the provider during the reporting period; and
(iii) 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 VET student loans; and
(iv) the number of such students who completed approved courses during the reporting period; and

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(v) the amount of tuition fees charged to such students by the provider during the reporting period;

(c) any other information in relation to VET student loans prescribed under the rules.

104 Secretary may require a person to provide information about compliance with this Act

(1) The Secretary may, by written notice given to a person who the Secretary believes on reasonable grounds has information or documents relevant to determining whether this Act has been complied with, require the person to give the information or documents to the Secretary.

(2) The information must be provided:

(a) in a form (if any) approved by the Secretary; and

(b) in accordance with other requirements specified by the Secretary.

(3) A notice under this section must not require the giving of information by an approved course provider that the provider is required to give to the Secretary under any other provision of this Act.

(4) A person contravenes this subsection if the person fails to provide information or documents in accordance with a requirement under subsection (1).

Civil penalty: 60 penalty units.

(5) A person commits an offence of strict liability if the person fails to provide information or documents in accordance with a requirement under subsection (1).

Penalty: 60 penalty units.

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104A VSL Tuition Protection Director may require a person to provide information about compliance with Part 5A

(1) The VSL Tuition Protection Director may, by written notice given to a person who the Director believes on reasonable grounds has information or documents relevant to determining whether Part 5A has been complied with, require the person to give the information or documents to the Director.

(2) The information must be provided:

(a) in a form (if any) approved by the VSL Tuition Protection Director; and

(b) in accordance with other requirements specified by the Director.

(3) A person contravenes this subsection if the person fails to provide information or documents in accordance with a requirement under subsection (1).

Civil penalty: 60 penalty units.

(4) A person commits an offence of strict liability if the person fails to provide information or documents in accordance with a requirement under subsection (1).

Penalty: 60 penalty units.

105 Secretary may use computer programs to make decisions

(1) The Secretary may arrange for the use, under the Secretary's control, of computer programs for any purposes for which the Secretary may make decisions under this Act.

(2) A decision made by the operation of a computer program under such an arrangement is, for the purposes of this Act, taken to be a decision made by the Secretary.

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105A VSL Tuition Protection Director may use computer programs to make decisions

(1) The VSL Tuition Protection Director may arrange for the use, under the Director's control, of computer programs for any purposes for which the Director may make decisions under this Act.

(2) A decision made by the operation of a computer program under such an arrangement is, for the purposes of this Act, taken to be a decision made by the VSL Tuition Protection Director.

106 Giving false or misleading information

(1) A person contravenes this subsection if:

(a) a person gives information or a document:

(i) to a VET officer; or

(ii) otherwise under, or for the purpose of, this Act; and

(b) the information or document:

(i) is false or misleading; or

(ii) omits any matter or thing without which the information or document is misleading.

(2) Subsection (1) does not apply if the information or document is not false or misleading in a material particular.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Note: A person may commit an offence if the person provides false or misleading information or documents: see sections 137.1 and 137.2 of the *Criminal Code*.

Civil penalty: 240 penalty units.

107 Verifying tax file numbers

For the purposes of this Act:

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(a) the Secretary may ask the Commissioner to verify a tax file number; and

(b) the Commissioner may at any time give the Secretary any information necessary to ensure that the Secretary has the correct tax file number.

108 Contravening offence and civil penalty provisions

(1) This section applies if a provision of this Act provides that a person contravening another provision of this Act (the ***conduct provision***) commits an offence or is liable to a civil penalty.

(2) For the purposes of this Act, and the Regulatory Powers Act to the extent that it relates to this Act, a reference to a contravention of an offence provision or a civil penalty provision includes a reference to a contravention of the conduct provision.

109 Certain references to course provider include references to agent

A reference in a civil penalty provision in this Act to a course provider (however described) includes a reference to a person acting on behalf of the provider.

110 Continuing application of Act to certain persons

(1) This Act continues to apply in relation to a body that was approved as an approved course provider as if the body were still an approved course provider.

(2) Subsection (1) applies for the purposes of dealing with or resolving any matter that arose during, or that relates to, the period when the body was approved as an approved course provider.

111 No entitlement to future rights

(1) Neither approval, nor payment of any amount, of a VET student loan requires the Commonwealth to ensure that:

(a) a student has access to a course; or

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(b) a course:
(i) is delivered in a particular way; or
(ii) addresses particular content or skills; or
(iii) results in a particular qualification.

(2) Neither approval, nor payment of any amount, of a VET student loan:
(a) requires any other loan to be approved or any other loan amount to be paid; or
(b) prevents any amendment of this Act from having full effect from the commencement of the amendment.

112 Protection from civil actions

(1) This section applies to:
(a) the Secretary; and
(aa) the VSL Tuition Protection Director; and
(ab) a member of the VSL Tuition Protection Fund Advisory Board; and
(b) an APS employee in the Department; and
(c) a consultant engaged by the Commonwealth to perform work in relation to this Act.

(2) A person mentioned in subsection (1) is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith:
(a) in the performance or purported performance of any functions under this Act; or
(b) in the exercise or purported exercise of any powers under this Act.

113 Compensation for acquisition of property

(1) If the operation of this Act would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

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(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

113A Review of operation of tuition protection

(1) Before 1 July 2021, the Minister must commence a review of the operation of Parts 5A (about tuition protection) and 5B (about the VSL Tuition Protection Fund and related matters).

(2) The review must be conducted at the same time as:
  (a) the review conducted under section 176A of the *Education Services for Overseas Students Act 2000*; and
  (b) the review conducted under section 238-7 of the *Higher Education Support Act 2003*.

Note: Those sections require the operation of the tuition protection arrangements established under those Acts to be reviewed.

(3) The Minister must cause to be prepared a report of a review under subsection (1).

(4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the report.

114 Delegations

(1) The Secretary may, in writing, delegate any or all of his or her powers or functions under this Act to:

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(a) an APS employee; or

(b) an officer of an approved external dispute resolution scheme operator.

Note: For ***this Act***, see section 6.

(2) In exercising powers or performing functions under a delegation under subsection (1), the delegate must comply with any directions of the Secretary.

(3) The VSL Tuition Protection Director may, in writing, delegate any or all of the Director's powers or functions under this Act (other than paragraph 66N(1)(e)) to an APS employee who holds or performs the duties of an APS Level 6 position, or an equivalent or higher position, in:

(a) the Department; or

(b) the Department administered by the Education Minister.

Note: Paragraph 66N(1)(e) gives the VSL Tuition Protection Director the function of making a legislative instrument under section 12 of the *VET Student Loans (VSL Tuition Protection Levy) Act 2019*.

(4) In exercising powers or performing functions under a delegation under subsection (3), the delegate must comply with any directions of the VSL Tuition Protection Director.

115 Appropriation

Amounts of VET student loans payable by the Secretary under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

115A Alternative constitutional basis

Without limiting its effect apart from this section, this Act also has the effect it would have if each reference to an approved course provider were expressly confined to a corporation to which paragraph 51(xx) of the Constitution applies.

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116 Rules

(1) The Minister may, by legislative instrument, make rules providing for matters:

(a) required or permitted by this Act to be provided; or

(b) necessary or convenient to be provided in order to carry out or give effect to this Act.

Note 1: For ***this Act***, see section 6.

Note 2: The rules may make different provision with respect to different matters or different classes of matters (see subsection 33(3A) of the *Acts Interpretation Act 1901*). For example, the rules may provide different requirements for different kinds of approved course providers.

(2) The rules may provide for amounts determined by, or worked out in accordance with, the rules to be indexed using the method set out in Part 5-6 of the *Higher Education Support Act 2003*.

(3) If this Act (including the rules) permits or requires a decision to be made, the rules may provide for matters that the decision maker may or must (as specified in the rules) have regard to in making the decision.

(4) If this Act requires or permits the rules to provide for a matter, the rules may provide for the matter to be determined by the Secretary.

(5) Despite subsection 14(2) of the *Legislation Act 2003*, the rules may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or other writing as in force or existing from time to time.

(6) The rules may provide for the collection and recovery of approved course provider charge (within the meaning of the *VET Student Loans (Charges) Act 2016*).

(7) The rules must specify a cap on the amount of VET student loans that can be approved for:

(a) the calendar year in which this subsection commences; and

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(b) each of the 2 following calendar years.

(8) Subsections (2) to (7) do not limit subsection (1).

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
VET Student Loans Act 2016	98, 2016	7 Dec 2016	1 Jan 2017 (s 2(1) item 1)	
Education and Other Legislation Amendment Act (No. 1) 2017	31, 2017	12 Apr 2017	Sch 1 (items 7–10): 1 July 2017 (s 2(1) item 2)	—
Higher Education Support Legislation Amendment (Student Loan Sustainability) Act 2018	76, 2018	24 Aug 2018	Sch 3 (items 122–147): 1 Jan 2020 (s 2(1) item 4)	Sch 3 (items 144–147)
Education and Other Legislation Amendment (VET Student Loan Debt Separation) Act 2018	116, 2018	25 Sept 2018	Sch 1 (items 13–23): 1 July 2019 (s 2(1) item 2) Sch 1 (items 71A–76): 1 Jan 2020 (s 2(1) item 13) Sch 2: 26 Sept 2018 (s 2(1) item 14)	—
Education Legislation Amendment (2019 Measures No. 1) Act 2019	103, 2019	28 Nov 2019	Sch 3 (items 19–24): 28 Nov 2019 (s 2(1) item 4)	Sch 3 (item 24)
Education Legislation Amendment (Tuition Protection and Other Measures) Act 2019	111, 2019	6 Dec 2019	Sch 1 (items 1–42): 1 Jan 2020 (s 2(1) item 2) Sch 3: 6 Dec 2019 (s 2(1) item 5)	Sch 1 (item 42)
Education Legislation Amendment (2020 Measures No. 1) Act 2020	62, 2020	19 June 2020	Sch 1 (items 6, 7): 1 Jan 2021 (s 2(1) item 2) Sch 2: 19 June 2020 (s 2(1) item 3)	Sch 1 (item 7) and Sch 2

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Vocational Education and Training Regulator Amendment (Governance and Other Matters) Act 2020	77, 2020	3 Sept 2020	Sch 1 (items 68–71): 1 Jan 2021 (s 2(1) item 2)	—
Education Legislation Amendment (Up-front Payments Tuition Protection) Act 2020	101, 2020	20 Nov 2020	Sch 3 (items 16, 17): 1 Jan 2021 (s 2(1) item 1)	—
Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021	13, 2021	1 Mar 2021	Sch 2 (items 796, 797): 1 Sept 2021 (s 2(1) item 5)	—
VET Student Payment Arrangements (Miscellaneous Amendments) Act 2021	17, 2021	1 Mar 2021	Sch 1 (items 6–8): 2 Mar 2021 (s 2(1) item 2)	—
Social Services and Other Legislation Amendment (Australia's Engagement in the Pacific) Act 2023	100, 2023	27 Nov 2023	Sch 1 (items 17–21): 29 Mar 2024 (s 2(1) item 2)	Sch 1 (item 21)
Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024	39, 2024	31 May 2024	Sch 6 (items 77–80): 14 Oct 2024 (s 2(1) item 2)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Universities Accord (Student Support and Other Measures) Act 2024	108, 2024	5 Dec 2024	Sch 1 (items 47, 68–70): 5 Dec 2024 (s 2(1) items 4, 6)	Sch 1 (items 68–70)
Administrative Review Tribunal (Miscellaneous Measures) Act 2025	14, 2025	20 Feb 2025	Sch 2 (items 103–105): 21 Feb 2025 (s 2(1) item 2)	—

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Universities Accord (Cutting Student Debt by 20 Per Cent) Act 2025 (C2025A00030)	30, 2025	2 Aug 2025	sch 1 (items 66-84), sch 2 (items 29-32, 35): 3 Aug 2025 (s 2(1) item 1)	sch 2 (item 35)

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 5	am No 76, 2018; No 116, 2018; No 111, 2019
s 6	am No 31, 2017; No 76, 2018; No 116, 2018; No 111, 2019; No 77, 2020; No 13, 2021; No 100, 2023; No 14, 2025
Part 2	
Division 1	
s 8	am No 76, 2018
Division 2	
s 11	am No 100, 2023
Division 3	
s 16	am No 116, 2018
Division 4	
s 17	am No 62, 2020
Part 3	
Division 1	
s 19	am No 116, 2018
s 20	am No 76, 2018; No 17, 2021
Division 2	
s 22	am No 76, 2018; No 116, 2018
s 23	am No 76, 2018
	rep No 111, 2019
Part 3A	
Part 3A	ad No 116, 2018
Division 1	
s 23AA	ad No 116, 2018
Division 2	
s 23BA	ad No 116, 2018
	am No 116, 2018; No 30, 2025

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Endnote 4—Amendment history

Provision affected	How affected
s 23BAA	ad No 30, 2025
s 23BB	ad No 116, 2018
s 23BC	ad No 116, 2018
Division 3	
s 23CA	ad No 116, 2018
	am No 108, 2024
s 23CB	ad No 116, 2018
	am No 30, 2025
s 23CC	ad No 116, 2018
	am No 30, 2025
s 23CCA	ad No 30, 2025
s 23CD	ad No 116, 2018
s 23CE	ad No 116, 2018
	am No 30, 2025
s 23CF	ad No 116, 2018
Division 4	
s 23DA	ad No 116, 2018
s 23DB	ad No 116, 2018
s 23DC	ad No 116, 2018
Division 5	
Subdivision A	
s 23EA	ad No 116, 2018
	am No 30, 2025
s 23EB	ad No 116, 2018
Subdivision B	
s 23EC	ad No 116, 2018
s 23ED	ad No 116, 2018
Subdivision C	
s 23EE	ad No 116, 2018
s 23EF	ad No 116, 2018
s 23EG	ad No 116, 2018

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Provision affected	How affected
s 23EH	ad No 116, 2018
Division 6	
s 23FA	ad No 116, 2018
s 23FB	ad No 116, 2018
s 23FC	ad No 116, 2018
s 23FD	ad No 116, 2018
s 23FE	ad No 116, 2018
s 23FF	ad No 116, 2018
Part 4	
Division 1	
s 25	am No 31, 2017; No 111, 2019
Division 3	
s 35A	ad No 17, 2021
s 38	am No 111, 2019
s 39	rs No 111, 2019
Division 4	rep No 111, 2019
s 40	rep No 111, 2019
s 41	rep No 111, 2019
s 42	rep No 111, 2019
Division 4A	
s 42BA	ad No 31, 2017
Division 5	
s 46	am No 111, 2019
Part 5	
Division 1	
s 48	am No 111, 2019
s 49A	ad No 111, 2019
Division 2	
s 52	am No 111, 2019
Part 5A	
Part 5A	ad No 111, 2019

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Endnote 4—Amendment history

Provision affected	How affected
Division 1	
s 66A	ad No 111, 2019
s 66B	ad No 111, 2019
Division 2	
s 66C	ad No 111, 2019
s 66D	ad No 111, 2019
s 66E	ad No 111, 2019
	am No 30, 2025
s 66F	ad No 111, 2019
s 66G	ad No 111, 2019
s 66H	ad No 111, 2019
	am No 30, 2025
Part 5B	
Part 5B	ad No 111, 2019
Division 1	
s 66J	ad No 111, 2019
s 66K	ad No 111, 2019
s 66L	ad No 111, 2019
Division 2	
s 66M	ad No 111, 2019
	am No 101, 2020
s 66N	ad No 111, 2019
	am No 101, 2020
s 66P	ad No 111, 2019
Division 3	
s 66Q	ad No 111, 2019
s 66R	ad No 111, 2019
s 66S	ad No 111, 2019
Part 6	
Part 6 heading	rs No 76, 2018
Division 1	

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Provision affected	How affected
Division 1	rs No 17, 2021
s 67	am No 76, 2018; No 116, 2018
	rs No 17, 2021
Division 2	
s 68	am No 76, 2018; No 30, 2025
s 69	am No 76, 2018
	rep No 111, 2019
s 70	am No 76, 2018
Division 3	
Division 3 heading	am No 116, 2018
s 71	am No 76, 2018
s 72	am No 76, 2018
s 72A	ad No 111, 2019
	am No 30, 2025
s 73	am No 76, 2018; No 111, 2019
Division 4	
Division 4 heading	am No 30, 2025
Division 4	ad No 116, 2018
s 73A	ad No 116, 2018
	am No 30, 2025
Part 7	
Division 1	
s 74	am No 76, 2018; No 116, 2018; No 111, 2019
Division 2	
s 77	am No 39, 2024; No 14, 2025
s 78	am No 116, 2018; No 111, 2019
s 78A	ad No 111, 2019
s 80	am No 111, 2019; No 39, 2024
Part 8	
s 82	am No 77, 2020; No 13, 2021
s 83	am No 77, 2020; No 13, 2021

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Endnote 4—Amendment history

Provision affected	How affected
s 84	am No 111, 2019; No 13, 2021
s 85	am No 111, 2019; No 77, 2020
s 86	am No 13, 2021
s 87	am No 13, 2021
s 88	am No 77, 2020
s 89	am No 111, 2019; No 77, 2020
Part 9	
Division 1	
s 92	am No 111, 2019
s 93	am No 103, 2019
s 94	am No 111, 2019
Division 2	
s 99	am No 103, 2019
s 100	am No 103, 2019
Part 10	
s 104A	ad No 111, 2019
s 105A	ad No 111, 2019
s 110	am No 111, 2019
s 112	am No 111, 2019
s 113A	ad No 111, 2019
s 114	am No 111, 2019

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