



VET Student Loans Amendment Rules (No. 1) 2018

Made under the *VET Student Loans Act 2016*

I, Michaelia Cash, Minister for Small and Family Business, Skills and Vocational Education, make the following legislative instrument.

Dated 12 December 2018

Michaelia Cash

Minister for Minister for Small and Family Business, Skills and Vocational Education

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1 Name

This instrument is the *VET Student Loans Amendment Rules (No. 1) 2018*.

2 Commencement

- (1) Each provision of this instrument 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1, Part 1	1 July 2019	1 July 2019.
3. Schedule 1, Part 2	1 January 2020	1 January 2020.
4. Schedule 1, Part 3	The day after this instrument is registered	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *VET Student Loans Act 2016*.

4 Schedule

The *VET Student Loans Rules 2016* are amended as set out in the Schedule to this instrument.

Schedule 1—Amendments to the *VET Student Loans Rules 2016*

Part 1—Main Amendments

1 Part 3

Repeal the Part.

2 Before Part 4

Insert:

Part 3A—VETSL debts

Division 1—VETSL debts

11 Purpose of this Division

This Division is made for the purposes of paragraph 23BA(2)(b) of the Act.

12 Amount of a VETSL debt

If the course to which the VETSL debt relates is a State or Territory subsidised course, the percentage for the person is 100% of the loan amount.

Division 2—Notices to be given to the Commissioner

12A Purpose of this Division

This Division sets out matters relating to the notices that must be given to the Commissioner under section 23ED of the Act.

12B Notices relating to leaving Australia

- (1) A notice under subsection 23ED(1) of the Act relating to a person leaving Australia must contain:
 - (a) the person's name; and
 - (b) the person's date of birth; and
 - (c) the person's intended country of residence; and
 - (d) the person's contact details, including email address and telephone number.
- (2) For the purposes of paragraph 23ED(1)(b) of the Act, a person is not required to give a notice under subsection 23ED(1) of the Act relating to the person leaving Australia if:
 - (a) the person gave a notice under that subsection in relation to a previous departure from Australia; and
 - (b) since giving that notice, the person has not been an Australian resident.

12C Notices relating to absence from Australia

A notice under subsection 23ED(2) of the Act relating to a person being outside Australia must contain:

- (a) the person's name; and
- (b) the person's date of birth; and
- (c) the person's country of residence; and
- (d) the person's contact details, including email address and telephone number.

12D Notices relating to income (including foreign-sourced income)

- (1) A notice under subsection 23ED(3) of the Act relating to a person's income for an income year must contain:
- (a) the person's name; and
 - (b) the person's date of birth; and
 - (c) the person's country of residence; and
 - (d) the person's occupation; and
 - (e) the amount of the person's income (including foreign-sourced income) for the income year; and
 - (f) the method used to work out that foreign-sourced income; and
 - (g) if the overseas assessed method was used—the person's identification number used for tax purposes by the taxation authority of a foreign country that made the assessment of the person's income.

Note: The Overseas Debtors Repayment Guidelines provides for how to work out a person's foreign-sourced income for an income year, including the overseas assessed method. It also provides how to convert a person's foreign-sourced income into Australian currency.

- (2) However, paragraphs (1)(d) to (g) do not apply if:
- (a) the person's income (including foreign-sourced income) for the income year does not exceed 25% of the minimum repayment income for the income year; and
 - (b) the notice includes a declaration to that effect.

Note: *Minimum repayment income* is defined in section 6 of the Act.

12E Approved forms

This Part does not affect the Commissioner's power under section 388-50 in Schedule 1 to the *Taxation Administration Act 1953* to require additional content to be included in the approved form of a notice under section 23ED of the Act.

Part 2—Consequential Amendments

3 Subsection 54(4)

Omit “FEE-HELP balance”, substitute “HELP balance”.

4 Subsection 69(1)(k)(ii)

Omit “FEE-HELP balance”, substitute “HELP balance”.

5 Subsection 71(c)

Omit “FEE-HELP balance”, substitute “HELP balance”.

6 Subsection 73(2)

Omit “FEE-HELP balance”, substitute “HELP balance”.

7 Part 7, Division 1, Subdivision G (heading)

Repeal the heading, substitute:

Subdivision G—Re-crediting HELP balances

8 Subsection 89(1)

Omit “FEE-HELP balances under Part 6”, substitute “HELP balances under Division 2 or 3 of Part 6”.

9 Paragraph 89(2)(a)

Omit “FEE-HELP balance can be re-credited under Part 6”, substitute “HELP balance can be re-credited under Division 2 or 3 of Part 6”.

10 Paragraphs 89(2)(a), (b) and (c)

Omit “FEE-HELP balance”, substitute “HELP balance”.

11 Paragraph 89(2)(g)

Omit “FEE-HELP balances”, substitute “HELP balances”.

12 Paragraph 89(2)(i)

Omit “FEE-HELP balance”, substitute “HELP balance”.

13 Paragraph 90(c)

Omit “FEE-HELP balance under Part 6”, substitute “HELP balance under Division 2 or 3 of Part 6”.

14 Paragraph 91(e)

Omit “FEE-HELP balance” (wherever occurring), substitute “HELP balance”.

15 Paragraph 98(2)(i)

Omit “FEE-HELP balance”, substitute “HELP balance”.

16 Paragraph 102(3)(h)

Omit “FEE-HELP balance”, substitute “HELP balance”.

17 Part 8 (heading)

Repeal the heading, substitute:

Part 8—Re-crediting HELP balances

18 Section 147

Omit “FEE-HELP balance”, substitute “HELP balance”.

19 Section 149 (heading)

Repeal the heading, substitute:

149 Requirements for application to Secretary to re-credit student’s HELP balance

20 Subsections 149(1) and (4)

Omit “FEE-HELP balance”, substitute “HELP balance”.

Part 3—Miscellaneous amendments

21 Subparagraph 80(2)(c)(i)

Repeal the subparagraph, substitute

- (i) the provider obtains a copy of a certificate (however described) that the student has been awarded a qualification, either:
 - A. at level 4 or above in the Australian Qualifications Framework; or
 - B. that has been assessed by a Federal, State or Territory government agency which assesses overseas qualifications (or an organisation contracted by such an agency to undertake such assessments) as equivalent or comparable to a qualification at level 4 or above in the Australian Qualifications Framework; and

22 Paragraph 158(1)(b)

Before “not earlier than”, insert “subject to subsection (3),”.

23 After subsection 158(2)

Insert:

- (3) If, before the end of the financial year to which approved course provider charge relates, the provider’s approval is revoked under Division 3 of Part 4 of the Act, then the amount of approved course provider charge may be due and payable on a business day that is after the date that the revocation takes effect and either before or after the end of the financial year.