



Higher Education Support (VET) Amendment (VET FEE-HELP Student Protection) Guidelines 2020

I, Michaelia Cash, Minister for Employment, Skills, Small and Family Business, make the following guidelines under clause 99 of Schedule 1A to the *Higher Education Support Act 2003*.

Dated 10 December 2020

Michaelia Cash
Minister for Employment, Skills, Small and Family Business

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1 Name

This instrument is the *Higher Education Support (VET) Amendment (VET FEE-HELP Student Protection) Guidelines 2020*.

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 |
| The whole of this instrument | 1 January 2021 | 1 January 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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 clause 99 of Schedule 1A to the *Higher Education Support Act 2003*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Higher Education Support (VET) Guideline 2015

1 Section 5

Insert:

Exceptional circumstances: see subsections 58AD(2) and (3).

2 After clause 58AB

Insert:

58AC Final date for re-crediting

- (1) For the purposes of paragraph 46AA(9)(b) of Schedule 1A to the Act, the Secretary must not re-credit a person's HELP balance under subclause 46AA(1) on the Secretary's own initiative after 31 December 2022.
- (2) For the purposes of paragraph 46AA(10)(b) of Schedule 1A to the Act, the Secretary must not re-credit a person's HELP balance under subclause 46AA(1) on application made by the person if the application is made after 31 December 2022.

58AD Requirements for applications

- (1) For the purposes of paragraph 46AA(3)(c) of Schedule 1A to the Act, if the application is made after 31 December 2020, the application must demonstrate that the person did not make an application before that date due to exceptional circumstances.
- (2) *Exceptional circumstances* include the following circumstances:
 - (a) the person was not aware prior to 31 December 2020 of their VET FEE-HELP debt; and
 - (b) the person was not aware they could apply for a re-credit of the person's HELP balance under subclause 46AA(1) of Schedule 1A to the Act; and
 - (c) the person was a vulnerable person during the period 1 January 2019 to 31 December 2020.
- (3) To avoid doubt, subsection (2) does not limit the circumstances which may be considered exceptional circumstances.