**Division 7—Census days**

**Subdivision A—Purpose of this division**

**130  Purpose of this Division**

                   This Division is made for the purposes of section 58 of the Act.

Note:          An approved course provider may be liable for a civil penalty if the provider fails to comply with this Division: see subsections 58(6) and (7) of the Act.

**Subdivision B—Determining census days**

**131  Determining census days**

                   An approved course provider offering an approved course for a particular period must determine census days for the course so that:

                     (a)  there are at least 3 census days for the course; and

                     (b)  each census day for a part of the course is at least 20% of the way through the period:

                              (i)  starting when that part of the course starts to be provided; and

                             (ii)  ending on the day a student would reasonably be expected to complete that part of the course.

**132  Publishing determination of census days**

             (1)  An approved course provider must publish the census days determined for a course, or a part of a course, before the earliest day for enrolment in the course or part.

             (2)  An approved course provider must publish prominently on its website the census days the provider determines, so that the census days are easily accessible without provision of login information.

**Subdivision C—Varying census days**

**133  Varying census days**

             (1)  An approved course provider may vary a census day determined for a course, or a part of a course, if:

                     (a)  the Secretary has given the provider written approval of the proposed variation; or

                     (b)  the variation:

                              (i)  occurs before the census day; and

                             (ii)  does not disadvantage a student enrolled in, or seeking to enrol in the course, or the part of the course; and

                            (iii)  is necessary to correct an administrative error or to deal with a change in circumstances.

             (2)  A student enrolled in, or seeking to enrol in a course, or a part of a course, is taken for the purposes of subparagraph (1)(b)(ii) to be disadvantaged by a variation that makes a census day for the course, or the part of the course, earlier. This does not limit that subparagraph.

             (3)  Subsection (1) does not apply in relation to a course offered under an arrangement that:

                     (a)  was entered into between the provider and an employer or industry body; and

                     (b)  limits or restricts enrolments in some or all of the places in the course.

**134  Publishing variation of census days**

             (1)  If an approved course provider varies a census day for an approved course, or a part of an approved course, the provider must as soon as practicable publish the census day as varied.

             (2)  The approved course provider must publish prominently on its website the census day as varied, so that the day is easily accessible without provision of login information.

**Division 6—Tuition fees**

**Subdivision A—Determining tuition fees**

**117  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of paragraph 55(2)(a) of the Act.

Note:          An approved course provider may be liable for a civil penalty if the provider fails to comply with this Subdivision: see subsection 55(3) of the Act.

**118  Matters an approved course provider must not have regard to in determining tuition fees**

             (1)  In determining tuition fees for an approved course, an approved course provider must not have regard to any of the following:

                     (a)  a matter related to the manner or timing of:

                              (i)  payment of tuition fees by students; or

                             (ii)  payment of loan amounts by the Secretary to the provider;

                     (b)  fees payable for anything other than:

                              (i)  assessing whether a student is academically suited to undertake the course; and

                             (ii)  enrolment in the course; and

                            (iii)  tuition for the course; and

                            (iv)  examination for the course; and

                             (v)  award of a qualification for completion of the course;

                     (c)  fees payable for a particular form of access to a good or service that is essential for all or part of the course and access to which in an another form is provided by the approved course provider without additional charge;

                     (d)  fees paid by a student enrolled in the course directly to the approved course provider for the supply of a good or service that is either:

                              (i)  equipment or physical items that become the student’s property and are not consumed during the course; or

                             (ii)  food, transport or accommodation associated with the provision of field trips that form part of the course;

                            and that the student could have acquired, but chose not to acquire, from another supplier;

                     (e)  a fine or penalty imposed by the provider as a disincentive for something other than withdrawing from all or part of the course, and not to raise revenue or cover administrative costs;

                      (f)  the provision to a student enrolled in the course of a good or service that is not essential for all or part of the course;

                     (g)  fees payable for a Special admissions test.

             (2)  The paragraphs of subsection (1) do not limit one another.

**Subdivision B—Charging of tuition fees by Table A providers**

**119  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of paragraph 55(2)(c) of the Act.

Note:          An approved course provider may be liable for a civil penalty if the provider fails to comply with this Subdivision: see subsection 55(3) of the Act.

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

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

                     (a)  the delivery of the course; and

                     (b)  the student’s participation in the course.

**Subdivision C—Charging of tuition fees by other approved course providers**

**121  Purpose and application of this Subdivision**

                   This Subdivision:

                     (a)  is made for the purposes of paragraph 55(2)(c) of the Act; and

                     (b)  applies to an approved course provider, other than a Table A provider.

Note:          An approved course provider may be liable for a civil penalty if the provider fails to comply with this Subdivision: see subsection 55(3) of the Act.

**122  Proportionately spreading tuition fees over periods of the course**

             (1)  An approved course provider must only charge tuition fees for an approved course as follows:

                     (a)  the fees to be covered by VET student loans, and any other tuition fees, are to be reasonably apportioned over:

                              (i)  the fee periods for the course; and

                             (ii)  the parts of the course included in the fee periods;

                     (b)  none of the tuition fees for the course are to be payable outside a fee period for the course.

Note:          Section 124 may exempt the provider from complying with this subsection to allow the provider to comply with a State or Territory subsidy funding arrangement.

             (2)  For the purposes of subsection (1), the provider may act on the basis of an estimate of tuition fees for the course if, when the course begins, the provider does not know:

                     (a)  the total of the tuition fees for the course; or

                     (b)  the duration of the course; or

                     (c)  whether a student will need to pay all of the tuition fees usually payable for the course.

             (3)  The estimate must not exceed the maximum tuition fees for the course mentioned in marketing of the course.

Note:          Paragraph 140(c) requires all marketing of a course to mention the maximum tuition fees for the course.

             (4)  If the actual total of the tuition fees for the course exceeds the estimate, the provider may charge the excess only during the final fee period for the course.

**123  Fee periods**

             (1)  The approved course provider:

                     (a)  must choose 3 or more fee periods for an approved course; and

                     (b)  may choose different fee periods for different students.

Example:    The fee periods may be longer for a student undertaking the course part‑time.

             (2)  The fee periods for the course must:

                     (a)  be sequential and together equal the duration of the course; and

                     (b)  be of equal, or approximately equal, length based on the estimated duration of the course; and

                     (c)  each contain at least one census day for the course.

Note:          The precise length of the fee periods need not be known when they are chosen.

Example:    When the student begins the course, the provider is still deciding whether the student should get some recognition for prior learning (which would reduce the duration of the course). The provider could choose for the course to have 3 fee periods of equal length based on the estimated duration of the course.

             (3)  However, the length of any fee periods that are yet to start at a particular time may be changed in proportion to a change at that time to the duration of the course. The changed fee periods must be of equal, or approximately equal, length.

Example:    If the student changes from studying full‑time to part‑time during the course, the duration of the course may increase. The length of the remaining fee periods could be similarly increased.

**124  Exemption from complying with this Subdivision to comply with State or Territory subsidy funding arrangements**

                   The approved course provider need not comply with this Subdivision, to the extent that compliance would be inconsistent with an arrangement the provider made with an authority of a State or Territory, if:

                     (a)  the provider is fully complying with the arrangement; and

                     (b)  the provider has given a written notice to the Secretary describing:

                              (i)  the arrangement; and

                             (ii)  the provider’s full compliance with the arrangement; and

                            (iii)  how the arrangement prevents the provider from fully complying with this Subdivision; and

                            (iv)  the extent of the provider’s non‑compliance with this Subdivision.

Note:          Compliance with this Subdivision is still required to the extent that this is consistent with the arrangement.

**Subdivision D—Varying tuition fees**

**125  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of paragraph 55(2)(d) of the Act.

Note:          An approved course provider may be liable for a civil penalty if the provider fails to comply with this Subdivision: see subsection 55(3) of the Act.

**126  Varying tuition fees**

             (1)  An approved course provider may vary the tuition fees for an approved course, or a part of an approved course, only if:

                     (a)  the Secretary has given the provider written approval of the proposed variation; or

                     (b)  the variation:

                              (i)  occurs before the published census day for the course, or the part of the course; and

                             (ii)  does not disadvantage a student enrolled in, or seeking to enrol in the course, or the part of the course; and

                            (iii)  is necessary to correct an administrative error or to deal with a change in circumstances.

             (2)  A student enrolled in, or seeking to enrol in a course, or a part of a course, is taken for the purposes of subparagraph (1)(b)(ii) to be disadvantaged by a variation that increases the tuition fees for the course, or the part of the course. This does not limit that subparagraph.

             (3)  Subsection (1) does not apply to a course offered under an arrangement that:

                     (a)  was entered into between the provider and an employer or industry body; and

                     (b)  limits or restricts enrolments in some or all of the places in the course.

**127  Publishing variation of tuition fees**

             (1)  If an approved course provider varies the tuition fees for an approved course, or a part of an approved course, the provider must publish as soon as practicable the tuition fees as varied.

Note:          Section 50 of the Act provides for rules in relation to giving information to students.

             (2)  The approved course provider must publish prominently on its website the tuition fees as varied, so that the fees are easily accessible without provision of login information.

**Subdivision E—Statement about covered fees**

**128  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of section 56 of the Act.

**129  Requirements for statement about covered fees**

             (1)  The statement required by section 56 of the Act:

                     (a)  must include the title “VET Student Loan Statement of Covered Fees”; and

                     (b)  in addition to the information required by section 56 of the Act, must also include the information mentioned in paragraphs 99(4)(a) to (i) of this instrument.

             (2)  The statement must be given to the student after the student enrols in the course and before the first census day for the course.

             (3)  The statement may be given to the student along with the VET student loan fee notice for the first fee period of the course.

**Division 8—Marketing**

**Subdivision A—Offering certain inducements**

**135  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of subsection 61(2) of the Act.

**136  Benefits that may be offered**

                   The following benefits are specified:

                     (a)  the content and quality of the course;

                     (b)  the amount of the tuition fees for the course;

                     (c)  the availability of a VET student loan for the course;

                     (d)  marketing merchandise up to the total value of $30 per person.

**Subdivision B—Use of third party contact lists**

**137  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of subsection 63(2) of the Act.

**138  Use of third party contact lists**

             (1)  Subsection 63(1) of the Act does not apply if the student has given express consent to being contacted by the provider.

             (2)  The student is taken to have provided express consent if:

                     (a)  information in the request was presented clearly, and set out the specific purpose for which the student’s personal information would be used if consent were given; and

                     (b)  the request was prominent; and

                     (c)  the student was able to give consent in a separate optional tick box from other consents; and

                     (d)  the request was not a required field to be answered in order for a person to submit other information; and

                     (e)  the request did not include a default tick for consent; and

                      (f)  the request named the provider; and

                     (g)  the request detailed any referral fee or other fee that would be paid to the person who made the request and any other benefit that would be provided to the person who made the request.

             (3)  The student is taken to have provided express consent if the student initiates contact with a third party for the purpose of:

                     (a)  giving information relating to education and training to the provider; or

                     (b)  getting information relating to education and training from the provider.

**Subdivision C—Other marketing requirements**

**139  Purpose of this Subdivision**

                   This Subdivision is made for the purposes of subsection 64(1) of the Act.

Note:          An approved course provider may be liable for a civil penalty if the provider fails to comply with this Subdivision: see subsection 64(2) of the Act.

**140  Information that must be provided**

                   An approved course provider must ensure that any marketing of its approved courses prominently mentions:

                     (a)  the provider’s name and any registered business name or other business name that the provider uses; and

                     (b)  the provider’s registration code; and

                     (c)  the maximum tuition fees for the course.

**141  Information about fees**

                   An approved course must not be marketed unless the tuition fees for the course:

                     (a)  have been published on the provider’s website in a way that is readily accessible by the public; and

                     (b)  have been given to the Secretary in accordance with section 115.

**142  Marketing that mentions VET student loans**

                   An approved course provider must ensure that any marketing in which the provider mentions the possible availability of a VET student loan (however described) for students undertaking a course:

                     (a)  prominently mentions:

                              (i)  the provider’s name and any registered business name or other business name that the provider uses; and

                             (ii)  the provider’s registration code; and

                            (iii)  that VET student loans will not be approved for students who do not meet eligibility requirements; and

                            (iv)  that a VET student loan gives rise to a VETSL debt that continues to be a debt due to the Commonwealth until it is repaid; and

                     (b)  presents the information covered by paragraph (a) in a font size that is approximately the same as any other marketing information that accompanies it; and

                     (c)  if the marketing is online—presents the information covered by paragraph (a) on the same webpage as the other marketing of the course; and

                     (d)  if the marketing uses the VET student loans logo—presents the logo in accordance with the style guide for the use of the logo published on the Department’s website.

**143  Marketing through social media**

                   An approved course provider must ensure that any marketing of the provider or its courses through social media does not mention the possible availability of a VET student loan (however described) for students undertaking a course.

**Subdivision B—Student entry**

**80  Academic suitability**

             (1)  An approved course provider’s student entry procedure must specify that a student is academically suited to undertake a particular approved course if:

                     (a)  one of the requirements in subsection (2) is met in relation to the student; and

                     (b)  the student meets any other specified entry requirements for the course; and

                     (c)  the provider believes on reasonable grounds that the student is academically suited to undertake the course.

Note:          The other specified entry requirements could include any prior education qualifications the provider considers are needed for a student to be academically suited to undertake the course.

             (2)  For the purposes of paragraph (1)(a), the requirements are that:

                     (a)  the provider obtains a copy of a Senior Secondary Certificate of Education that has been awarded to the student by an agency or authority of a State or Territory for the student’s completion of year 12; or

                    (aa)  the provider obtains a copy of a diploma that has been awarded to the student for the student’s completion of the International Baccalaureate Diploma Programme; or

                     (b)  both:

                              (i)  the student is assessed as displaying competence at or above Exit Level 3 in the Australian Core Skills Framework in both reading and numeracy using an assessment tool approved under section 82; and

                             (ii)  the provider reasonably believes that the student displays that competence; or

                     (c)  both:

                              (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 at a level in a framework that preceded the Australian Qualifications Framework that is equivalent to 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 referred to in sub-subparagraph (2)(c)(i)(A).

                             (ii)  the course for the qualification was delivered in English.

**81  Results of assessments of competence in reading and numeracy for the purposes of paragraph 80(2)(b)**

                   An approved course provider’s student entry procedure must specify that the results of assessing a student’s competence in reading and numeracy under the procedure must be reported:

                     (a)  to the student as soon as practicable after the assessment; and

                     (b)  to the Secretary in the form, manner and by the time requested by the Secretary.

**82  Assessment of competence in reading and numeracy for the purposes of paragraph 80(2)(b)**

             (1)  An approved course provider’s student entry procedure must:

                     (a)  describe the process (including the tools) for validly and reliably assessing a student’s competence in reading and numeracy against the Australian Core Skills Framework; and

                     (b)  specify as a tool to be used as part of that process a tool that is approved by the Secretary under this section and published on the Department’s website; and

                     (c)  require that process to be conducted with honesty and integrity.

             (2)  The Secretary may, on application by an approved course provider or a Commonwealth, State or Territory government agency, approve a tool for assessing a student’s competence in reading and numeracy if the Secretary is satisfied that:

                     (a)  the tool is a valid, reliable, fair and well‑constructed way of assessing whether that competence is at or above Exit Level 3 in the Australian Core Skills Framework; and

                     (b)  the tool has been appropriately verified and evaluated using evidence‑based assessment.

             (3)  In approving a tool under subsection (2), the Secretary must have regard to a document that is published on the Department’s website and sets out:

                     (a)  criteria for approval of tools for testing competence in reading and numeracy against the Australian Core Skills Framework; and

                     (b)  measures for quality assurance of such tools.

Note:          A person or body verifying and evaluating a tool as described in paragraph (2)(b) will also need to have regard to this document.

             (4)  The Secretary must, as soon as practicable after making a decision under subsection 82(2), give the applicant written notice of the decision.

             (5)  The following are taken to have been approved under subsection (2) of this section:

                     (a)  *Core Skills Profile for Adults*as mentioned in subparagraph 38(1)(b)(i) of the *Higher Education Support (VET) Guideline 2015*;

                     (b)  a tool for assessing a student’s competence in reading and numeracy that is approved under subsection 38(2) of the *Higher Education Support (VET) Guideline 2015*.

**83  Review of Secretary’s decision**

             (1)  If the Secretary decides not to approve a tool for assessing a student’s competence in reading and numeracy, the notice to the applicant must set out:

                     (a)  the reasons for the decision; and

                     (b)  a statement that the applicant may apply to have the decision reviewed:

                              (i)  if the reviewable decision was made by a delegate of the Secretary—by the Secretary; or

                             (ii)  if the reviewable decision was made by the Secretary personally—by the Administrative Appeals Tribunal.

             (2)  If the decision (the ***original decision)*** was made by a delegate of the Secretary, the application to the Secretary must be made:

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

                     (b)  within 30 days after the day on which the written notice of the original decision was given to the applicant, or within such further period as the Secretary allows.

             (3)  The Secretary must:

                     (a)  review the original decision; and ry or revoke the original decision; and

                     (c)  if the Secretary revokes the original decision—make such other decision as the Secretary thinks appropriate.

             (4)  The review must be done by:

                     (a)  a delegate of the Secretary who holds a position that is higher than the position held by the delegate who made the original decision; or

                     (b)  the Secretary personally.

             (5)  The decision on review of the original decision has effect as if it were made under subsection 82(2).

             (6)  The Secretary must, within 30 days after the decision on review is made, give a written notice to the applicant that includes:

                     (a)  details of the decision on review; and

                     (b)  the reasons for the decision on review; and

                     (c)  a statement that the applicant may apply to have the decision on review reviewed by the Administrative Appeals Tribunal.

             (7)  Applications may be made to the Administrative Appeals Tribunal for review of:

                     (a)  decisions on review made under subsection (3); or

                     (b)  original decisions made by the Secretary personally.

**Subdivision C—Course enrolment**

**84  Equal and fair treatment of students seeking to enrol**

             (1)  An approved course provider’s processes and procedures must provide for equal and fair treatment of all students seeking to enrol in an approved course.

             (2)  An approved course provider must have open, fair and transparent procedures that the provider reasonably believes are based on merit for making decisions about:

                     (a)  the selection of students seeking to enrol in approved courses; and

                     (b)  the treatment of such students.

This does not limit subsection (1).

             (3)  Subsection (2) does not prevent the procedures from allowing the approved course provider to take into account that a student may be enrolled in an approved course in accordance with an arrangement that:

                     (a)  was entered into between the provider and an employer or industry body; and

                     (b)  limits or restricts enrolments in some or all of the places in the course

**Subdivision E—Withdrawal from courses and cancellation of enrolment**

**86  Processes and procedures for student to withdraw from approved course**

             (1)  An approved course provider’s processes and procedures must include:

                     (a)  procedures for a student to withdraw from an approved course, or a part of an approved course; and

                     (b)  a procedure for a student to enrol in a part of an approved course with the provider in circumstances where the student had earlier withdrawn from a part of the course undertaken with the provider.

             (2)  The procedures for a student to withdraw from an approved course, or a part of an approved course, before a census day for the course, or the part of the course, must not involve financial, administrative or other barriers to the withdrawal.

             (3)  If a student withdraws from an approved course, or a part of an approved course, the course provider must not, after the withdrawal, enrol the student in an approved course or a part of an approved course without the written permission of the student (which must be given after the withdrawal).

**87  Processes and procedures for cancellation of enrolment**

             (1)  An approved course provider’s processes and procedures must include processes and procedures for the provider to cancel a student’s enrolment in an approved course, or a part of an approved course, after the census day for the course.

             (2)  The processes and procedures for cancelling a student’s enrolment must:

                     (a)  require the provider to inform the student concerned of a proposed cancellation; and

                     (b)  provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect; and

                     (c)  provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed; and

                     (d)  set out the circumstances in which fees for the course, or the part of the course, concerned will, or will not be, refunded.

**Subdivision F—Dealing with complaints**

**88  Grievance procedure**

             (1)  An approved course provider must have a grievance procedure to deal with complaints from its students about:

                     (a)  academic matters (including matters relating to student progress, assessment, curriculum and awards for an approved course); and

                     (b)  non‑academic matters (including matters relating to enrolment in a course and personal information held by the provider).

             (2)  The grievance procedure must:

                     (a)  clearly set out the stages of the procedure; and

                     (b)  encourage the timely resolution of complaints, including by specifying reasonable periods for dealing with each stage of the procedure; and

                     (c)  contain the internal and external stages referred to in subsections (3) and (4); and

                     (d)  clearly provide that there is no charge for either the internal stage or the external stage; and

                     (e)  provide for implementation of decisions made in following the grievance procedure; and

                      (f)  provide for due consideration of recommendations arising from the external stage of the grievance procedure; and

                     (g)  require the provider to allow parties who have used the procedure to access the records of that use, but otherwise keep the records confidential.

             (3)  The internal stage of the grievance procedure must include:

                     (a)  a process for the lodging and hearing of a formal complaint; and

                     (b)  a requirement for the complainant to be given written notice of a decision on the formal complaint, including:

                              (i)  the reasons for the decision; and

                             (ii)  advice about how to appeal the decision; and

                     (c)  a process for appealing the decision to an independent senior officer of the approved course provider, or to an internal committee or unit with appropriate expertise; and

                     (d)  a requirement for the appellant to be given written notice of the decision on appeal, including:

                              (i)  the reasons for the decision; and

                             (ii)  advice about how to have the decision reviewed; and

                     (e)  provision for each party to this stage of the procedure to be accompanied or assisted by another person, at that party’s cost.

             (4)  The external stage of the grievance procedure must include:

                     (a)  a process for having a decision on appeal reviewed by an external and independent person or body with appropriate expertise; and

                     (b)  provision for each party to the review to be accompanied or assisted by another person at the review, at that party’s cost; and

                     (c)  a requirement for each party to be given written notice of the decision on review, include the reasons for the decision.

**Subdivision G—Re‑crediting HELP balances**

**89  Explaining re‑crediting**

             (1)  An approved course provider must have processes and procedures for explaining the re‑crediting of students’ HELP balances under Division 2 or 3 of Part 6 of the Act.

             (2)  The processes and procedures must explain the following:

                     (a)  that a student’s HELP balance can be re-credited under Division 2 or 3 of Part 6 of the Act;

                     (b)  that a student may apply to the provider for the student’s HELP balance to be re‑credited under section 68 of the Act because of special circumstances;

                     (c)  that a student may apply to the Secretary for the student’s HELP balance to be re‑credited under section 71 of the Act because:

                              (i)  the 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; or

                             (ii)  the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;

                     (d)  that special circumstances are circumstances that:

                              (i)  are beyond the student’s control; and

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

(iii) 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;

                     (e)  that applications for re‑crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;

                      (f)  that applications for re‑crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary;

                     (g)  the processes available to students in relation to reconsideration and review of decisions whether or not to re‑credit HELP balances;

                     (h)  that there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal;

                      (i)  that the Secretary may re‑credit a student’s HELP balance in relation to special circumstances if a course provider:

                              (i)  is unable to act or is being wound up or has been dissolved; or

                             (ii)  has failed to act and the Secretary is satisfied that the failure is unreasonable.

**Subdivision H—Treatment of students seeking review etc.**

**90  No victimisation or discrimination of students for seeking review etc.**

                   An approved course provider’s processes and procedures must ensure that a student is not victimised or discriminated against for:

                     (a)  seeking review or reconsideration of a decision; or

                     (b)  using the provider’s processes or procedures about dealing with grievances; or

                     (c)  making an application for re‑crediting of the student’s HELP balance under Division 2 or 3 of Part 6 of the Act.

**Subdivision J—Tuition protection**

**91  Action when provider defaults in relation to a student**

                   An approved course provider must have a procedure to ensure that the provider performs the following actions after the provider defaults in relation to a student:

                     (a)  within 24 hours of the default occurring:

                              (i)  notify students enrolled in the course, in writing, that the course is no longer being provided, and;

                             (ii)  give written notice to the VSL Tuition Protection Director of the circumstances of the default;

                     (b)  as soon as practicable, update the provider’s website to reflect that the course is no longer being provided and to give tuition protection information;

                     (c)  within 3 business days of the default occurring, give the VSL Tuition Protection Director the information required under subsection 66C(3) of the Act

Note:          Section 66B of the *VET Student Loans Act 2016* describes when an approved course provider defaults in relation to a student.

**92  Procedures as a replacement provider**

                   An approved course provider must have a procedure to ensure that if a student accepts an offer of a place in a replacement course:

                     (a)  the student 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 Qualification Framework; or

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

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

                     (c)  the student is enrolled in the replacement course as soon as practicable; and

                     (d)  the VSL Tuition Protection Director is given written notice of the acceptance within 14 days of the acceptance.

Note:          The procedure an approved course provider must have for the purposes of section 92 reflects obligations on approved course providers under section 66G of the *VET Student Loans Act 2016*.

**Subdivision L—Handling information**

**94  Handling information**

             (1)  An approved course provider must have processes and procedures for handling information.

             (2)  The processes and procedures must:

                     (a)  provide for the management of students’ personal information in accordance with the Australian Privacy Principles; and

                     (b)  provide for students to access their personal information; and

                     (c)  provide for students to have incorrect personal information corrected; and

                     (d)  provide accurate information about the use and disclosure of personal information collected by the provider, including that the information may be disclosed to the Commonwealth and the VSL Tuition Protection Director.