



## **VET Student Loans Amendment Rules (No. 2) 2017**

---

I, Karen Andrews, Assistant Minister for Vocational Education and Skills, make this instrument under section 116 of the *VET Student Loans Act 2016*.

Dated                    25 August 2017

Karen Andrews  
Assistant Minister for Vocational Education and Skills

---



---

# Contents

1 Name .....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedule.....	1
<b>Schedule 1—Amendments to the <i>VET Student Loans Rules 2016</i></b>	<b>2</b>



---

## 1 Name

This instrument is the *VET Student Loans Amendment Rules (No. 2) 2017*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	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Note: This table relates only to the provisions of this instrument as originally made.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* is amended as set out in the Schedule to this instrument.

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

### ***VET Student Loans Amendment Rules (No. 2) 2017***

#### **1 Section 4 (Definitions)**

Insert:

*approved course provider charge* has the same meaning as in the *VET Student Loans (Charges) Act 2016*.

#### **2 After section 155**

Insert:

### **Division 3—Collection and recovery of approved course provider charge**

#### **156 Purpose of this Division**

This Division is made for the purposes of subsection 116(6) of the Act.

#### **157 Liability to pay approved course provider charge**

An approved course provider on which an amount of approved course provider charge is imposed for a financial year is liable for that charge.

Note: Approved course provider charge is imposed on approved course providers under the *VET Student Loans (Charges) Act 2016*. The amount of the charge is worked out on a financial year basis under the *VET Student Loans (Charges) Regulation 2017*.

#### **158 When approved course provider charge due for payment**

- (1) The amount of approved course provider charge for a financial year for which an approved course provider is liable is due and payable by the provider on a business day that is:
  - (a) specified in a written notice that the Secretary gives to the provider in relation to the charge; and
  - (b) not earlier than the end of the financial year to which it relates; and
  - (c) not earlier than 30 days after the day on which the notice is given.
- (2) The Secretary may, at any time after giving a provider the notice mentioned in paragraph (1)(a), give the provider a written notice (***extension notice***) that specifies a day that is later than the day specified in subsection (1) as the day on which the charge is due and payable. The extension notice has effect, and is taken always to have had effect, according to its terms.

Note: The Secretary may give a provider more than one extension notice.

#### **159 Late payment penalty**

- (1) If an amount of approved course provider charge payable by an approved course provider remains unpaid after the day on which it is due and payable, the provider is liable to pay a penalty worked out using the following formula:

$$\frac{0.2 \times \textit{unpaid amount} \times \textit{days overdue}}{365}$$

where:

***unpaid amount*** is the amount of approved course provider charge that has not been paid.

***days overdue*** is the number of days after the approved course provider charge is due and payable that elapse before the day on which the charge is paid.

- (2) A late payment penalty that a provider is liable to pay is due and payable immediately.

### **160 Waiver of approved course provider charge and late payment penalty**

- (1) The Secretary may, on behalf of the Commonwealth, waive the payment of the whole or a part of an amount of approved course provider charge or late payment penalty (or both) that is payable by an approved course provider.
- (2) The Secretary may do so on his or her own initiative or on written application by a person.

### **161 Recovery of approved course provider charge and late payment penalty**

The following amounts may be recovered by the Secretary, on behalf of the Commonwealth, from an approved course provider as debts due to the Commonwealth:

- (a) an amount of approved course provider charge that is due and payable by the provider;
- (b) a late payment penalty that is due and payable by the provider.