



### **Tuition Assurance Provider Obligation**

Tuition protection assurance protects students accessing HELP loan students when their provider defaults by closing, failing to commence a course or ceases offering the course to eligible students. The tuition protection assurance assists students in continuing their studies with a replacement provider in an equivalent or similar course. In a situation where a suitable course is not available, the student will receive a loan re-credit for parts of the course commenced but unable to be completed because of the provider's default.

As a CRICOS approved vocational and higher education provider the Academy of Information (AIT) must hold approved tuition protection assurance in accordance with the Tuition Protection Scheme (TPS) and always comply with the directions of the TPS Director and all related legislation.

### **VET Student Loans Provider Default Obligations**

The following requirements are prescribed under the VET Student Loans Act 2016 and the VET Student Loans Rules 2016. The Academy of Information **Within 24 hours of default must:**

- notify the TPS Director in writing of the circumstances of the default
- notify affected students in writing

The student notice must include:

- the name of the course or part or parts of the course that the student was enrolled in at the time of the default;
- the date of the default;
- a link to the TPS where the student can get further information about tuition protection. You can copy and paste this link to your notice website:  
[www.dese.gov.au/tps](http://www.dese.gov.au/tps)

The provider (AIT) must send the notice in one of the following ways:

- to the student's personal email address as advised by the student;
- to the student's postal address as advised by the student; or
- to the student by another method agreed to by the student

Within 3 days of default AIT must provide the following information in writing to the TPS Director:

- full name and contact details for each student
- the course, or part or parts of the course that the student was enrolled in at the time of default. AIT must specify the name and code of each unit of competency as it appears on the National Register for each part of the course.
- 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
- details about the payment of those tuition fees, including the amounts that are covered fees
- whether the student was studying part time- or full time
- the mode of delivery of each unit or course
- if the student did not study online, the location where the original course was primarily delivered;
- whether the student has withdrawn the course or part of the course and the date of withdrawal;
- any part of the course for which the student has deferred study, the date of the deferral and the date the student is expected to re-commence study
- the completion status for each part of the course the student has enrolled in, including whether the student's status is ongoing, passed or failed.

### **Further requirements**

If requested by the TPS Director, AIT must give to the Director either of the following for a student: (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.

### **Replacement Courses and Providers**

The TPS may contact Providers should they be required to enrol additional students. Providers who have been identified as delivering possible replacement courses will be contacted by TPS to discuss:

- the willingness and capacity of the provider to act as a replacement provider
- the date affected students would be able to commence in a replacement course
- the incentive payment (if any) that may be available to assist with administrative costs of taking on affected students.

The following process will be observed in placing students with replacement providers:

- student will be advised of the suitability of the replacement course

- students will be instructed to contact their potential replacement provider whether the replacement course will meet their personal needs
- Students are then required to inform the TPS of their preferred replacement course
- The TPS will then contact the replacement provider to advise them of the students' choices
- The replacement providers will then need to contact the students facilitate offers and enrolment. If there are any problems at this stage, please contact the TPS
- Enter into a signed student placement agreement with the student

### **Higher Education Providers Tuition Assurance Obligation**

Tuition protection is available to the students of all domestic higher education providers to protect them against default. This applies for students who pay all or part of their tuition on a fee for service basis as well as students accessing a HELP loan for their studies. As a provider the Academy of Information must within **24 hours of default**

- notify the TPS Director in writing
- notify affected students in writing

The notice to the TPS Director must include:

- the circumstances of default
- the number of students to whom the provider has defaulted on

The student notice must include

- the name of the course of study and units of study that the student was enrolled in at the time of the default;
- the date of the default;
- a copy of the student's transcript for units already completed;
- evidence of any amounts of payments received; and
- a link to the TPS where the student can get further information about tuition protection. You can copy and paste this link to your notice website:  
[www.dese.gov.au/tps](http://www.dese.gov.au/tps)

A provider (AIT) must send the notice in one of the following ways:

- to the student's personal email address as advised by the student;
- to the student's postal address as advised by the student; or
- to the student by another method agreed to by the student

**Within 3 days** of default the provider(AIT) must provide the following information to the TPS Director:

- student's full name and contact details; including residential address, phone number and email address
- whether the student was studying part time- or full time

- the mode of delivery of each unit or course and if the student did not study online, the location (campus, suburb and postcode) where each unit or course was primarily delivered;
- the units of study and the course that the student was enrolled in at the time of the default;
- unit and course description outlines, including outlines for completed units; • whether the student has withdrawn the course and the date of withdrawal; •
- whether the student has deferred any units or the course, the date of the deferral and the date the student is expected to commence or end study;
- the unit of study status and unit completion date for each unit, including whether the status is withdrawn, ongoing, passed or failed;
- any work integrated learning and internship requirements for each unit;
- the amount of the tuition fees for each unit of study that the student was enrolled in at the time of the default;
- details about the payment of those tuition fees
- information about any scholarship arrangements or any payment arrangements made for the student by a third party for the student's tuition fees;
- (the total of other fees that are not tuition fees paid for the student for the unit or course received by the provider; and
- whether you intend to discharge its obligations to the student (i.e. whether you will provide a refund, repayment to Commonwealth or replacement course) and if so, how.
- If requested in writing by the Tuition Protection Director, you must give to the Director a copy of a student's record of results for the units of study that the student has completed.

**Within 14 days of default** the provider (AIT) must either arrange for the student to be offered a suitable replacement unit or suitable replacement course and the student accepts the offer in writing; or you must pay the student a refund of any upfront payments for the affected unit(s).

If a student from the Academy of Information Technology has paid their tuition fee using a HELP loan AIT must repay the Commonwealth an amount equal to any HELP assistance to which the student was entitled to for the unit.

Please note students can choose between continuing their studies at the replacement course you identify or receiving a refund (or loan re-credit if the student used HELP to pay tuition fees). If there is no suitable replacement course or unit you must pay the refund.

### **Determining suitable replacement course**

In identifying whether this is suitable replacement course, you 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) what credits the student may receive for the units of study of the original course successfully completed by the student;
- c) whether the mode of delivery of the replacement course is the same as the mode of delivery of the original course;
- d) the location where the replacement course will be primarily delivered;
- e) whether the student:
  - 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;

### **Determining a suitable replacement unit**

In identifying whether there is a suitable replacement unit, you must have regard to the following matters:

- a) whether the student will receive credit under the student's original course for the replacement unit;
- b) whether the mode of delivery of the replacement unit is the same as the mode of delivery of the affected unit;
- c) the location where the replacement unit will be primarily delivered;
- d) whether the student:
  - i. will incur additional fees that are unreasonable; and
  - ii. will be able to attend the replacement unit without unreasonable impacts on the student's prior commitments;

### **Notice to student with 14-day period**

If a provider (AIT) identify there is a suitable replacement course or unit you must give a written notice to the student that includes the following:

- (a) statement that the student may decide to do one of the following:
  - enrol in a suitable replacement unit or suitable replacement course;
  - enrol in another unit of study or course;
  - elect to receive a refund or loan re-credit (as per which ever one applies to the students' case)
- (b) a description of each suitable replacement unit or suitable replacement course, including the qualification that the suitable replacement course leads to;

(c) the contact details of the provider of each suitable replacement unit or suitable replacement course;

(d) an explanation that, if tuition fees (or the student's contribution amount for HELP students) have been paid for the affected unit of the original course, tuition fees (or the student contribution amount) would not be payable for a suitable replacement unit or the replacement unit of a suitable replacement course;

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

(f) an explanation of the matters the provider must have regard to when determining a replacement unit or course (see paragraphs above)

**Within 7 days after the 14-day period the provider (AIT) must** notify the TPS director whether you have fulfilled your obligations.

The notice must include the following:

- Whether you have discharged your obligations to students (i.e. whether you provided a refund, repayment to Commonwealth or arranged a replacement course or unit)
- If you arranged a replacement course or unit:
  - Details of the student; and
  - Details of the replacement unit or replacement course;
  - Evidence of the student's acceptance of an offer
  - Evidence of the arrangements between the student and replacement provider, including any payment arrangements relating to tuition fees
- If you provided a refund to the student:
  - Details of the student and
  - Details of the amount of the refund: including evidence of refund to the student, including the date of refund.
- If you re-credited the student's HELP balance and paid an amount to the Commonwealth:
  - Details of the student; and
  - Details of the amount re-credited and the amount paid

### **Tuition Protection for International Students**

Underpinned by the Education Services for Overseas Students 2000 (the ESOS Act) the TPS framework protects International Students on student visas when their education provider defaults. The TPS framework requires that if a provider (AIT) defaults, they have a legal obligation to either arrange students to continue their studies at an alternative provider or refund students on unspent tuition fees.

### **Obligations if a provider (AIT) defaults**

If a provider (AIT) has defaulted, within 14 days the provider (AIT) must either arrange a replacement course for its students or provide a refund. This timeframe is known as the provider obligation period.

In fulfilling these obligations, the student must be satisfied with their refund or replacement course option and accept the offer in writing.

A providers (AIT) should contact the TPS immediately if they are unable to meet these obligations. Failure to comply is an offence of strict liability.

A provider (AIT) is required to notify students, TPS Director and the ESOS Agency within 3 business days of the default occurring. Providers must do this by recording the default in PRISMS.

### **Replacement Providers**

The TPS may contact providers with an opportunity to enrol additional students. This will happen when there has been a default and there are students who need to continue their studies.

TPS will provide options to students for placement in similar courses. The TPS uses the following guiding principles for selecting alternative courses:

- similar courses
- same or proximity to the existing place of study
- availability of capacity; and
- providers who offer most of the affected courses would be prioritized above providers who only offer some or a few of the courses.

As a rule, the TPS would see providers who meet the above criteria, generally within 5km of the existing provider depending on the geographic location. There may be exception to this. For example, in regional areas, or in the CBD where there is higher concentration of providers). To provide a reasonable choice to students, the TPS would work within the following parameters:

- 100 or less students – 3-4 providers
- 100-500 students – 5-7 providers
- Over 500 students – up to 10 providers
- TPS would exclude providers when it is aware of any regulatory action affecting a provider.

The process of placing student with replacement provider is multi-faceted.

- firstly, the TPS will contact providers that have been identified as a potential replacement provider and seek their consent to offer placements to affected students

- if the potential replacement providers agree to accept affected students, the details of the replacement course become available to affected students
- interested students will contact the potential replacement provider and discuss the course and enrolment process
- the replacement provider then creates an offer of place to the student on the TPS system
- the student(s) complete the enrolment in the TPS system
- once a student has a Confirmation of Enrolment (CoE), the replacement provider receives a payment of the unspent tuition.

**For further information please contact [compliance@iCollege.edu.au](mailto:compliance@iCollege.edu.au)**

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