Under section 46A of the ESOS Act a registered provider defaults, in relation to an overseas student or intending overseas student and a course at a location, if:

- the provider fails to start providing the course to the student at the location on the agreed starting day; or
- after the course starts but before it is completed, it ceases to be provided to the student at the location; and
the student has not withdrawn from the course before the default day.

*Note:* Section 46A sets out further rules prescribing when a provider defaults.

Under section 46B of the ESOS Act, you must notify the Secretary and the TPS Director of the default within 3 business days of the default occurring.

Under section 46B you must also notify students in relation to whom you have defaulted. The notices must be in writing and meet the requirements of section 46B.

If you fail to discharge your obligations to the student under section 46D, it is an offence under section 46E of the ESOS Act and serious penalties apply.

If you do not meet your obligations affected students may be assisted by the TPS Director.

Under section 46D of the ESOS Act, you have 14 days after the day of the default (the provider obligation period) to satisfy your tuition protection obligations to the student as set out in the section.

Under section 46F of the ESOS Act, you have 7 days after the end of your obligation period to give a notice to the Secretary and the TPS Director of the outcome of the discharge of your obligations. This notice must comply with the requirements of section 46F.

*Note:* The above flow diagram is for guidance purposes only. To the extent that the diagram is inconsistent with the *Education Services for Overseas Students Act* (the ESOS Act) 2000 the ESOS Act prevails. Providers should not rely on this diagram alone and must read the requirements in the ESOS Act.