

Student Review Procedures for Re- Crediting a Fee- Help Balance



Purpose

1. To provide a framework and mechanism for TIV to assess applications to re-credit a student's FEE-HELP balance after the census date in an Approved course or VET Course of study.

Objectives

2. The objective of this policy is to provide clear guidelines on how students who have nominated to have their tuition fees paid under a VET Student Loan may apply to have a VET Student Loan re-credited.

Scope

3. This policy applies to students who are Australian citizens or Australian resident permanent humanitarian visa holders, or qualifying New Zealand citizen enrolled in an Approved course or VET Course of study with TIV.

Definitions

- a) **AAT:** Administrative Appeals Tribunal
- b) **Census Date:** The last day a student may withdraw from a VET unit of study in which they are enrolled without incurring a liability for tuition fees, a VET Student Loan debt.
- c) **The Department of Education:** The Commonwealth of Australia represented by the department, has the responsibility for administering the VET Student Loans Act, VET Student Loans Rules 2016.
- d) **RTO:** refers to Registered Training Organisation (RTO), including all its venues and departments.
- e) **Approved course:** a qualification or course of study that has been approved by the Department of Education as eligible for VET Student Loans.
- f) **VET Course of Study:** a VET course of study eligible if each of the VET units of study forming part of the course meet the course requirement for VET Student Loans.
- g) **VET Unit of Study:** a published unit of study that forms part of an Approved course or VET course of study
- h) **ACT:** refers to the VET Student Loans Act 2016 and the Higher Education Support Act 2003.
- i) **Students:** refers to all persons enrolled in a unit of study who may be eligible to apply for a VET Student Loan under the Act.
- j) **Tuition Fees:** refers to fees paid by student for a VET Unit of Study that is approved for VET Student Loans and also applies to students who would be entitled to VET Student Loans under the Act.

Principles

4. This policy complies with the VET Student Loans Act, the VET Student Loans Rules 2016 and the Higher Education Support Act 2003.
5. For the purpose of this procedure, a student is an Australian citizen, or an Australian resident permanent humanitarian visa holder, or qualifying New Zealand citizen enrolled in an Approved course with the RTO.

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6. TIV will:
 - a) Set a census date for each VET Unit of Study that is no earlier than 20 per cent from the commencement to the completion of the VET Unit of Study;
 - b) Ensure that all students are informed of the census date for each VET Unit of Study in compliance with and by the date prescribed in the VET Student Loans Act 2016 and the Higher Education Support Act 2003;
 - c) Ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.
7. A student who withdraws from a VET Unit of Study on or before the published census date will not incur a VET Student Loans debt for that VET Unit of Study. In addition, no financial or administrative penalties (fines or fees) or other barriers will apply in this situation.
8. Where a student withdraws or cancels their enrolment from a VET unit of study, the student will not be enrolled in subsequent units without a written request from the student.
9. A student who withdraws from a VET Unit Course of study on or before the census date is entitled to a full refund of their VET tuition fees if the tuition fees are paid up front.
10. A student who withdraws from a VET Unit of Study after the published census date for that VET Unit of Study will incur a VET Student Loans debt for that VET Unit of Study.
11. A student who has incurred a debt for a VET Unit of Study may apply to have their FEE-HELP balance re-credited for the affected VET Units of Study in accordance with the following procedures.

Special Circumstances

12. Students may apply to the RTO for the student's FEE-HELP balance to be re-credited under Section 68 of the VSL Act due to special circumstances.
13. Students may also apply to the Secretary for the student's FEE-HELP balance to be re-credited under Section 71 of the VSL Act because:
 - a) The provider engaged in unacceptable conduct in relation to the student's application for the VET Student Loan/VET Course of Study; or
 - b) The provider failed to comply with the Act or an instrument under the Act, and the failure has adversely affected the student.
14. If a student withdraws from a VET Unit of Study after the census date, or has been unable to successfully complete the VET Unit of Study, and they believe and can demonstrate or provide evidence that there were special or extenuating (unforeseen) circumstances that prevented them from completing the unit may apply to have their FEE-HELP balance re-credited for the affected VET Units of Study.
15. TIV will re-credit the student's FEE-HELP balance if it is satisfied that special or extenuating (unforeseen) circumstances occurred that:
 - a) Were beyond the student's control.
 - b) Did not make a full impact on the student until on or after the census date for a course, or part of the course; and
 - c) Make it impracticable for the student to complete the requirements of the Course, or part of

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the course, during the student's enrolment.

16. TIV will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to a person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or irregular.
17. Each application will be examined and determined on its merits by considering the student's claim together with independent supporting documentation substantiating the claim. Initial applications for the re-crediting of a student's FEE-HELP balance are to be made in writing to TIV's administration team.
18. The Secretary may re-credit a student's HELP balance if
 - a) TIV is unable to act or is being wound up or has been dissolved or
 - b) has failed to act and the Secretary is satisfied that the failure is unreasonable.

Procedure

The procedure for the re-crediting of a student's FEE-HELP balance is as follows:

- a) When a student withdraws from a VET Unit of Study, using a Student Withdrawal Form, the RTO shall confirm the withdrawal by giving notice to the student in writing stating the date by which the withdrawal has taken effect;
 - b) When a student fails to meet the requirements of a VET Unit of Study, the RTO shall confirm the failure by giving notice to the student in writing of the final result for that VET Unit of Study after results for the VET Unit of Study have been approved;
 - c) For applications for re-crediting under Section 68/46(2) of the Act, the student must apply in writing to TIV's Registrar within 12 months from the census date for the course, or part of specified course.
 - d) The RTO may use its discretion to waive this requirement if, in its opinion, it was not possible for the application to be made before the end of the 12-month period. The written application must also include supporting documentation that demonstrates that the requirements for special circumstances have been met.
 - e) For applications for re-crediting under Section 71/Section 46A of the Act, the student must apply in writing to TIV's Registrar within 5 years/3 years from the census date for the course, or part of the course/after the period during which the person undertook, or was to undertake the specified unit.
19. The Secretary (The Department of Education) may use his/her discretion to waive this requirement.
- f) The VET Student Loans Administrator (Registrar) will consider the application (as referred to in 6.1.3) and will agree to such requests if they are satisfied that there were special or extenuating (unforeseen) circumstances in the student's case;
 - g) If the application is successful, the RTO will re-credit the student's FEE-HELP balance with an amount equal to the amount of the VET Student Loans that the student received for the affected VET Units of Study. The student's VET Student Loans debt for those VET Units of Study will also be removed.
 - h) VET Student Loans Administrator (Registrar) shall advise the student of the outcome of the application within 28 days stating the reasons for the decision.

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- i) VET Student Loans Administrator (Registrar) shall advise the student of their rights for a review of the decision if they are not satisfied with its outcome and that a request for such a review must be lodged within 28 days from the day of receipt of the decision or such longer period as the VET Student Loans Administrator (Registrar) allows.

20. Review of a Decision

- a) If a student is not satisfied with the decision made by the VET Student Loans Administrator in relation to re-crediting their FEE–HELP balance they may request a review of the decision.
- b) The Review Officer who is the Accounts Manager – Statutory Compliance and is senior to the original decision maker shall carry out the review.
- c) Any such request must be submitted to the Review Officer in writing and:
 - a. must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period
 - b. must specify the reasons for making the request and include any supporting documentation.
- d) The request must be sent to the Accounts Manager – Statutory Compliance through email.
- e) The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE–HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. The notice shall advise the applicant that they have the right to appeal the decision and apply to the Administrative Appeals Tribunal within 28 days of a decision for a review. Contact detail of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal will be provided to the student.
- f) The Review Officer shall:
 - a. Seek all relevant information from the person who made the original decision;
 - b. Review the case within 3 weeks and advise the student of a decision in writing giving the reasons for the reviewer’s decision.
- g) The Review Officer may:
 - a. Confirm the original decision;
 - b. Vary the original decision; or
 - c. Set the decision aside and substitute a new decision
- h) The Review Officer will give written notice of the decision setting out the reasons for the decision. The student shall also be advised of their right to appeal the decision and apply to the Administrative Appeals Tribunal within 28 days of receiving the written advice of a decision for a review. Contact detail of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal will be provided to the student.
- i) If a student wishes to further appeal this decision, they may lodge an appeal with the Administrative Appeals Tribunal (AAT) within 28 days from the written notice. The current fee to lodge an application with the AAT for review of a decision can be found on their website:

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Contact Details:

Victoria Administration Appeals

Level 4/15 William St,

Melbourne VIC 3000 Phone:

1800 228 333

Email: <https://www.aat.gov.au/>

- j) The Department of Education (the Secretary or the Secretary's delegate) will be the respondent for cases that are brought before the AAT. Upon the Department of Education's receipt of a notification from the AAT, the Department will notify the RTO that an appeal has been lodged. Upon receipt of this notification, the Review Officer will provide the Department with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

- k) Students will not be victimized or discriminated against for
 - a. Seeking a review or reconsideration of a decision; or
 - b. Using the RTOs processes or procedures about dealing with grievances; or
 - c. Making an application for re-crediting of the student's FEE-HELP balance under Part 6 of the Act.