

# Student Review Requirements, Refunds and Re-crediting a FEE-HELP Balance – VET Student Loans

## Policy and Procedure

### Purpose:

The purpose of this policy and procedure is to provide information relating to:

- A student's withdrawal or non-completion of units of study in Skills Training Australia's VET Student Loan approved courses;
- re-crediting the student's FEE-HELP balance and remission of VET Student Loans debt
- refunding the student's upfront fees for VET Student Loans approved qualifications
- Review of the decision should Skills Training Australia elect not to re-credit a student's FEE-HELP balance.
- Process of review/re-crediting a FEE-HELP balance by the Secretary

### Policy Outline:

#### Definitions

<b>Student</b>	Students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study or a New Zealand citizen on special category visa who meet the long term residency requirements, and who access VET Student Loans for payment of all of part of their tuition fees in respect of the VET unit of study in which they are enrolled.
<b>Census Day</b>	The published date set by Skills Training Australia - the last day to withdraw an enrolment without incurring the cost or debt for that unit
<b>VET Student Loan Debt</b>	A student incurs a VET Student Loan debt for the amount of VET Student Loan assistance loaned to them by the Commonwealth to pay for part or all of the tuition fees plus a loan fee of 20% for full fee-paying students.
<b>FEE-HELP Balance</b>	The amount of VET Student Loan a student is able to use before reaching the FEE-HELP limit.
<b>Tuition Fees</b>	Fees paid for a VET Unit of Study that is approved for VET Student Loans and applies to students who are, or would be entitled to VET Student Loans assistance
<b>Unit or VET Unit of Study</b>	A VET unit of study approved for VET Student Loans that a student may undertake with Skills Training Australia, for which the student may access VET Student Loans to pay for all or part of his/her tuition fees.
<b>Department</b>	The Department of Education
<b>Secretary</b>	The Secretary of the Department
<b>VET Student Loans Officer</b>	The Finance and Student Records Coordinator is the designated VET Student Loans Officer. This individual is responsible for the assessment of a student's request for a re-credit of his/her FEE-HELP balance due to special circumstances and for the <b>initial decision</b> regarding the request.
<b>VET Student Loans Senior Review Officer</b>	The General Manager is the designated VET Student Loans Senior Review Officer. This role reviews the initial decision by the VET Student Loans Officer in relation to a student's application to re-credit his/her FEE-HELP balance. The VET Student Loans Senior Review Officer is <b>not involved in the initial decision.</b>
<b>AAT</b>	The Administrative Appeals Tribunal. The statutory body to which a student may appeal for a review of a decision made by the VET Student Loans Senior Review Officer.

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Students who are eligible for VET Student Loans and requested VET Student Loans Assistance, who withdraw from a Unit **on or before the census day**:

- will not incur a VET Student Loans debt for the tuition fees for that Unit
- Any tuition fees that the student paid upfront will be refunded

Students who have requested VET Student Loans Assistance and remain enrolled **after** the published census day who withdraw from a Unit:

- will incur a VET Student Loans debt for that Unit unless eligible for *\*special circumstances*
- will not be refunded tuition fees paid upfront

### Procedure:

#### **Re-crediting a FEE-HELP Balance by Skills Training Australia**

Students who withdraw from a Unit after the published census day, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe *\*special circumstances* apply in accordance with Section 68 of the VET Student Loans Act 2016. The following process applies:

#### ***\*Special Circumstances***

Skills Training Australia will re-credit the student's FEE-HELP balance if satisfied that special circumstances apply where:

- these circumstances are beyond the control of the student, and
- these circumstances did not make their full impact on the student until on, or after the census day for the course, or part of the course; and
- these circumstances were such that it was impracticable for the student to complete the requirements for the course or part of the course.

For circumstances to be beyond a student's control, the situation should be that which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

Note: the Secretary of the Department may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:

- is unable to act or is being wound up or has been dissolved; or
- has failed to act and the Secretary is satisfied that the failure is unreasonable.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET Student Loans assistance; or
- a student's incapacity to repay a VET Student Loans debt (repayments are income contingent and the student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

Each application for re-credit of a student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

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### **Re-crediting a FEE-HELP Balance by the Secretary**

The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied that the course 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

The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied of one or more of the following:

- the student is not an eligible student
- the student is not a genuine student
- the student does not have a tax file number
- the student does not have a student identifier.

The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied that the provider failed to comply with the VET Student Loans Act and the failure has adversely affected the student.

### **Re-credit of a Student's FEE-HELP balance by Skills Training Australia - The process**

1. A student must apply in writing and return the documentation to the **VET Student Loans Officer** within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the specified completion date of the Unit. Skills Training Australia has the discretion to extend this 12 month period if satisfied that it was not possible for the application to be made within the 12 month period. Relevant supporting documentation will be required to substantiate the claim.
2. The application for re-crediting a FEE-HELP balance must include details of the:
  - Unit(s) for which a student is seeking to have a FEE-HELP balance re-credited and
  - *\*special circumstances* as referred to above, including supporting documentation.
3. The VET Student Loans Officer will consider each application within 10 working days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the VET Student Loans Act 2016 and VET Student Loans Rules 2016. Applicants will be notified in writing of the decision within 14 working days.
4. Where the VET Student Loans Officer makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review.
5. If a student is not satisfied with the decision made by Skills Training Australia, the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
  - be made within 28 days of receipt of the original decision
  - include the date of the original decision
  - state fully the reasons for applying for the review
  - include any additional relevant evidence

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6. Review of decision of applications should be made in writing to the VET Student Loans Senior Review Officer.

VET Student Loans Senior Review Officer  
Skills Training Australia  
Knox City Post Shop  
PO Box 4316  
KNOX CITY CENTRE VIC 3152

7. The Senior Review Officer will:
  - acknowledge receipt of the application for review of a decision in writing within 10 working days; and
  - inform the student that if the Senior Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Senior Review Officer has confirmed the original decision.
8. The Senior Review Officer will then:
  - review the information from the original decision and then assess any new evidence provided by the student
  - provide written notice to the student of the decision, setting out the reasons for the decision
  - inform the student of his/her right to apply to the Administrative Appeals Tribunal (AAT) if the student disagrees with the Review Decision, and timelines involved.
  - There is no charge for reconsideration or review of decisions made by Skills Training Australia other than the review by the Administrative Appeals Tribunal.

### ***Reconsideration by the Administration Appeals Tribunal (AAT)***

At the time of the original decision, and at the time of the subsequent Review Decision, the student will be notified of his/her review rights and responsibilities. The relevant officer will inform a student in writing of his/her right to appeal to the Administrative Appeals Tribunal (AAT) if the student is not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

### ***AAT Details***

Administrative Appeals Tribunal  
Level 16, HWT Tower, Southgate  
40 City Road  
Southbank VIC 3006  
Landline: 1300 366 700

If a fee is payable, the standard application fee is \$884 (from 1 July 2016). In certain circumstances, this fee can be reduced to \$100. These costs can be subject to change.

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These fees are the responsibility of the applicant.

Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au). Fees are subject to change so please refer to the website for further details. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT refer to the AAT website for more details.

The Secretary of the Department, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. When the department receives notification of an application to the AAT, the department will notify Skills Training Australia that an appeal has been lodged. Upon receipt of this notification from the department, the Senior Review Officer will provide the department with copies of all the documents that are relevant to the appeal within five business days.

### **Re-credit of a Student's FEE-HELP balance by the Secretary - The process**

A student may apply in writing to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the VET Student Loans Act 2016. Applications must be made within 5 years after the census day for the course or unit of study concerned or within that period as extended by the Secretary.

Before re-crediting a student's FEE-HELP balance the Secretary must give the course provider concerned notice in writing:

- stating that the Secretary is considering the re-credit; and
- stating the reasons why the Secretary is considering the re-credit; and
- inviting the provider to make written submissions to the Secretary about the re-credit within 28 days.

In deciding whether to re-credit the FEE-HELP balance, the Secretary must take into account any submissions received within the 28 day period.

The Secretary must give the student and the provider written notice of the Secretary's decision and the reasons for the decision. The notice must be given as soon as practicable after the decision is made.

### **Publication**

The publication of this policy and approval is available on the Skills Training Australia website: <http://skillstraining.edu.au/vet-student-loans>

### **Approval Authority:**

This Policy and Procedure is approved by Skills Training Australia Management as indicated and the control copy is one that is maintained within the Quality Management System and as such all hard copies need to be verified.

### **Documents Referenced:**

- P126A Refund – VET Student Loans
- VET Student Loans Rules 2016
- VET Student Loans Act 2016