

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

## 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 FEE-HELP approved courses;
- re-crediting the student's FEE-HELP balance and remission of VET FEE-HELP debt
- refunding the student's upfront fees for VET FEE-HELP approved qualifications
- Review of the decision should Skills Training Australia elect not to re-credit a student's FEE-HELP balance.

### Policy Outline:

#### Definitions

<b>The Act</b>	Higher Education Support Act 2003
<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 – special category visa holder, and who access VET FEE-HELP for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.
<b>Census Date</b>	The published date set by Skills Training Australia - the last day: <ul style="list-style-type: none"> <li>▪ for a student to submit a Request for VET FEE-HELP assistance form to access a VET FEE-HELP loan; or</li> <li>▪ to withdraw an enrolment without incurring the cost or debt for that unit</li> </ul>
<b>VET FEE-HELP Debt</b>	A student incurs a VET FEE-HELP debt for the amount of VET FEE-HELP 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 FEE-HELP 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 FEE-HELP and applies to students who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.
<b>Unit or VET Unit of Study</b>	A VET unit of study approved for VET FEE-HELP that a student may undertake with Skills Training Australia, for which the student may access VET FEE-HELP assistance to pay for all or part of his/her tuition fees.
<b>Department</b>	The Department of Education
<b>VET FEE-HELP Officer</b>	The Finance and Student Records Coordinator is the designated VET FEE-HELP 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 FEE-HELP Senior Review Officer</b>	The General Manager is the designated VET FEE-HELP Senior Review Officer. This role reviews the initial decision by the VET FEE-HELP Officer in relation to a student's application to re-credit his/her FEE-HELP balance.  The VET FEE-HELP 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 FEE-HELP Senior Review Officer.

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Students who are eligible for VET FEE-HELP and requested VET FEE-HELP Assistance, who withdraw from a Unit **on or before the census date:**

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

Students who have requested VET FEE-HELP Assistance and remain enrolled **after** the published census date who withdraw from a Unit:

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

### Procedure:

#### ***Re-crediting a FEE-HELP Balance***

Students who withdraw from a Unit after the published census date, 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 the following procedures.

#### ***\*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 date; and
- these circumstances were such that it was impracticable for the student to complete the requirements for the Unit.

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.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET FEE-HELP assistance; or
- a student's incapacity to repay a VET FEE-HELP 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.

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

1. A student must apply in writing and return the documentation to the **VET FEE-HELP 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.

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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 FEE-HELP 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 Schedule 1A of the Act. Applicants will be notified in writing of the decision within 14 working days.
4. Where the VET FEE-HELP 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
6. Review of decision of applications should be made in writing to the VET FEE-HELP Senior Review Officer.

VET FEE-HELP 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.

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### **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 full 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.

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.

### **Publication**

This policy and procedure will be published on the Skills Training Australia website and a summary provided in DOC009 Student Handbook ensuring students have up to date and accurate information available to them.

### **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:**

- Higher Education Support Act 2003
- DOC009 Student Handbook
- P126 Refund – VET FEE-HELP