

# Re-Crediting FEE-HELP Balance and Student Review Requirements Policy

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## Overview

A Student who is, or would be, eligible for a VET Student Loan and has requested VET Student Loan Assistance, who withdraws from a Unit on or before the census date will not incur a VET Student Loan debt for the tuition fees for that Unit.

Students who have requested a VET Student Loan who remains enrolled after the published census date will incur a VET Student Loan debt for the Units in which they are enrolled. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student

Students may find they have to withdraw from their studies after the census date or have been unable to complete their studies due to certain special circumstances. Students in this situation may apply to have their FEE-HELP balance re-credited.

## Re-crediting a FEE-HELP balance because of special circumstances.

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

If a Student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a Unit, and believes this was due to special circumstances, the Student may apply to have their FEE-HELP balance re-credited for the affected Unit/s.

The Health Arts College will re-credit the Student's FEE-HELP Balance if it is satisfied that special circumstances apply where:

- these circumstances were beyond the Student's control; 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 in the period during which the Student undertook or was to undertake 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:

THA will also have regard to the following when determining special circumstances;

- whether a Student could do enough private study, attend training sessions and other activities to meet the course requirements.
- whether the Student could complete any assessments or demonstrate competency
- whether the student could complete any other requirements arising because of the Student's inability to do the above

THA may have regard to the following when determining special circumstances:

- Medical circumstances of the Student
- Circumstances that relate to the Student personally or the Student's family
- Circumstances relating to the Student's employment

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET Student Loan assistance; or
- a Student's incapacity to repay a VET Student Loan 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)

### **Re-crediting a student's FEE-HELP balance because of unacceptable conduct**

Students may apply to the Secretary of the Department for their FEE-HELP balance to be re-credited under Section 71 of the Act. Section 71 allows for the Secretary to re-credit a student's FEE-HELP balance if: — the provider or a person acting for the provider engages in unacceptable conduct in relation to the student's application for a VET Student Loan, or — the provider fails to comply with the Act or an instrument of the Act and the failure has adversely affected the student. Applications for re-crediting under Section 71 of the Act must be made within 5 years of the census date of the VET course, unless the Secretary allows a longer period.

### **Internal Review of Decisions**

Where THA makes a decision NOT to re-credit a Student's FEE-HELP balance that decision may be subject to review. If a Student is not satisfied with the decision made by THA, 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; and include any additional relevant evidence.

### **Reconsideration by the Administrative Appeals Tribunal**

At the time of the original decision, and at the time of the subsequent review decision, the Student will be notified of their review rights and responsibilities. The relevant officer will inform a Student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are 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.

Full details of the application process and fees payable are available on the AAT's website: [www.aat.gov.au](http://www.aat.gov.au) An application fee may have to be paid in the amount of \$884 (from 1 July 2016) and is subject to change. 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.

Details of closest AAT office: Level 16, HWT Tower, Southgate 40 City Road, Southbank VIC 3006. Telephone: 03 9282 8444 or 1800 228 333 Email: [generalreviews@aat.gov.au](mailto:generalreviews@aat.gov.au)

The Secretary of The Department, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon The Department's receipt of a notification from the AAT, The Department will notify THA that an appeal has been lodged. Upon receipt of this notification from The Department, the Review Officer will provide The Department with copies of all the documents that are relevant to the appeal within ten business days.

The Heath Arts College Pty Ltd undertakes the following policy in regards to tuition fee refunds for all genuine students who are eligible for VET Student Loans. It ensures that it complies with the fairness requirements in relation to review procedures for re-crediting FEE-HELP Balances as set out in Schedule 1A of the Higher Education Support Act (HESA) (the Act) and Part 6 of the VET Student Loan Act 2016.

### **1. Responsible Officers:**

- 1.1 The THA College Administration Manager is the designated VET Student Loan Officer of The Heath Arts College. They are responsible for the assessment of a student's request for re-crediting FEE-HELP balance due to special circumstances and for the initial decision regarding the request.
- 1.2 The Chief Executive Officer (CEO) is the designated review officer of any decisions relating to the re-crediting FEE-HELP balance.
- 1.3 Students who have requested VET Student Loan Assistance and remain enrolled after the published census date will incur a debt for that course or part of the course.
- 1.4 A Student who withdraws from an approved course or part of the course after the published census date will incur a debt for that course or part of the course.

### **2. Re-crediting a HELP Balance**

- 2.1 Students who withdraw from an approved Course or Part of the Course after the applicable census date, or fail to complete a course or part of the course, may apply to have their FEE-HELP balance re-credited with respect to the course or part of the course if they believe special circumstances apply in accordance with the following procedures.

### **3. Special Circumstances**

- 3.1 THA college will re-credit a student's FEE-HELP balance if:
  - The student applies to THA in writing for the re-credit AND
  - The application is made within 12 months (THA may extend this period at its discretion) after the census day for the course, or part of the course; AND
  - THA is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course.
4. The Heath Arts College Pty Ltd will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where:
  - a. The Student's withdrawal or failure to complete are beyond their control, and
  - b. These circumstances did not make their full impact on the student until on, or after the census date; and
  - c. These circumstances were such that it was impractical for the Student to complete the requirements of the course or part of the course.
- 5.1 For circumstances to be beyond a Student's control, the situation should be in which a reasonable person would consider is not due to the Student's action or inaction, either direct or indirect such as:
  - a. serious illness or injury, where a medical certificate states that the student was unable to attend classes;
  - b. death of close family members such as parents or grandparents (Where possible a death certificate should be provided);
  - c. a traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident or witnessing or being the victim of a serious crime. Such cases supported by police or psychologists' reports.

**5.2 Special circumstances do not include:**

- a. lack of knowledge or understanding of requirements for VET Student Loan assistance; or
- b. a Student's incapacity to repay the 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).

**5.3 In determining whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course, THA will have considered the following as stated in Section 145 of the Vet Student Loans Rules 2016:**

- a. Whether a student could do enough of the following to meet course requirements:
  - i. Private study
  - ii. Attending training sessions and other activities
  - iii. Engaging online
- b. Whether student could complete any assessments, or demonstrate any competencies required
- c. Whether the student could complete any other requirements arising because of the student's inability to do things described above.

**5.4 In determining whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course, THA may have regards to one or more of the following but not limit to these circumstances as stated in Section 146 of the Vet Student Loans Rules 2016:**

- a. Medical circumstances of the student.
- b. Circumstances that relate to the student personally or to the student's family
- c. Circumstances relating to the student's employment.

**5.5 The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:**

- a. 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.
- c. The application for re-crediting under Section 71 of the Act must be made within 5 years after the census day for the course or the part of the course concerned or within that period as extended by the Secretary.

**6. Courses not provided to completion:**

**6.1 THA must, on Secretary's behalf, re-credit a student's FEE-HELP balance if:**

- the student has not completed the requirements for the course, or the part of the course, because THA ceased to provide the course or part after it started but before it was completed AND
- it is impractical for the student, under the approved tuition assurance arrangement for the course, to finish the course or an equivalent course.
- The amount re-credited must equal the amount of the VET Student Loan that has been used to pay tuition fees for the student for the course, or part of the course.

**6.2 If the THA re-credits the student's FEE-HELP balance, it will notify the following of the re-credit as soon as practicable:**

- a. The student
- b. The tuition assurance scheme operator for the student for the course.

**6.6 The Health Arts College will utilise its Fair Treatment and Equal Benefits Opportunity Policy when considering such applications.**

**7. The amount re-credited must equal the amount of the VET Student Loan that has been used to pay tuition fees for the student for the course, or part of the course.**

8. THA will as soon as practicable:
- Consider an application for a student's FEE-HELP balance to be re-credited under Section 68 of the Act; AND
  - Notify the student of the decision on the application. This statement will include the reason for the decision made.

### **Publication**

This policy and the procedure is published on The Health Arts College Pty Ltd website to ensure Students have up to date and accurate information publicly available to them.

### **Approval**

This Policy and Procedure was agreed to and ratified by The Health Arts College Pty Ltd Quality Assurance Committee in February 2018.

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

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.

Written application needs to be made to the Administration Officer at 1/94 Foster Street, Dandenong, VIC 3175. The officer is responsible for the assessment of a student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.

### Re-Crediting FEE-HELP Balance Procedure

#### STEP 1 – Application for re-crediting FEE-HELP Balance

No.	Who	Actions
1	<b>Student</b>	The application for re-crediting under Section 68 of The Vet Student Loan Act 2016 must be made in writing within 12 months after the census day for the approved course or the part of the course. THA may extend this period at its discretion. The applications need to be sent to <a href="mailto:administrationofficer@thacollege.edu.au">administrationofficer@thacollege.edu.au</a> . There is no fee for service for this procedure.
2.	<b>Administration Officer</b>	The application made by the student needs to have the following information provided to the provider: <ul style="list-style-type: none"> <li>• Unit(s) for which a Student is seeking to have a FEE-HELP balance re-credited and</li> <li>• Special circumstances under Section 71 of the VET Student Loan Act, including supporting documentation.</li> </ul>
3.	<b>Administration Officer</b>	Special circumstances under consideration are as per THA's Re-crediting FEE-HELP Balance policy that include: <ul style="list-style-type: none"> <li>• Are beyond student's control and</li> <li>• Do not make their full impact on the student until on or after the census day for a course or the part of the course.</li> <li>• Make it impracticable for the student to complete the requirements for the course or part of the course, during the enrolment of the student's enrolment in the course or part of the course.</li> </ul>
4.	<b>Student</b>	A student may apply to the Secretary for the student's FEE-HELP Balance to be re-credited under Section 71 of the Act.

#### STEP 2 – Processing of the Application received

No.	Who	Actions
1.	<b>Administration Officer</b>	The Heath Arts College Pty Ltd will consider each application within 5 working days of receipt of the application.
2.	<b>Administration Officer</b>	It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of Division 2 of VET Student Loan Act 2016.
3.	<b>Administration Officer</b>	The amount re-credited must equal the amount of the VET Student Loan that has been used to pay tuition fees for the student for the approved course or the part of the course.

#### STEP 3 – Notifying the student of the Decision

## Re-Crediting FEE-HELP Balance Procedure

No.	Who	Actions
1.	<b>Administration Officer</b>	Applicants will be notified in writing of the decision within 20 working days of the receipt of the application. This notice of decision will include a statement of the reasons for the decision. The officer will also notify the tuition assurance scheme operator for the student for the course.

### STEP 4 – Reconsideration and Review of the Decision

No.	Who	Actions
1.	<b>Student</b>	Where The Heath Arts College Pty Ltd makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review. <b>There is no fee for service for reconsideration</b> or review of decision by The Health Arts College Pty Ltd. There is no charge for reconsideration or review of decisions, other than review by the <a href="#">Administrative Appeals Tribunal</a> .
2.	<b>Student</b>	If a Student is not satisfied with the decision made by The Heath Arts College Pty Ltd the Student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The Student's application for review must: <ul style="list-style-type: none"> <li>be made within 28 days of receipt of the original decision</li> <li>include the date of the original decision</li> <li>state fully the reasons for applying for the review</li> <li>include any additional relevant evidence</li> </ul>
3.	<b>CEO</b>	Applications should be made in writing to the CEO of The Heath Arts College Pty Ltd 1/94 Foster Street, Dandenong, VIC 3175, as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. Note: The Review Officer is impartial to the designated FEE-HELP officer responsible for the original decision and was not involved in making the original decision to be reviewed. All review applications need to be sent to <a href="mailto:ceo@thacollege.edu.au">ceo@thacollege.edu.au</a>
4.	<b>CEO</b>	The Review Officer will: <ul style="list-style-type: none"> <li>acknowledge receipt of the application for review of a decision in writing within 10 working days; and</li> <li>inform the Student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision</li> </ul>
5.	<b>CEO</b>	The Review Officer will then: <ul style="list-style-type: none"> <li>review the information from the original decision and then assess any new evidence provided by the Student</li> <li>provide written notice to the Student of the decision, setting out the reasons for the decision</li> <li>Inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved.</li> </ul>