



# VET STUDENT LOANS POLICY AND PROCEDURES

## STUDENT REVIEW AND RE-CREDITING PROCEDURES

<b>Date Approved:</b>	24/06/2021
<b>Scheduled Review Date:</b>	23/06/2023
<b>Policy Category:</b>	Access and Equity
<b>Ratified by Board:</b>	30/06/2021
<b>Policy Owner:</b>	General Manager Training Operations

### 1. Purpose

- 1.1 To provide a framework and mechanism for the RTO to assess applications to re-credit a student's FEE-HELP balance after the census date in an Approved course.

### 2. Objectives

- 2.1 The objectives of this policy are 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 any VET Student Loan debt re-credited.

### 3. Scope

- 3.1 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 with the RTO.

### 4. Definitions

- 4.1 **AAT** – Administrative Appeals Tribunal
- 4.2 **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 or a VET Student Loan debt.
- 4.3 **The Department of Education** – Commonwealth of Australia represented by the department, which has the responsibility for administering the *VET Student Loans Act and VET Student Loans Rules 2016*.
- 4.4 **The RTO** – refers to SEDA Group as the Registered Training Organisation (RTO), including all venues and departments.

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**4.5 Approved course – a qualification or course of study that has been approved by the Department of Education as eligible for VET Student Loans.**

**4.6 VET Unit of Study** – a published unit of study that forms part of an Approved Course.

## **5. Principles**

**5.1** This policy complies with VET Student Loans Act and VET Student Loans Rules 2016.

**5.2** 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.

**5.3** SEDA Group will:

- Set a census date for each VET Unit of Study that is no earlier than 20% of the way through the VET Unit of Study;
- Ensure that all students are informed of the census date for each VET Unit of Study in the manner and by the date prescribed in the VET Student Loans Act 2016;
- Ensure that all students are informed of the review procedures for the re-crediting of a FEE- Help balance.

**5.4** A student who withdraws from a VET Unit of Study on or before the published census date for that VET Unit of Study will not incur a VET Student Loans debt for that VET Unit of Study. There are no financial (fines, penalties, or fees), administrative or other barriers to a student withdrawing from a VET unit of study on or before the census date and there will be no withdrawal fees.

**5.5** 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.

**5.6** A student who withdraws from a VET Unit / Course of study on or before the published census date is entitled to a full refund of their VET tuition fees for that VET unit of Study if the tuition fees are paid up front.

**5.7** 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.

**5.8** A student who has incurred a debt for a VET Unit of Study may apply to have their FEE-HELP balance re-credited under Division 2 and 3 of Part 6 of the Act for the affected VET Units of Study in accordance with the following procedure.

## **6. Special Circumstances**

**6.1** Students may apply to the RTO for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances.

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**6.2** Students may apply to the Secretary for the student's FEE- HELP balance to be re-credited under Section 71 of the Act because:

the RTO, or a person acting on RTO's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or

the RTO has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student

**6.3** If a student withdraws from a VET Unit of Study after the census date for that VET Unit of Study or has been unable to successfully complete a VET Unit of Study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected VET Units of Study.

**6.4** SEDA Group will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for a course of part of a course; and
- 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.

**6.5** SEDA Group 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 the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon, or abnormal and that prevented you from doing further study (such as illness or a motor vehicle accident). Please note you cannot apply for the cancellation of your debt because of 'special circumstances' for units of study that you have successfully completed.

**6.6** Each application will be examined and determined on its merits by considering 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 SEDA Group VET Student Loans Administration and send to:

SEDA Group  
425 Riversdale Road  
Hawthorn East VIC 3123

**6.7** The amount re-credited must be equal to the amounts of the VET Student Loans that have been used to pay tuition fees for the student for the course, or the part of the course.

**6.8** The RTO must, on the Secretary's behalf, re-credit a student's FEE – HELP balance in relation so 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.

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- 6.9** If the student has not completed the requirements of the course, or part of the course and the RTO defaults the Tuition Protection Service (TPS) assists VET Student Loans (VSL) students to:
- Continue their studies with a replacement provider in an equivalent or similar course; or
  - If a suitable course is not available, receive a loan re-credit for parts of the course commenced but unable to be completed because of the provider's default. A default occurs when a provider closes, fails to start, or stops offering a course or unit of study.

## 7. Procedure

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

- 7.1.1** 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 at which the withdrawal has taken effect;
- 7.1.2** 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 properly approved;
- 7.1.3** For applications for re-crediting under section 68 of the Act, the student must apply in writing to SEDA Group's VET Student Loans Administration within 12 months after the census date for the course, or part of the course, concerned, or within that period as extended by the provider. 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;
- 7.1.4** For applications for re-crediting under section 71 of the Act, the student must apply in writing to SEDA Group's VET Student Loans Administration within 5 years from the census date for the course, or part of the course, concerned, or within that period as extended by the Secretary.
- 7.1.5** The VET Student Loans Administrator will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case;
- 7.1.6** If the application is successful, the RTO will re-credit the student's FEE-HELP balance with an amount equal to the amount of VET Student Loans assistance that the student has received for the affected VET Units of Study and the student's VET Student Loans debt for those VET Units of Study for the course, or part of the course will be removed.
- 7.1.7** VET Student Loans Administration shall consider the application and advise the student of the outcome of the application within 28 days stating the reasons for the decision;

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**7.1.8** VET Student Loans Administration 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 allows.

**Review of a Decision**

**7.2** 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.

**7.3** The Review Officer who is the General Manager Training Operations and is senior to the original decision maker, and not involved in the initial decision making, shall carry out the review.

**7.4** Any such request must be submitted to the Review Officer in writing and:

- must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period
- must specify the reasons for making the request and include any supporting documentation
- Request must be sent to:

SEDA Group  
Attention: General Manager Training Operations  
425 Riversdale Road  
Hawthorn East VIC 3123

**7.5** 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 apply to the Administrative Appeals Tribunal within 28 days of a decision for a review of that decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal. There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal.

**7.6** The Review Officer shall:

- 7.6.1** seek all relevant information from the person who made the original decision;
- 7.6.2** review the case within 3 weeks and advise the student of a decision in writing giving the reasons for the reviewer’s decision.

**7.7** The Review Officer may:

- 7.7.1** confirm the decision;
- 7.7.2** vary the decision; or
- 7.7.3** set the decision aside and substitute a new decision.

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- 7.8** The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal within 28 days of receiving the written advice of a decision for a review of that decision and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.
- 7.9** In circumstances when an application for review is made outside the application period (that is, 28 days after the person was notified of the decision), and SEDA Group has not extended this time, the person will be advised the application has been refused on the basis the person is out of time. In these circumstances, SEDA Group is not required to address whether the special circumstances have been satisfied.
- 7.10** If you believe that your provider has not been helpful, you can contact the VET Student Loans Ombudsman. Contact details for the VET Student Loans Ombudsman are available at [www.ombudsman.gov.au/vslo](http://www.ombudsman.gov.au/vslo).
- 7.11** If you are still not satisfied, following an internal review by your training provider and wish to further appeal this decision, you 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: <https://www.aat.gov.au/>

Contact Details:  
Administration Appeals Tribunal  
Level 4, 15 William St, Melbourne VIC 3000  
Telephone: 1800 228 333  
Website: <https://www.aat.gov.au/>

- 7.12** 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.
- 7.13** Student's will not be victimised or discriminated against for:
- 7.13.1** Seeking a review or reconsideration of a decision; or
  - 7.13.2** Using the RTOs processes or procedures about dealing with grievances; or
  - 7.13.3** Making an application for re-crediting of the student's FEE-HELP balance.

## **8. Related Documents:**

- VET Student Loans Act 2016
- VET Student Loans Rules 2016

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