



Policy: Re-Crediting a VET Student Loan (VETSL) Debt

Purpose

This policy provides the framework and mechanisms for South Regional TAFE to assess applications to re-credit a student's VETSL balance after the census date in a VET Student Loan enabled course.

Principles

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

South Regional TAFE will conduct this procedure in compliance with the Higher Education Support VET Guideline 2015, as outlined in the Higher Education Support Act 2003 (HESA) Clause 19 of Schedule 1A and the VET Student Loan ACT 2016 Section 89

Principles

South Regional TAFE 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 Loan ACT 2016, Division 4.58;
- ensure that all students are informed of the review procedures for the re-crediting of a VETSL balance.

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 Loan debt for that VET unit of study.

A student who withdraws from a VET unit of study/course of study on or before the published census date is entitled to a full refund of their VET tuition fees if the tuition fees have been paid up front.

A student who withdraws from a VET unit of study after the published census date for that unit of study will incur a VET Student Loan debt for that unit of study.

A student who has incurred a VET Student Loan debt for a VET unit of study may apply to have their VETSL balance re-credited for the affected VET units of study in accordance with the following procedure.

As stated in the VET Student Loan ACT 2016, Section 89

- a) A student's HELP balance can be re-credited under Division 2 or 3 of Part 6 of the Act;
- b) that a student may apply to the provider for the student's HELP balance to be re-credited under section 68 of the Act because of special circumstances;
- c) that a student may apply to the Secretary for the student's HELP balance to be re-credited under section 71 of the Act because:
 - i. the 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; or
 - ii. the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;

Special circumstances

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, the student may apply to have their VETSL balance re-credited for the affected VET units of study.

South Regional TAFE will re-credit the student's VETSL balance if it is satisfied that special circumstances apply which:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for the unit(s) of study in question; and
- make it impracticable for the student to complete the requirements for the unit(s) of study in question.

South Regional TAFE 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.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim. Initial applications for the re-crediting of a student's VETSL balance are to be made by calling the appropriate College contact as below:

VET Student Loan Administrator (08) 9780 7387 or email: vetstudentloans@srtafe.wa.edu.au

The procedure for the re-crediting of a VETSL balance is as follows:

- a. when a student withdraws from a VET unit of study using the college's withdrawal/refund form, South Regional TAFE shall confirm the withdrawal by giving notice to the student in writing of the date at which the withdrawal has taken effect;
- b. when a student fails to meet the requirements for competency in a VET unit of study, South Regional TAFE 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 unit have been properly approved;
- c. the student must apply in writing to VET Student Loan Administration within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the unit of study. South Regional TAFE may exercise 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.
- d. that applications 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;
- e. the VET Student Loan Administrator will seek Manager approval who will consider the application and will request Managing Director approval for such requests if they are satisfied that there were

special circumstances in the student's case;

- f. If the application is successful, South Regional TAFE will re-credit the student's VET Student Loan balance with an amount equal to the amounts of VET Student Loan assistance that the student has received for the affected VET units of study and the student's VET Student Loan debt for those VET units of study will be removed;
- g.
- h. VET Student Loan Administration shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- i. VET Student Loan Administration shall also 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 Loan Administrator allows.

Review of a decision

If a student is not satisfied with the decision made by the VET Student Loan Administrator in relation to re-crediting their VETSL balance they may request a review of the decision. The review shall be carried out by a Review Officer who is the senior manager to the original decision maker.

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;

To initiate the process, please call the appropriate College contact as below:

VET Student Loan Administrator (08) 9780 7387 or email: vetstudentloans@srtafe.wa.edu.au

The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a VETSL 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. This notice shall also 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.

The Review Officer shall:

- a. be provided with all relevant information from the person who made the original decision;
- b. review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- a. confirm the decision;
- b. vary the decision; or
- c. set the decision aside and substitute a new decision.

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 review and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal as follows:

If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT) within 28 days from this written notice. The current fee to lodge an application with the AAT for the review of a decision can be found on the AAT website:

www.aat.gov.au/FormsAndFees/Fees.htm

The contact details for the AAT are:

Administrative Appeals Tribunal
Level 5, 111 St George's Terrace
Perth WA 6000
Telephone: (08) 9327 7200
Email: perth.registry@aat.gov.au

Where a student is unsatisfied with the reviewed decision, they may apply to the Administrative Appeals Tribunal within 28 days for consideration of South Regional TAFE's decision to refuse to re-credit their VETSL balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to South Regional TAFE either in the original application or the request for review.

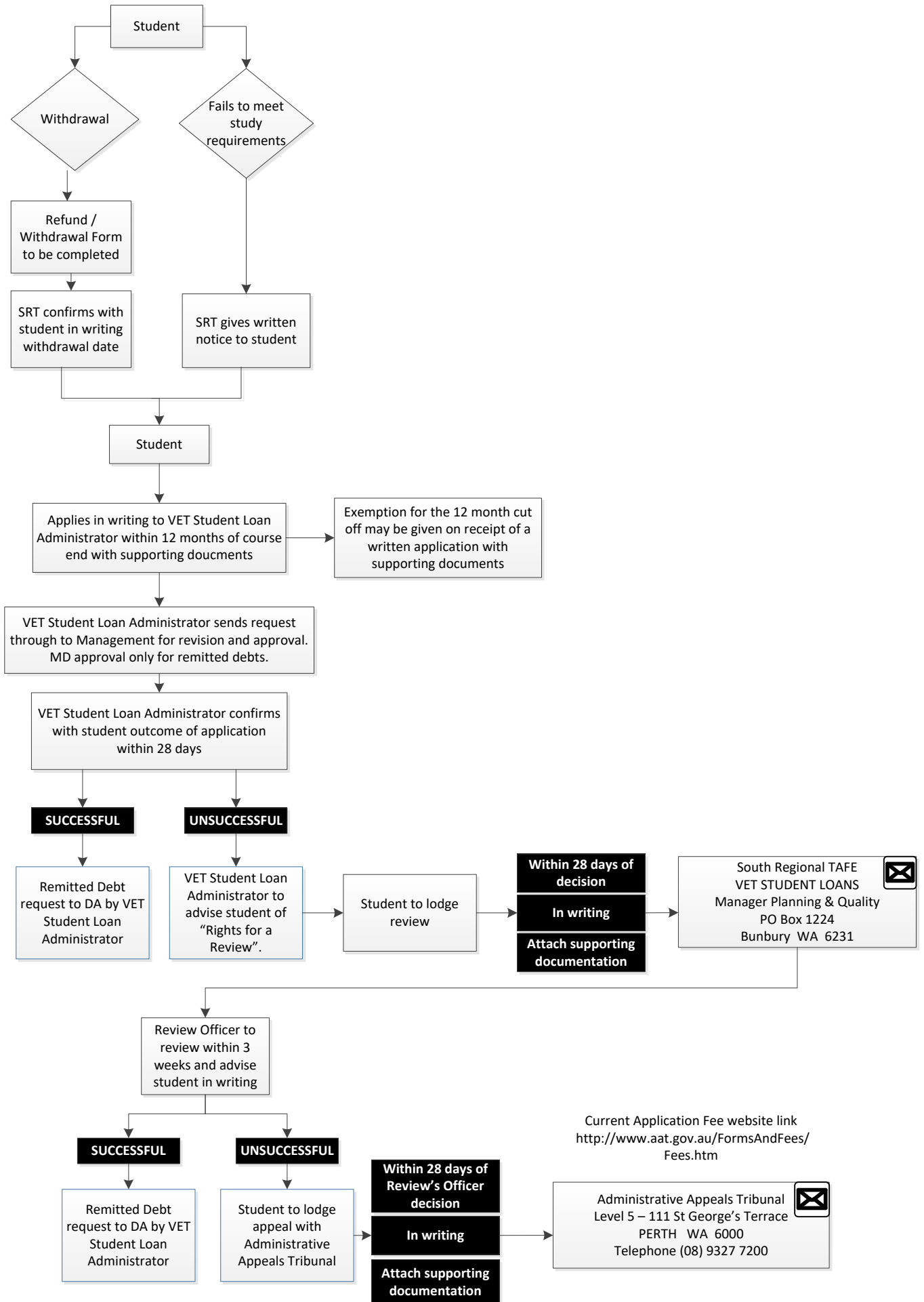
VET Student Loan ACT 2016 – Section 89 states:

That there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal;

- i. that the Secretary may re-credit a student's HELP balance in relation to special circumstances if a course provider:
- ii. is unable to act or is being wound up or has been dissolved; or (ii) has failed to act and the Secretary is satisfied that the failure is unreasonable.

The Secretary of the Australian Government Department of Employment, Skills, Small and Family Business - 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 South Regional TAFE that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide them with copies of all documents that they hold relevant to the appeal within five (5) business days.

Remitted Debt Workflow



Uncontrolled when printed

Definitions

AAT - Administrative Appeals Tribunal

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.

VET Course of Study - a structured program consisting of a number of units of study that lead to the award of a VET Diploma or above qualification.

VET Unit of Study - a published unit of study that forms part of a VET Course of Study.

Relevant documents

Work Instruction: VET Student Loan Scheme – for Lecturers

Form: VET Student Loan Application Assessment

Policy: VET Student Loan Course Cancellation

Relevant legislation and references

VET Student Loan Act - 2016

VET Student Loans (Course and Loan Caps) Determination - 2016

VET Student Loan Rules - 2016

VET Student Loan Manual for Providers – 2016

Version control

Custodian of document	Version	Date of next review
Director Organisational Services	7	3 years from date of issue