

Vet Student Loan Policies and Procedures

Student Review Requirements & Re-Crediting a FEE-HELP Balance

Definitions

The Act: refers to the Higher Education Support Act 2003

Student: Refers to students, who are Australian citizens or a qualifying New Zealand citizen or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET Student Loans for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census Date: A published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees: Fees paid for a VET Unit of Study that is approved for a VET Student Loan and applies to students who are, or would be entitled to VET Student Loans assistance under clause 43 of Schedule 1A of the Act.

Unit or VET Unit of Study: A VET unit of study approved for a VET Student Loan a student may undertake with New Futures Training, for which the student may access VET Student Loans assistance to pay for all or part of their tuition fees.

The Department: Commonwealth of Australia represented by the department, which has the responsibility for administering the Higher Education Support Act 2003.

AAT: Administrative Appeals Tribunal

Incurring a VET Student Loans Debt

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

Students who have requested VET Student Loans Assistance who remain enrolled after the published census date will incur a VET Student Loans debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loans debt for that Unit.

Processes and procedures relating to re-crediting a FEE-HELP balance

An approved course provider must have processes and procedures for explaining the re-crediting of students' FEE-HELP balances under Part 6 of the Act

The processes and procedures must explain:

- that a student's FEE-HELP balance can be re-credited under **Part 6 of the Act**
- that a student may apply to the provider for the student's FEE-HELP balance to be re-credited under **section 68 of the Act** because of special circumstances
- that a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under **section 71 of the Act** because:
 - 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
 - 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

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.

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 New Futures Training must ensure that it takes reasonable steps to ensure will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where:

- these circumstances are beyond their 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.

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 Student Loans assistance; or
- a Student's incapacity to repay a VET Student Loans debt (repayments are income contingent and

New Futures Training, will re-credit a person's FEE-HELP balance with an amount equal to the amounts of VET Student Loans the person received for a VET unit of study if:

- the person has been enrolled in the VET unit of study with New Futures Training; and
- the person has not completed the requirements for the VET unit of study in the period the person undertook, or was to undertake the VET unit of study; and
- New Futures Training is satisfied that special circumstances apply to the person; and
- the person applies in writing to New Futures Training for re-crediting of the FEE-HELP balance; and either:
 - the application is made within 12 months of the person withdrawing from the VET unit of study or if the person has not withdrawn, within 12 months of the end of the period in which the VET unit of study was, or was to be, undertaken; or
 - New Futures Training waives the requirement the application be made before the end of the 12 months, on the ground that it would not be, or was not, possible for the application to be made before the end of the 12 months.

Please note: Where a provider allows a person to defer completion of their studies regarding a unit of study in issue, the 12 month period applies from the end of the extended period for the unit in issue.

Evidence of Special Consideration

Attach any independent evidence (original or certified copy of original) to support your claim (For example: a letter from a doctor, psychologist, psychiatrist, registered counsellor). Please note that in cases of mental health issues, further documentation is required from treating mental health professionals as defined in our policy.

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

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 by the New Futures Training.

A Student must apply in writing 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. New Futures Training has the discretion to waive this requirement if it is 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.

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.

New Futures Training will consider each application within 14 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 21 working days.

Review of Decision

Where New Futures Training makes a decision NOT to re-credit a student's FEE-HELP balance, which decision may be subject to review.

If a Student is not satisfied with the decision made by New Futures Training, 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

Applications should be made in writing to the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance.

Note: The Review Officer is not involved in making the original decision to be reviewed. The 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 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.

The 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 their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

Reconsideration by the Administration 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.

Victoria Administrative Appeals Tribunal Level 16, HWT Tower Southgate
40 City Road, Southbank, VIC 3006

Note: Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid, 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.

The Secretary of The Department or 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 (10) business days**.

Publication

This policy and procedure is published on the New Futures Training website to ensure students have up to date and accurate information publicly available to them.

Other options for re-credit

VSL loan recipients may apply for re-crediting under section 71 of the Act. This relates to unacceptable conduct on the part of New Futures Training. Such applications the must be made to The Secretary of The Department 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.[s89(f) VSL Rules].

Secretary of The Department may re-credit a student's VSL 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 [s89(i) VSL Rules].