

STUDENT REVIEW PROCEDURES FOR RE-CREDITING A VET STUDENT LOANS BALANCE OR VET FEE-HELP BALANCE

PURPOSE

This policy relates to the processes Shafston House College Limited, trading as Service Skills Academy, will follow to re-credit a student's FEE-HELP balance when a student withdraws from a course, or part of a course on or after Census Day, or where a course is not provided to completion.

DEFINITIONS

The Act: refers to the Vet Student Loans Act 2016

Student: Refers to students who have requested a VET Student Loan to pay tuition fees for their course, or part of their course in which they are enrolled.

Census Date: The date after which a student incurs a debt for the VET unit of study in which they are enrolled. The census date must be no less than 20 per cent of the way between the unit commencement and completion dates.

Tuition Fees: Fees paid for an approved course through a VET Student Loan.

Shafston refers to Shafston House College Limited, trading as Service Skills Academy.

The Department: The Commonwealth of Australia represented by the Department which has the responsibility for administering the Act.

1.0 GENERAL PRINCIPLES

- 1.1 A student who withdraws from a course before the Census Day will not incur a VET Student Loan debt for that part of the course that the Census Day relates to.
- 1.2 Students who remain enrolled on or after the published Census Day will incur a VET Student Loan debt for that part of the course that the Census Day relates to.
- 1.3 Under Part 6 of the Act a student may apply to have their FEE-HELP balance re-credited under certain circumstances.
- 1.4 There is no charge for consideration of an application or review of the initial decision. There may be a charge for a review by the Administrative Appeals Tribunal.
- 1.5 Shafston House College Limited will ensure that a student is not victimised or discriminated against for making an application for re-crediting the student's FEE-HELP balance under Part 6 of the Act or seeking a review of the initial decision.

2.0 RE-CREDITING A FEE-HELP BALANCE DUE TO SPECIAL CIRCUMSTANCES

- 2.1 Under section 68 of Part 6 of the Act, students who withdraw from a course on or after a published Census Day may apply to have their FEE-HELP balance re-credited with respect to that part of the course that the Census Day relates to if they believe special circumstances apply.
- 2.2 Shafston House College Limited 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 Day for the course or part of the course; and
 - These circumstances were such that it was 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.
- 2.3 For circumstances to be beyond a student's control, the situation should be that which a reasonable person would consider it 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.
- 2.4 Special circumstances do not include:
 - Lack of knowledge or understanding or requirements for VET Student Loans; or
 - A student's incapacity to repay a VET Student Loan (repayments are income contingent and the student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).
- 2.5 Each application for a re-credit of a student's FEE-HELP balance based on special circumstances will be considered on its merits together with all supporting documentation substantiating the claim.
- 2.6 The Chief Financial Officer (CFO) is the designated officer 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.
- 2.7 A student must apply in writing using the Application to Re-credit VET Student Loans or FEE-HELP Form available on the Service Skills Academy website, addressed to the Chief Financial Officer at Service Skills Academy, 46 Thorn Street, Kangaroo Point Qld 4169 within 12 months after the Census Day for the course, or part of the course. Service Skills Academy 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.

- 2.8 The application for re-crediting a FEE-HELP balance must include details of:
 - Those parts of the course for which a student is seeking to have a FEE-HELP balance re-credited; and
 - The special circumstances as referred to above, including supporting documentation.
- 2.9 Service Skills Academy will consider each application as soon as practical but no later than 28 days of receipt of the application. If Service Skills Academy is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements of the course. Or part of the course, the student's FEE-HELP balance will be re-credited equal to the amount of the VET Student Loan for the affected parts of the course. Applicants will be notified in writing of the decision within 28 days, including the reasons for the decision.
- 2.10 The Secretary of the Department may re-credit a student's FEE-HELP balance in relation to special circumstances if Service Skills Academy is unable to act or is being wound up or has been dissolved or has failed to act and the Secretary of the Department is satisfied that the failure is unreasonable.

3.0 REVIEW OF A DECISION TO RE-CREDIT A FEE-HELP BALANCE DUE TO SPECIAL CIRCUMSTANCES

- 3.1 Where Service Skills Academy makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review.
- 3.2 If a student is not satisfied with the decision made by Service Skills Academy, 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;
- 3.3 Applications should be made in writing using the Application to Review a VET Student Loan or FEE-HELP re-Credit Decision Form to the Director at Service Skills Academy, 46 Thorn Street, Kangaroo Point QLD 4169 as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. The Review Officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision to be reviewed.
- 3.4 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.
- 3.5 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).

4.0 RECONSIDERATION BY THE ADMINISTRATIVE APPEALS TRIBUNAL

- 4.1 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.
- 4.2 Full details of the application process and fees payable are available on the AAT's website: www.aat.gov.au. An application fee may have to be paid in the amount of \$884 (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 the closest AAT office can be found on the AAT website: www.aat.gov.au/ContactUs.htm and are shown in Appendix 1 of this document.
- 4.3 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 Service Skills Academy 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 five business days.

5.0 RE-CREDITING A FEE-HELP BALANCE DUE TO PROVIDER BEHAVIOUR

- 5.1 A student may apply to the Secretary of the Department for their FEE-HELP balance to be re-credited under section 71 of the Act if:
 - Service Skills Academy, or a person acting on Service Skills Academy's behalf, engaged in unacceptable conduct in relation to the student's application for the VET Student Loan; or
 - Service Skills Academy has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
- 5.2 A student must apply in writing 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.

6.0 PUBLICATION

- 6.1 These procedures are published on the Service Skills Academy website www.ssa.edu.au to ensure students have up to date and accurate information publically available to them.

DOCUMENT HISTORY AND VERSION CONTROL

This document is uncontrolled when printed.

Version	Date Approved	Effect Date	Approved By	Brief Description
2.1	21/10/2014	21/10/2014	QA Manager	Minor Changes
2.2	19/07/2016	22/07/2016	Compliance Manager	Rebrand & Addition of MMSEC to Policy
2.3	27/02/2017	01/03/2017	Compliance Manager	Rebrand & VSL Inclusion
2.4	17/03/2017	17/03/2017	Executive Director (Academic)	Minor Changes Inclusion of Appendix 1

APPENDIX 1

LOCATION OF AAT OFFICES

STATE OR TERRITORY	PHYSICAL LOCATION	POSTAL DETAILS	CONTACT NUMBERS
ACT	Level 8 14 Moore Street Canberra ACT 2601	GPO Box 9955 Canberra ACT 2601	Phone: 1800 228 333 Fax: 02 6243 4600
New South Wales	Level 7 55 Market Street Sydney NSW 2000	GPO Box 9955 Sydney NSW 2001	Phone: 1800 228 333 Fax: 02 9283 4881
Queensland and Northern Territory	Level 4 Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000	GPO Box 9955 Brisbane QLD 4001	Phone: 1800 228 333 Fax: 07 3361 3001
South Australia	11th Floor Chesser House 91 Grenfell Street Adelaide SA 5001	GPO Box 9955 Adelaide SA 5001	Phone: 1800 228 333 Fax: 08 8201 0610
Victoria	Level 16 HWT Tower 40 City Road Southbank VIC 3006	GPO Box 9955 Melbourne VIC 3001	Phone: 1800 228 333 Fax: 03 9282 8480
Western Australia	Level 5 111 St Georges Terrace Perth WA 6000	GPO Box 9955 Perth WA 6001	Phone: 1800 228 333 Fax: 08 9327 7299