



## ETEA Re-Crediting a FEE-HELP balance and review of decisions procedure (VET Student Loans)

RESPONSIBLE for:

Ensuring Compliance: Chief Executive Officer

Directly Responsible: All Senior Management

Adhering to Policy: All Education Training & Employment Australia Personnel

Scope of Policy

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 VET Student Loan Assistance who remain 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 Loan debt for that Unit.

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.

### Definitions:

**The Act:** Refers to the VET Student Loans Act 2016.

**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 VET STUDENT LOAN and applies to Students who are, or would be entitled to VET Student Loan assistance under section 9 of the Act.

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Document Name	ETEA Re-Crediting a FEE-HELP balance and review of decision Procedures (VET Student Loans)	Company name	ETEA	Issued:	Aug 2021	Ver 1
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**Unit or VET Unit of Study:** A VET Unit of Study approved for VET Student Loan that a Student may undertake with the provider, for which the Student may access VET Student Loan assistance to pay for all or part of their tuition fees.

**The Department:** The Commonwealth of Australia represented by the department which has the responsibility for administering the Higher Education Support Act 2003 and the VET Student Loans Act 2016.

**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.

Education Training and Employment Australia (ETEA) 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.

ETEA 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

ETEA 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

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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-credit of a Student’s FEE-HELP Balance - The 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.

ETEA’s General Manager 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.

A Student must apply in writing to the:

Education Training and Employment Australia  
 General Manager  
 Level 1, 113 Burgundy Street  
 Heidelberg, VIC 3084

Within 12 months of the census date, or if the Student has not withdrawn, within 12 months of the specified completion date of the Unit.

ETEA 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.

ETEA will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of Part 6 – re-crediting FEE-HELP balances of the Act. Applicants will be notified in writing of the decision within 28 days.

The Secretary of the Department may re-credit a student’s FEE-HELP balance in relation to special circumstances if a provider:

- is unable to act or being wound up or has been dissolved, or
- has failed to act and the Secretary is satisfied that the failure is unreasonable.

**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 recredited 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

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- 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.

**Review of Decisions**

Where ETEA decides 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 ETEA, 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:

Education Training and Employment Australia  
 Chief Executive Officer  
 Level 1, 113 Burgundy Street  
 Heidelberg, VIC 3084

The CEO is 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.

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 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

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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 4, 15 William Street Melbourne VIC 3000. Telephone: 1800 228 333

Email: [generalreviews@aat.gov.au](mailto:generalreviews@aat.gov.au)

Postal Address: GPO Box 9955, Melbourne VIC 3001

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 ETEA 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.

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