

PP45

# VET Student Loans review requirements and re-crediting a Help Loan Balance policy and procedure

## PURPOSE

This policy applies to all staff of Southern Cross Education Institute who are involved in the development and delivery of each qualification.

## SCOPE

This policy and procedure applies to all:

- staff of SCEI who are responsible for the enrolment of students
- approved Educational Agents
- prospective and current students

## DEFINITIONS

<b>The Act</b>	VET Student Loans Act 2016
<b>Student</b>	A person being trained and/or assessed by SCEI for the purpose of issuing AQF or non-AQF certification documentation.
<b>Census Date</b>	A published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study
<b>DESSFB</b>	Department of Employment, Skills, Small and Family Business
<b>Tuition Fees</b>	Fees paid for a VET Unit of Study that is approved for VET Student Loans and applies to students who are, or would be entitled to VET Student Loans assistance under clause 43 of Schedule 1A of the Act.
<b>Unit or VET Unit of Study</b>	A VET unit of study approved for VET Student Loans that a student may undertake with Southern Cross Education Institute, for which the student may access VET Student Loans assistance to pay for all or part of their tuition fees.
<b>Course of Study</b>	An extended period of organised study, often leading to a qualification
<b>Qualification</b>	Formal certification, issued by SCEI, in recognition that a student has achieved the learning outcomes or competencies relevant to the course of study.
<b>SCEI</b>	Southern Cross Education Institute
<b>VETSL debt</b>	VET Student Loan Debt

## POLICY

### 1. Incurring a VET 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 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 Loans debt for that Unit.

### 2. Re-crediting a VET Loans Balance

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their Loans balance re-credited with respect to the Unit if they believe special circumstances apply in accordance with the following procedures.

### 3. 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 Loans balance re-credited for the affected unit/s

Southern Cross Education Institute will re-credit the Student's Loans Balance if it is satisfied that Special Circumstances apply where:

- These circumstances are beyond their control
- 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 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)

## PROCEDURE

### 1. Re-credit of a Student's VET Loans balance - The process

- 1.1. Each application for re-credit of a student's VET Loans balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

- 1.2. SCEI will provide information to students relating to re-crediting students VET Student Loan Debt balances under Part 6 of the Act:
  - 1.2.1. The following information is explained to students:
    - 1.2.1.1. the students VET Student Loan Debt balance can be re-credited under Part 6 of the Act
    - 1.2.1.2. the student is able to apply for their VET Student Loan Debt balance to be re-credited under section 68 of the Act because of special circumstances
    - 1.2.1.3. the student is able to apply to the Secretary for their VET Student Loan Debt balance to be re-credited under section 71 of the Act;
      - 1.2.1.3.1. SCEI, or a person who is acting on the behalf of SCEI is engaged in unacceptable conduct in relation to the student's application of the VET student loan; or
      - 1.2.1.3.2. SCEI has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
    - 1.2.1.4. special circumstances;
      - 1.2.1.4.1. are beyond the student's control
      - 1.2.1.4.2. does not make the full impact on the student on or after the census day for the course
      - 1.2.1.4.3. make it impracticable for the student to complete the requirements for the course or part of the course, during the students enrolment in the course or part of the course
    - 1.2.1.5. any applications the student wishes to make for re-crediting under section 68 of the Act must be made within 12 months after the census day of the course, or the part of the course concerned or within that period as extended by the provider
    - 1.2.1.6. any applications the student wishes to make for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course or part of the course concerned or within that period as extended by the Secretary
    - 1.2.1.7. students are advised of the processes available to them which are in relation to the reconsideration and review of decisions whether or not to re-credit VET Student Loan Debt balances
    - 1.2.1.8. students are advised that there is no charge when there is a reconsideration or review of decisions, other than that by the Administrative Appeals Tribunal
    - 1.2.1.9. students are informed that the Secretary may re-credit their VET Student Loan Debt balance in relation to special circumstances, where SCEI:
      - 1.2.1.9.1. is unable to act, is being wound up or has been dissolved; or
      - 1.2.1.9.2. has failed to act and the Secretary is satisfied that the failure is unreasonable
  - 1.2.1. The following information is explained to students:
    - 1.2.1.1. the students VET Student Loan Debt balance can be re-credited under Part 6 of the Act
    - 1.2.1.2. the student is able to apply for their VET Student Loan Debt balance to be re-credited under section 68 of the Act because of special circumstances
    - 1.2.1.3. the student is able to apply to the Secretary for their VET Student Loan Debt balance to be re-credited under section 71 of the Act;
      - 1.2.1.3.1. SCEI, or a person who is acting on the behalf of SCEI is engaged in unacceptable conduct in relation to the student's application of the VET student loan; or
      - 1.2.1.3.2. SCEI has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
    - 1.2.1.4. special circumstances;
      - 1.2.1.4.1. are beyond the student's control
      - 1.2.1.4.2. does not make the full impact on the student on or after the census day for the course
      - 1.2.1.4.3. make it impracticable for the student to complete the requirements for the course or part of the course, during the students enrolment in the course or part of the course
    - 1.2.1.5. any applications the student wishes to make for re-crediting under section 68 of the Act must be made within 12 months after the census day of the course, or the part of the course concerned or within that period as extended by the provider
    - 1.2.1.6. any applications the student wishes to make for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course or part of the course concerned or within that period as extended by the Secretary
    - 1.2.1.7. students are advised of the processes available to them which are in relation to the reconsideration and review of decisions whether or not to re-credit VET Student Loan Debt balances
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    - 1.2.1.9. students are informed that the Secretary may re-credit their VET Student Loan Debt balance in relation to special circumstances, where SCEI:
      - 1.2.1.9.1. is unable to act, is being wound up or has been dissolved; or
      - 1.2.1.9.2. has failed to act and the Secretary is satisfied that the failure is unreasonable
- 1.3. The Enrolment Officer is the designated VET Loans Officer of Southern Cross Education Institute.
- 1.4. The above officer is responsible for the assessment of a student's request for a re-credit of their VET Loans balance due to special circumstances and for the initial decision regarding the request.
  - 1.4.1. A Student must apply in writing to the Enrolment officer 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 using **FOR123 Application to Re-credit a VET Student Loan Debt Balance**. Southern Cross Education Institute 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.
  - 1.4.2. A student will not be victimised or discriminated against in the following circumstances:
    - 1.4.2.1. where a student wishes to seek review or reconsideration
    - 1.4.2.2. following SCEI's processes and procedures regarding grievances
    - 1.4.2.3. making an application for re-crediting the VET Student Loan balance

1.4.3. The application for re-crediting a VET Loans balance must include details of the:

- 1.4.3.1. Unit(s) for which a Student is seeking to have a VET Loans balance re-credited and
- 1.4.3.2. special circumstances as referred to above, including supporting documentation

1.4.4. Southern Cross Education Institute will consider each application within thirty (30) days of receipt of the application. It will consider each request to re-credit a VET Loans balance in accordance with the requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within ten (10) working days.

## **2. Review of Decision:**

- 2.1. Where Southern Cross Education Institute makes a decision NOT to re-credit a student's Loans balance, that decision may be subject to review.
- 2.2. If a Student is not satisfied with the decision made by Southern Cross Education Institute, 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:
  - 2.2.1. be made within 28 days of receipt of the original decision
  - 2.2.2. include the date of the original decision
  - 2.2.3. state fully the reasons for applying for the review
  - 2.2.4. include any additional relevant evidence

2.3. Applications should be made in writing to the CEO as the designated Review Officer of any decisions relating to a request for re-crediting of a VET Loans balance.

Note: The Review Officer is senior to the designated VET Loans officer responsible for the original decision and was not involved in making the original decision to be reviewed.

- 2.4. The Review Officer will:
  - 2.4.1. acknowledge receipt of the application for review of a decision in writing within 10 working days; and
  - 2.4.2. 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.
- 2.5. The Review Officer will then:
  - 2.5.1. review the information from the original decision and then assess any new evidence provided by the Student
  - 2.5.2. provide written notice to the Student of the decision, setting out the reasons for the decision
  - 2.5.3. 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)

## **3. Reconsideration by the Administrative Appeals Tribunal**

- 3.1. 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.

### 3.2. AAT Details and Approximate Costs

#### 3.2.1. Street Address

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

#### 3.2.2. Postal Address

Administrative Appeals Tribunal  
GPO Box 9955  
Melbourne VIC 3001

#### 3.2.3. Telephone

(03) 9282 8444 (metropolitan area)  
1300 366 700 (country areas)

When you apply to the Administrative Appeals Tribunal (AAT) for review of some kinds of decisions, there is no application fee. For the review of other decisions, a fee must be paid. If a fee is payable, the full application fee is \$816. In certain circumstances, this fee can be reduced to \$100.

If your application will be dealt with in the Small Taxation Claims Tribunal, the application fee is \$81. This fee cannot be reduced.

Note: Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid, in the amount of \$816 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 DESSFB, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DEEWR's receipt of a notification from the AAT, DESSFB will notify Southern Cross Education Institute that an appeal has been lodged. Upon receipt of this notification from DESSFB, the Review Officer will provide DESSFB with copies of all the documents that are relevant to the appeal within ten (10) business days.

#### **Publication**

This policy and the procedure will be published on the Southern Cross Education Institute's website to ensure Students have up to date and accurate information publicly available to them.

## RELATED DOCUMENTS

- LET03 Letter of Offer, Acceptance and Terms of Offer
- FOR68 Application to study form (Domestic Students)
- FOR69 Student enrolment agreement form (Domestic Students)
- FOR84 Financial hardship form
- FOR251 Pre-Enrolment Checklist for Domestic Students
- FOR254 Statement of Fee Quote
- Course Guide: Domestic
- PP11 Complaints and appeals policy and procedure
- PP15 Course credits policy and procedure
- PP80 RPL policy and procedure

- PP87 English language proficiency policy and procedure

## LEGISLATIVE CONTEXT

- 2015 Standards for Registered Training Organisations: Standard 3
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 2
- 2019 Standard VET Funding Contract Skills First Program; Clauses 2, 3 and 4 of Schedule 1
- VET Student Loans Bill 2016; Division 2; Clause 9 and 10
- VET Student Loans Act 2016 <https://www.legislation.gov.au/Details/C2018C00402>
- VET Student Loans Rules 2016 (section 89 and 90) <https://www.legislation.gov.au/Details/F2019C00065>

## RESPONSIBILITIES

Responsibility for implementation of the policy and procedure are:

- Chief Executive Officer
- Campus Manager
- Training Manager
- Compliance Manager
- Administration Manager
- Business Development Manager
- Administration Staff
- Compliance Staff

Responsibility for monitoring the implementation and compliance of this policy and procedure are:

- Chief Executive Officer
- Campus Manager
- Compliance Manager

<b>Author</b>	Compliance Manager
<b>Approved by</b>	Chief Executive Officer
<b>Effective date</b>	9 May 2014
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