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## Introduction

As a VET Student Loans provider, the Institute has obligations under VET Student Loans Act 2016 to ensure that processes are in place for the assessment and handling the refund of paid tuition fees or re-credit of FEE-HELP balance, and the review of associated decisions.

A student has the right to apply for a review of a decision by South West TAFE to not re-credit or remit their FEE-HELP balance. This is known as a “reviewable decision”.

## Scope

This guideline applies to students enrolled in VET Student Loan approved courses and utilizing Vet Student Loans to pay for all or some of the enrolled units of study

## Definitions

Reviewable decision	A decision not to re-credit or remit a student’s FEE-HELP balance.
Census date	Closing date for a student to apply for VET Student Loan assistance for that unit of study. This date cannot be set earlier than the completion of 20% of the VET unit of study
VET Unit of study	a component of the VET course of study to which fees and a census date are applied
Special circumstances	A situation that is unusual, uncommon or abnormal
Officially withdraw	where a student completes the appropriate Enrolment Withdrawal documentation

## VET Student Loan liability

VET Student Loan eligibility and liability occurs on a VET unit of study basis. Under VET Student Loans Act 2016, students do not incur a liability for a VET unit of study (VET Tuition fees) until **after** the census date. This applies to all students enrolled in a VET HELP applicable VET unit of study, whether they pay their tuition fees up-front or seek VET Student Loan assistance.

## Withdrawing **PRIOR** to the end of the census date

Where a student provides notification of withdrawing from the VET unit of study, or VET course of Study prior to the corresponding census date, (as published here: [SWTAFE Census Dates](#)) South West TAFE will repay in full, all VET tuition fees for the VET unit of study or VET course of study paid by the student on or before the census date.

No late withdrawal fee or penalties will apply.

## Withdrawing **AFTER** the census date

Once the census date has passed and if the student is still enrolled in the VET unit of study, the student becomes liable for the VET Student Loan debt that occurs for each VET unit of study with a census date that has passed.

After the census date, a student may apply to have their FEE-HELP balance re-credited if they have been unable to complete the requirements of a VET unit of study and the student believes that this was due to special circumstances.

## Re-crediting of FEE-HELP Balance

To be eligible for re-crediting of a FEE-HELP balance, the special circumstances must be beyond the student's control and such that it is impracticable for the student to complete the requirements for the VET unit of study.

South West TAFE must be satisfied that the student's circumstances did not make their full impact until on or after the census date for a VET unit of study.

Special circumstances which would make it impracticable for the student to complete the requirements for the VET unit of study could include:

- medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying
- family/personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies
- employment related circumstances: where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control
- course related circumstances: where the Institute has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

## Applying for initial review

A student can apply to South West TAFE to have their FEE-HELP balance re-credited if they officially withdraw from their studies after the census date and/or the student has not completed the requirements for the VET unit of study. The student must demonstrate or provide evidence of "special circumstance".

The student must apply in writing to the Registrar within 12 months of the official withdrawal date, or if the student has not withdrawn, within 12 months of the end of the semester during which the VET unit of study commenced. South West TAFE has the discretion to waive this requirement if satisfied that the application could not be made within the time limit.

The Registrar will consider the student's application within 10 business days of receipt of the application. Applicants will be notified of the decision within a further 10 business days.

### 1. Successful application:

If the application is successful, the Notice of Decision letter will include the reasons for the decision to refund paid tuition fees and/or re-credit the FEE-HELP balance; the FEE-HELP balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable); the upfront payment amount that will be refunded if such a payment has been made; who to contact for further information.

### 2. Unsuccessful Application

If the application is unsuccessful, the Notice of Decision letter will include the reasons for the decision not to refund paid tuition fees and/or re-credit the FEE-HELP balance; information about how to submit a valid request for a review of this decision and who to contact for further information.

## Review Procedure

Where an initial application by a student to re-credit their FEE-HELP balance is unsuccessful and the student is dissatisfied with this outcome, they can request that a formal reconsideration of a decision be made. Reviewable decisions include a refusal to re-credit a student's FEE-HELP balance.

The review of the initial decision is undertaken by the Audit Officer and Compliance Officer or their delegate, but cannot be the person who undertook the initial review.

Within 28 days from the day they receive notice of the outcome the student can request the Audit Officer and Compliance Officer to review the initial decision. The request must be in writing and specify reasons for seeking the review.

The Audit Officer and Compliance Officer will acknowledge receipt of an application in writing informing the applicant that they will be advised in writing of a decision within 45 days of receiving the application. They will also be advised that the HESA allows that if no advice regarding the reviewed decision is made within 45 days that the original decision is confirmed.

### 1. Successful Application:

If a student's application for review of the decision is successful, the Notice of Decision letter will include the reasons for the decision to refund paid tuition fees and/or re-credit the FEE-HELP balance; the FEE-HELP balance that will be re-credited and the VET Student Loan debt that will be reduced (if applicable); the upfront payment amount that will be refunded if the student has made such a payment; and who to contact for further information.

## **2. Unsuccessful Application:**

If a student's application for review of the decision is unsuccessful, the Notice of Decision letter will include the reasons for the decision not to refund the student's paid tuition fees and/or re-credit their FEE-HELP balance. The Notice will also inform the student of their right of appeal to the Administrative Appeals Tribunal (AAT) and provide contact details of the closest AAT and the approximate costs of making an application.

### **Keeping confidential records**

The Registrar will ensure that all documents connected with the application are maintained and stored in accordance with all relevant Privacy legislations and South West TAFE's Student Records Management Guidelines. The applicant must be given supervised access to the file on request, at no cost.

### **Notification and repaying VET Student Loan**

If a successful application is made by a student and the decision South West TAFE is to re-credit the student's FEE-HELP balance, the Registrar will:

- notify DEEWR through appropriate processes and documentation
- arrange for the repayment to the Commonwealth of any VET Student Loan assistance South West TAFE has received on behalf of the student.