

## VET Student Loans

### Re-Crediting a FEE HELP Balance Procedure

For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder enrolled in a VET STUDENT LOANS enabled course with Kenvale College.

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. S89 (2)(C) of the VSL Rules

Kenvale College will:

- Set at least 3 census days for approved courses
- Set each census day for a part of the course is at least 20% of the way through the period
- Ensure that all students are informed of the census date
- Ensure that all students are informed of the review procedures for the re-crediting of a VET STUDENT LOANS balance.

A student who withdraws from a VET unit of study on or before the published census date for that VET unit of study will receive a refund of their tuition fees if they have paid, or will not incur a debt if they have taken out a VET Student Loan. A student who withdraws from a VET unit of study after the published census date for that VET unit of study:

- will receive no refund of the unit of study fees if they have paid up-front
- will be liable for the full debt for the unit of study if they have taken out a VET Student Loan
- will only be eligible for a refund or reversal of their VET Student Loan under special Circumstances as per section 68 of the Act.

#### Special circumstances for re-crediting a student's FEE-HELP balance

A provider must re-credit if satisfied that special circumstances prevented, or will prevent the student from completing the requirements for the course, or part of the course and that:

- are beyond the student's control; and
- do not make their full impact on the student until on or after the census day for the course or the part of the course; and
- made it impracticable for the student to complete the requirements for the course, or the part of the course during the student's enrolment in the course, or the part of the course.

Kenvale College will consider application for special circumstances in accordance with this requirement.

Applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by Kenvale College.

### **Special Circumstances**

Kenvale College understands that special circumstances:

- (i) are beyond the students' control; and
- (ii) do not make their full impact on the student until on or after the census day for a course, or the part of a course; and
- (iii) make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course.

Examples might be if a student faced a motor vehicle accident or the worsening of a serious illness.

In this case, students do not need to demonstrate they were unable to withdraw from the unit of study prior to the census day.

### **Special circumstances *do not* include:**

- (i) lack of knowledge or understanding of requirements for VET Student Loan assistance; or
- (ii) incapacity to repay a VET Student Loan debt, as repayments are income contingent and a student can apply to the Tax Office for a deferral of a compulsory repayment in certain circumstances

### **Pre-existing conditions**

A circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a student may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for the course or the part of the course, but that condition may worsen, or a student may suffer from an aggravation, deterioration or episode, after the census day.

Alternatively, the full implications of a student's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study are not fully realised until after the census day.

### **Impracticable for the student to complete the requirements for the course**

Circumstances that made it impracticable for a student to complete a course or the part of the course during the student's enrolment (in whole or in part) may include:

- medical circumstances e.g. where a student's medical condition has changed to such an extent that he or she is unable to continue studying.
- family/student circumstances e.g. 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 e.g. where a student's employment status or arrangements have changed so the student is unable to continue their studies, and this change is beyond the student's control; or
- course related circumstances e.g. where the provider has changed the course or parts of a course it had offered and the student is disadvantaged by either not being able to complete the course or parts of a course, or not being given credit towards other or courses or parts of a course.

Each application to re-credit a student's FEE-HELP balance will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim. Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing.

Please use *1-03-049 Re-Crediting a VET Student Loan Balance form* available at Kenvale College website <https://kenvale.edu.au/policies-forms/>

### **Re-crediting of a FEE-HELP balance procedure**

When a student withdraws from a VET unit of study, Kenvale College shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;

When a student fails to meet the requirements of a VET unit of study, Kenvale College shall confirm this by giving notice to the student in writing;

3. The student must apply in writing to the Academic Department within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving written notice of their failure to meet the requirements of a VET unit of study. Kenvale College may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period;
4. The Academic Department shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
5. The Academic Department shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.
6. The Academic Department will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If the application is successful, Kenvale College will re-credit the student's FEE-HELP balance with an amount equal to the amounts of VET STUDENT LOANS assistance that the student has received for the affected VET units of study and the student's VET STUDENT LOANS debt for those VET units of study will be removed.

### **Review of a decision**

If a student is not satisfied with the decision made by the Academic Department in relation to re-crediting their FEE-HELP balance they may request a review of the decision. The review shall be carried out by the CEO of Kenvale College.

Any such request must be submitted to the CEO in writing and:

- Must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- Must specify the reasons for making the request; and
- Sent to [grantp@kenvale.edu.au](mailto:grantp@kenvale.edu.au)

The CEO shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that in case the applicant is not advised of a decision within 45 days of having received the application for review, the CEO is taken to have confirmed the original decision.

This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the decision and will provide the contact details of the closest AAT Registry and the approximate costs of lodging an appeal.

The CEO shall:

- Seek all relevant information from the person who made the original decision;
- Review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The CEO may:

- Confirm the decision
- Vary the decision, or
- Set the decision aside and substitute a new decision.

The CEO will give written notice of the decision setting out the reasons for the decision.

The applicant shall also be advised in the decision of the right to apply to the AAT for a review of the decision; and be provided with the contact details of the closest AAT Registry and the approximate costs of lodging an appeal as follows: If you wish to further appeal this decision you may lodge an appeal with the AAT. Fees apply to lodge an application with the AAT for the review of a decision.

The contact details for the AAT are available at <https://www.aat.gov.au/contact-us>

The student may supply additional information to the AAT which they did not previously supply to Kenvale College either in the original application or the request for review.

The Secretary of the Department which has the responsibility for administering the Higher Education Support Act 2003 (“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 Kenvale College 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 they hold that are relevant to the appeal within five (5) business days.

### **Publication on the website**

These Student Review Procedures for Re-crediting a FEE-HELP Balance are published on the Kenvale College website under the ‘VET Student Loans’ tab and is also available on [www.Kenvale College.edu.au](http://www.Kenvale College.edu.au), under Kenvale College policies and procedures.