

1 Purpose

To outline the process of review and appeal where a student has accessed VET FEE-HELP and withdraws from their unit/s of study after the census date.

2 Scope

This procedure applies to all domestic currently enrolled and potential students of Sunraysia Institute of TAFE who would be eligible to receive VET FEE-HELP assistance.

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4 Definitions

| ACRONYM / Term | Definition |
|------------------------------|---|
| AAT | Administrative Appeals Tribunal |
| Census Date | A census date is set for all VET FEE-HELP approved Units of Study and is the deadline for various requirements: making an upfront payment; applying for a VET FEE-HELP loan; paying your tuition fees; or formally withdrawing without incurring a debt. |
| Eligible Student | Student who meets citizenship or residency requirements (refer Higher Education Support Act 2003) and has not exceeded their FEE-HELP limit (refer Higher Education Support Act 2003) |
| VET | Vocational Education and Training |
| VET FEE-HELP | An income contingent loan scheme for the Vocational Education and Training sector that is part of the Higher Education Loan Program (HELP) |
| VET Tuition Assurance | Tuition Assurance refers to requirements that relate to the protection of students by ensuring that if a provider ceases to provide a VET course of study, all eligible students enrolled in the course are able to either receive payment equivalent to any VET tuition fees paid for undelivered units or enrol in a similar course with another RTO (refer Statement of VET Tuition Assurance) |

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5 Actions

5.1 Application to re-credit, remit or refund

5.1.1 Students must submit an application to re-credit, remit, or refund in writing (using the VET FEE-HELP Application for Review form) to the Manager Student Administration:

- (a) within 12 months of the withdrawal date; or
- (b) if the student has not withdrawn, within 12 months of the end of the period of study in which the student has undertaken.

5.1.1.2 The student should include any relevant documentation, for example a letter from the student's doctor to support the student's claim

5.1.2 In the case of a fail grade or non-completion of a unit of study after the census date, application to re-credit, remit, or refund should be made in writing to the Manager Student Administration within 12 months of the withdrawal date.

5.1.3 Eligibility will be determined on:

- (a) Program/course cancellation;
- (b) Special Circumstance.

5.1.3.2 If the Manager Student Administration is satisfied that special circumstances apply to the student that were:

- (a) beyond the student's control;
- (b) did not make their full impact on the student until on, or after, the census date; and
- (c) made it 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;

The Manager Student Administration must re-credit the student's FEE-HELP balance with an amount equal to the amount of VET FEE-HELP assistance that the student received for that unit of study.

5.1.3.3 Special circumstances which would make it impracticable for the student to complete the requirements for their unit may include:

- (a) medical circumstances – for example, where a student's medical condition has changed to such an extent that he or she is unable to continue studying;

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- (b) family/personal circumstances – for example, death or severe medical problems within a family, or unforeseen family financial difficulties
 - (c) employment related circumstances – for example, where a student’s employment status or arrangements have changed so that the student is unable to continue his or her studies, and this change is beyond the student’s control; or
 - (d) course related circumstances – for example, where Sunraysia Institute of TAFE has changed the unit it had offered and the student is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.
- 5.1.4 Where a decision results in the re-crediting of a person’s VET FEE Help balance and/or the refund of a person’s up-front payment, the Department of Education will be notified through the revisions file.
- 5.1.5 The Manager Student Administration will advise the student of the outcome of their application within 28 days of receipt stating the reasons for the decision.
- 5.1.6 The Manager Student Administration will also advise the student of their rights for a review of the decision if they are not satisfied with the outcome, and that the time limit for applying for a review of a decision.
- 5.1.7 If a student wishes to apply for a review of a decision not to re-credit their VET FEE-HELP balance they must submit their request in writing to the Director Education within 28 days from the day the student first received notice of the decision.
- 5.1.8 The student must state the reasons why they are applying for a review and include any relevant supporting documentation.
- 5.1.9 The Director Education will acknowledge receipt of the request for a review and inform the student that they will be advised of the decision within 45 days (of the application for review having been received).
- 5.1.9.1 The acknowledgement of receipt will also contain information on the student’s right to appeal to the Administrative Appeals Tribunal (AAT); including details of the closest AAT office and the approximate cost of lodging an appeal (*see Appendix 1*).
- 5.1.10 The Director Education will;
- (a) seek all relevant information from the Manager Student Administration (who made the original decision);

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- (b) review the case within 28 days and decide whether to confirm the decision; vary the decision; or set the decision aside and substitute a new decision;
- (c) notify the student, in writing, of their decision and the reasons for making the decision;
- (d) advise the student of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the decision; and
- (e) provide the student with the contact details and address of the nearest AAT registry and the approximate costs of lodging an appeal (see Appendix 1).

5.1.11 The student may make an application to the AAT for a reconsideration of the decision to refuse to re-credit their VET FEE-HELP balance, and may supply additional information to the AAT which they did not previously supply to Sunraysia Institute of TAFE either in the original application or the request for review.

6 Associated Documents

- AAT Contact information (Appendix 1)
- Refund of Course Fees Policy
- VET FEE-HELP Application for Review form
- Withdrawal Form

7 References

- Higher Education Support Act 2003

8 Appendix 1 – Contact details for the AAT

The full contact details to be provided to the learner for the AAT are:

Street Address

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

Postal Address

Administrative Appeals Tribunal
PO Box 9955
Melbourne VIC 3001

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Telephone

(03) 9282 8444 (metropolitan area)

1300 366 700 (country areas)

The student will be advised in writing of the approximate cost of applying for a review and that when the review is completed if the AAT decides that it is finalised in the student's favour this fee is refunded.

The student does not have to pay the application fee if they;

- Are receiving legal aid for their application
- hold a health care card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions
- are in prison or lawfully detained in a public institution
- are under 18 years of age; or
- receive Youth Allowance, AUSTUDY or ABSTUDY.

9 Forms / Record Keeping

| All records generated by this procedure should be listed and must state title, location, responsible officer and minimum retention period. | | | |
|--|----------|--------------------------------|--------------------------|
| Title | Location | Responsible Officer | Minimum Retention Period |
| VET FEE-HELP Application for Review form | Registry | Manager Student Administration | Permanent |
| Withdrawal Form | Registry | Manager Student Administration | Permanent |

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