

LATROBE COLLEGE OF ART AND DESIGN

RE-CREDITING A FEE-HELP BALANCE PP

VET Student Loan Act 2016
VET Student Loan Rules 2016

See also S11.6 STUDENT ACCESSING VSL PP

There are circumstances when a student can apply to have their FEE HELP balance re-credited if they withdraw from their studies after CENSUS Day. One, under Special Circumstances by Latrobe College of Art & Design. The second, when a course has been unable to be delivered. The third, when the Secretary of the Department of Education, Employment and Workplace Relations (DEWR) can make decision to re-credit on behalf of DEWR or from an application from a student themselves.

A. Special Circumstances

If a student withdraws from a study unit after the published Census Day for that unit, or has been unable to successfully complete a study 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.

LCAD will re-credit the student's FEE-HELP balance if it is satisfied that Special Circumstances apply where:

- **the circumstances** are beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the Census Day; and
- these circumstances were such that it was **impracticable** for the student to complete the requirements for the study 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-LOANS 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).

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.

A student must apply in writing/ email to the Head of Art, Latrobe College of Art and Design 138 Cromwell Street Collingwood VIC 3066, email: admin@lcad.edu.au within 12 months of the withdrawal date.

To advise the college you wish apply for re-credit of FEE HELP debt you must email the college and include the following:

- i. A comprehensive statement outlining how special circumstances, beyond your control, prevented you from completing your unit(s) of study after Census Day.
- ii. Attach any supporting documents that supports your statement from an independent source or authority, signed and dated. The supporting documents must include specific dates of when you were affected and describe in detail how this affected you and stopped you from completing your study and assessment. A doctor's certificate alone is not acceptable as sufficient information.
- iii. Unit(s) of Study for which a student is seeking to have a FEE-HELP balance re-credited

LCAD will consider the application within 5 working days of receipt of the application. It will consider the request to re-credit a FEE-HELP balance in accordance with the requirements of the Act. Applicants will be notified in writing (email) of the decision within 15 working days.

Review of Decision

Where LCAD 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 LCAD the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The student's 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
1. Applications should be made in writing /email to the CEO of LCAD 138 Cromwell Street Collingwood VIC 3066 Telephone: 03 9495 6622, email: admin@lcad.edu.au, as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. Note: The Review Officer is senior to the designated VET-STUDENT-LOANS officer responsible for the original decision and was not involved in making the original decision to be reviewed.
 2. 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.
 3. 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).

No victimisation or discrimination of students for seeking review etc.

LCAD ensures that a student is not victimised or discriminated against for:

- (a) seeking review or reconsideration of a decision; or
- (b) using the LCAD's processes or procedures about dealing with grievances and complaints; or
- (c) making an application for re-crediting of the student's FEE-HELP balance
- (d) the student will not be prevented from maintaining their enrolment and continuing their studies if they apply for re-credit or seek a review of decision not in their favour. See S27 Complaints PP.

Reconsideration by the Administration Appeals Tribunal (AAT)

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.

AAT Details

Deputy Registrar
 Administrative Appeals Tribunal
 Level 4
 15 William St
 Melbourne VIC 3000 Telephone:
 03 9454 6998 / generalreviews@aat.gov.au

GPO Box 9955
 Melbourne Vic 3001

Appeals may incur a fee. Full details of the application process and fees payable are available on the AAT Registry's website: <https://www.aat.gov.au/contact-us> Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT.

The Secretary of **DEWR**, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon **DEWR's** receipt of a notification from the AAT, **DEWR** will notify Latrobe College of Art and Design that an appeal has been lodged. Upon receipt of this notification from **DEWR**, the Review Officer will provide **DEWR** with copies of all the documents that are relevant to the appeal within ten (10) business days.

B. Course Not Provided to Completion

Latrobe College will re-credit a student's FEE HELP balance for unit(s) of study that they were not able to complete because

1. the college ceased to provide the course, and
2. it is impractical for the student, under the approved tuition assurance arrangement for the course, to finish the course or an equivalent course.

The amount re-credited must equal the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of the course not completed but charged for.

The student must be advised in writing /email as soon as practicable. The tuition assurance scheme, if used, must also be advised.

C. Secretary Decision

When the Secretary may re-credit FEE-HELP balance

The Secretary of DEWR of Education, Skills and Employment can make an independent decision to re-credit a student's FEE-HELP balance in certain circumstances where it is decided that Latrobe College of Art & Design, or a representative of the college, has not abided by the rules or has engaged in unacceptable conduct with a student's application for VET Student Loans.

This might occur on application from the student themselves to the Secretary or the Secretary themselves who may make the decision.

Circumstances might include the following:

- (a) the student is not an eligible to access VSL, such as nationality requirements.
- (b) the student is not a genuine student at Latrobe College of Art and Design.
- (c) the student does not have a tax file number.
- (d) the student does not have a USI number (Unique Student Identifier).

The secretary may rule to re-credit student's FEE-HELP balance if the provider has failed to comply with this VET Student Loan Act; and the failure has adversely affected the student. The amount re-credited must not exceed the amount of the VET student loan that has been used to pay tuition fees for the student for the unit(s) of study.

To make an application, the student must write/ email to the Secretary, Department of Education, Employment and Workplace Relations (DEWR). The Secretary will follow a timely process before a responsive decision can be made.