VET FEE-HELP Review and Re-Crediting
PL020

PURPOSE
Under Schedule 1A of the Higher Education Support Act (HESA), and the VET Guidelines, VET Providers are required to have review procedures in place for reconsidering decisions relating to a person’s Commonwealth assistance [Schedule 1A HESA cl91]. The review procedures must be published, publicly available and up-to-date.

The review procedures will be published on TAFE Queensland South West’s website.

Any student eligible for a loan to assist with the cost of their VET tuition fees under the Higher Education Loan Program (HELP), who withdraws from a VET unit/s of study after the Census Date, or does not complete the requirements for a VET unit/s of study due to special circumstances, may apply to TAFE Queensland South West to have their FEE-HELP balance re-credited.

TAFE Queensland South West must, where satisfied that special circumstances apply, re-credit a student’s FEE-HELP balance with an amount equal to the amount of VET FEE- HELP assistance that the student received for the VET unit of study (Schedule 1A HESA cl46-51).

If a student’s FEE-HELP balance is re-credited, any VET FEE-HELP debt they acquired for the unit must be remitted and TAFE Queensland South West must repay any amounts of VET FEE-HELP assistance for the unit to the Commonwealth.

Students also have the right to apply for a review of a decision made by TAFE Queensland South West not to re-credit their FEE-HELP balance.

In accordance with Schedule 1A of the HESA, and the VET Guidelines, TAFE Queensland South West has implemented the following policy for guiding the process of re-credits and reviews of decisions made by TAFE Queensland South West in relation to re-credits.

SCOPE
This policy applies to any person who is or has been enrolled, in an eligible VET unit of study with TAFE Queensland South West.

This policy deals with ‘VET FEE-HELP Applications to Re-credit FEE-HELP Balances’, or refunds of upfront payments and ‘VET FEE-HELP Applications to Review a Re-credit Decision’ made to TAFE Queensland South West.

This applies where a student withdraws after the Census Date or where they have not completed the requirements for the VET unit of study.

DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>AAT</td>
<td>Administrative Appeals Tribunal</td>
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<tr>
<td>Academic Penalty</td>
<td>Application of a not-competent ‘M’ grade against a VET unit of study</td>
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<tr>
<td>Applicant</td>
<td>A student of TAFE Queensland South West who has submitted an application in relation to re-crediting, or reviewing decisions around re-crediting of their FEE-HELP balance.</td>
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<tr>
<td>FEE-HELP Balance</td>
<td>A person’s FEE-HELP balance is the amount of the FEE-HELP limit they have not used. It is the sum of the amount of FEE-HELP assistance and VET FEE- HELP assistance that is used to calculate a person’s FEE-HELP balance [HESA s104-15].</td>
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<tr>
<td>HESA</td>
<td>Higher Education Support Act 2003</td>
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<tr>
<td>Review Panel</td>
<td>The Review Panel is a panel formed to review any original decision made in relation to a student’s ‘VET FEE-HELP Application to Re-credit FEE-HELP Balance’. This panel will comprise of the General Manager, Financial Services; relevant Faculty Director and Manager Student Experience.</td>
</tr>
<tr>
<td>Revisions File</td>
<td>Variations to a student’s VET FEE-HELP debt that occurs after the Census Date due to re-crediting of their FEE-HELP balance must be reported to the Department of Industry through a Revisions submission and in the Revised Student Load/Liability File.</td>
</tr>
<tr>
<td>Student</td>
<td>A person who is/has been enrolled in a VET unit of study with TAFE Queensland South West.</td>
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| Tuition fee | Any fee payable to TAFE Queensland South West by a person enrolled with, or applying for enrolment with TAFE Queensland South West. It may also include any fee payable to TAFE Queensland South West in respect of the granting of an award, however does not include any fee that is:  
- payable in respect of an organisation of students, or of students and other persons; or  
- payable in respect of the provision to students of amenities or services that are not of an academic nature; or  
- payable in respect of residential accommodation; or  
- determined to be a fee of a kind that is incidental to studies that may be undertaken with TAFE Queensland South West, as described under ‘Incidental Charges’; or  
- a student contribution fee payable in respect of a student in a government funded program of study. |

| VET | Vocational Education and Training |
| VET course of study | A structured and integrated course of VET units of study, including competencies which lead to a VET award if undertaken with a VET provider. |
| VET unit of study | A subject or unit that a student may undertake with a VET provider as part of a VET course of study in which the student may access VET FEE-HELP to pay for all or part of their tuition fees for that unit. |
| VET FEE-HELP | Commonwealth Government loan scheme which assists eligible students to pay their tuition fees, when they enrol in a VET course of study undertaken with a body which is approved as a VET provider under Schedule 1A Higher Education Support Act 2003 (HESA). |
| VET provider | An organisation that is approved under Schedule 1A of the Higher Education Support Act 2003 (HESA) to offer VET FEE-HELP to its students. |

**POLICY**

Students who withdraw from their studies after the Census Date or who do not complete the requirements for their VET unit/s of study can apply in special circumstances to have their FEE-HELP balance re-credited, or upfront payments refunded. TAFE Queensland South West should advise the student when they withdraw from studies that they may apply, in writing, for a re-credit of their FEE-HELP balance and a remission of their VET FEE-HELP debt. A student cannot apply if they have successfully completed the VET unit/s of study.

TAFE Queensland South West must, where it is satisfied that special circumstances apply, either:

- re-credit a student’s FEE-HELP balance with an amount equal to the amount of VET FEE-HELP assistance that the student received for the VET unit/s of study; or  
- refund any upfront payments made by the student prior to the Census Date.

Where applications for re-credit or refund are successful, any academic penalty previously applied against the VET unit of study will be removed.

If a student’s FEE-HELP balance is re-credited, any VET FEE-HELP debt they acquired for the VET unit/s of study must be remitted and TAFE Queensland South West must repay any amounts of VET FEE-HELP assistance for the VET unit/s of study to the Commonwealth.

A student’s VET FEE-HELP debt in relation to a VET unit/s of study is taken to be remitted if the person’s FEE-HELP balance is re-credited.

A student's application to re-credit their FEE-HELP balance must be made, in writing, within 12 months of their withdrawal date, or, if the student has not withdrawn, within 12 months of the end of the period of study in which the VET unit/s of study was, or was to be, undertaken. TAFE Queensland South West may waive the application period on the grounds that it would not be, or was not, possible for the application to be made before the end of that period.

TAFE Queensland South West must re-credit or remit if TAFE Queensland South West is satisfied that special circumstances apply to the student that were:

- beyond the person’s control; and  
- did not make their full impact on the person until on, or after, the Census Date; and
• made it impracticable for the person to complete the requirements for the unit in the period during which the person undertook, or was to undertake, the unit.

Special circumstances do not include, for example:

• lack of knowledge or understanding of requirements under VET FEE-HELP; or
• a person’s incapacity to repay a VET FEE-HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

TAFE Queensland South West should consider a student’s application, and notify the student, in writing, of its decision and the reasons for making the decision, within 25 days of receiving the application.

Decisions regarding the re-crediting of a student’s FEE-HELP balance are reviewable decisions. In addition to notifying a student of its decision and the reasons for making the decision, TAFE Queensland South West must also advise the student of their rights for a review of the decision if the student is unsatisfied with the outcome. The student must be advised that the time limit for applying for a review of a decision is 28 days from the day the student first receives notice of the original decision. Reviews will be made to the Review Panel, consisting of the General Manager, Financial Services; relevant Faculty Director and Manager Customer Services.

Where a decision results in the re-crediting of a student’s FEE-HELP balance and/or the refund of a student’s up-front payments, TAFE Queensland South West must notify the Department of Industry through the ‘Revisions File’. TAFE Queensland South West is required to repay to the Commonwealth any amounts of VET FEE-HELP assistance TAFE Queensland South West received from the Commonwealth on the person’s behalf.

Under the VET Guidelines TAFE Queensland South West’s review procedures must be published, publicly available and up-to-date. The review procedures will be published on TAFE Queensland South West’s website.

**Distinction between VET FEE-HELP re-credit and refund**

The following table provides the distinction between re-crediting a FEE-HELP balance and refunding tuition fees based on whether the census date has passed or not passed.

<table>
<thead>
<tr>
<th>Census date</th>
<th>Event</th>
<th>Requirements</th>
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| Not passed  | The student has:  
  • enrolled in the unit with the provider;  
  • paid their tuition fee up-front; and  
  • withdrawn from the unit (on or before census date).  

  In accordance with subsection 8.4.1 of the VET Guidelines, where a student withdraws from a unit of study on or before the relevant census date, the VET provider must refund any tuition fees paid by the student for that unit.  

  The student is not required to apply for a refund, the act of withdrawing being sufficient action by the student. |
| Not passed  | The student has:  
  • enrolled in the unit with the provider;  
  • requested VET FEE-HELP assistance for the unit; and  
  • withdrawn from the unit (on or before census date).  

  The student does not incur a VET FEE-HELP debt. |
| Passed      | The student has:  
  • enrolled in the unit with the provider;  
  • paid their tuition fee up-front; and  
  • withdrawn from the unit (after census date).  

  There is no requirement for the VET provider to refund any fees once the census date has passed. Any refund is at the VET provider’s discretion. |
| Passed      | The student has:  
  • enrolled in the unit with the provider;  
  • requested VET FEE-HELP assistance for the unit;  
  • not completed the unit but has incurred a VET FEE-HELP debt;  
  • provided evidence that special circumstances apply;  
  • applied in writing to have their FEE-HELP balance re-credited; and  
  • VET provider satisfied that special circumstances under clause 48 of Schedule 1A to the Act apply.  

  In accordance with the requirement of paragraph 46 (2)(c) of Schedule 1A to the Act, the VET provider must re-credit the student’s FEE-HELP balance. |
RESPONSIBILITIES

Student

Any student of TAFE Queensland South West who is eligible for a loan to assist with the cost of their tuition fees under VET FEE-HELP; and who withdraws from a VET unit of study after the Census Date, or does not complete the requirements for a VET unit of study, may apply to TAFE Queensland South West to have their FEE-HELP balance re-credited due to special circumstances. The VET FEE-HELP Application to Re-credit FEE-HELP Balance Form must be submitted within 12 months of the student’s notice that a withdrawal has been processed, or if the student has not withdrawn, or does not complete the requirements of the unit, from the end date for that unit.

Should a student be dissatisfied with the outcome of their initial application they are entitled to submit a ‘VET FEE-HELP Application to Review a Re-credit Decision Form’. This must be lodged within 28 days from the date the student first received notice of the original decision. This request for review will be considered by the Review Panel.

Revenue Coordinator

The Revenue Coordinator must assess the ‘VET FEE-HELP Application to Re-credit FEE-HELP Balance’ form, and acknowledge receipt of this in writing. They will inform the applicant that this may take up to 45 days to process and that the applicant will be advised in writing of a decision.

The Revenue Coordinator will consider the application with all evidence supplied and make a decision to either grant, or deny a re-credit of the applicant’s VET FEE-HELP debt. This decision will be based on the applicant’s evidence that special circumstances have applied i.e. circumstances which were beyond the applicant’s control; did not make their full impact on the person until on, or after, the Census Date; and made it impracticable for the person to complete the requirements for the unit in the period during which the applicant undertook, or was to undertake, the unit.

Following the Revenue Coordinator’s decision, they will seek the endorsement of the Faculty Director, and provide written advice to the applicant regarding the outcome of their application. Should the application be unsuccessful, advice to the applicant will notify them of their right to submit a ‘VET FEE-HELP Application to Review a Re-credit Decision Form’ and the relevant time limit of 28 days for submission.

The Revenue Coordinator is responsible for updating all relevant information systems, and processing any associated change enrolments.

The Revenue Coordinator is responsible for maintaining all quality documentation and updates around the re-credit and remission process. The Revenue Coordinator will provide advice to all TAFE Queensland South West staff in the application of this process, and will manage student communications regarding reviews of re-credit decisions, on behalf of the Review Panel.

Should a ‘VET FEE-HELP Application to Review a Re-credit Decision’ form be submitted, the Revenue Coordinator is responsible for providing the applicant’s acknowledgement receipt, and compiling the Review Panel’s documents.

The Revenue Coordinator will keep all records of individual re-credit and review cases, and be the contact point with the Department of Industry should a student engage in an appeal process with the Administrative Appeals Tribunal (AAT).

Faculty Director

The relevant Faculty Director is responsible for the review and authorisation of the Revenue Coordinator’s recommendations using the ‘VET FEE-HELP Assessment of Application to Re-credit FEE-HELP Balance’ form.

The Faculty Director will coordinate the completion of the ‘Application for Enrolment Amendment’ form advice, which will be used by the Revenue Coordinator to process all ISAS and VET FEE-HELP data.

Both documents are to be returned to the Revenue Coordinator, within specified timeframes for action and filing.

Review Panel

The Review Panel is responsible for reviewing and reconsidering the original decision made by the VET FEE-HELP Coordinator in consideration of a student’s ‘VET FEE-HELP Application to Re-credit FEE-HELP Balance’ Form, assessing any further information provided in the ‘VET FEE-HELP Application to Review a Re-credit Decision’ form and documenting this in the ‘VET FEE-HELP Assessment of Application to Re-credit FEE-HELP Balance’ form.
The panel has available options of:

a. confirming the decision;
b. varying the decision; or
c. setting the decision aside and substituting with a new decision.

The Review Panel will document and communicate the outcome to the Revenue Coordinator, who will be responsible for providing written notice to the applicant.

**REVIEWABLE VET DECISIONS**

Decisions regarding re-crediting a student’s VET FEE-HELP balance are reviewable (reviewable VET decisions) [HESA Schedule 1A cl91]. A review of a decision may be requested by the person affected by the original decision or without a request if TAFE Queensland South West is satisfied that there is sufficient reason to do so.

A request for review of decision must normally be based on:

- new evidence, not known to the student at the date of the decision being reviewed, which becomes apparent since the date of that decision;
- irregularity of procedure in the recommending and/or the making of the decision being reviewed.

**VET Provider Review of Decision**

TAFE Queensland South West is required to appoint a ‘review officer’ who is not the same officer who made the original decision and who occupies a position that is senior to that occupied by the original decision-maker. At TAFE Queensland South West, the original decision maker/s of a decision relating to the re-crediting of a student’s FEE-HELP balance is the Revenue Coordinator. The ‘review officer’, responsible for reviewing decisions relating to the re-crediting of a person’s FEE-HELP balance is represented by the Review Panel.

The applicant must state the reasons why they are applying for a review.

If a person’s application for review of a decision is successful, the written notice will include the reasons for the decision to re-credit the applicant’s FEE-HELP balance, and details of any upfront payments towards tuition fees that will be refunded (if applicable), along with a new Commonwealth Assistance Notice.

In the case of an unsuccessful application, the written notice will advise why the Review Panel has concurred with the original decision and inform the applicant of their right to appeal to the Administrative Appeals Tribunal (AAT) for a further review of the reviewer’s decision if the applicant is unsatisfied with the outcome, as well as provide contact information of the nearest AAT registry and the approximate costs of lodging an appeal.

The Review Panel, via the Revenue Coordinator is required to:

a. acknowledge receipt of the request for a review and inform the applicant that the applicant will be advised of the result within 28 days
b. reconsider the decision with the options available to:
   i. confirm the original decision;
   ii. vary the decision; or
   iii. set the decision aside and substitute a new decision;
c. notify the applicant, in writing, of the decision and the reasons for making the decision;
d. advise the applicant of their right to appeal to the Administrative Appeals Tribunal (AAT), and the associated costs, for a review of the reviewer’s decision if the applicant is unsatisfied with the outcome; and
e. provide the applicant with the contact details and address of the nearest AAT registry and the approximate costs of lodging an appeal, which are as follows:

Deputy Registrar  
Administrative Appeals Tribunal (AAT)  
Level 4, Commonwealth Law Courts  
Corner North Quay & Tank Street  
BRISBANE QLD 4000  
Phone: 07 3361 3000 / 1300 366 700  
Internet: www.aat.gov.au  
An application fee of $816 will be charged by the Tribunal (fees are subject to change). Costs are the responsibility of the applicant.

**Reconsideration by the AAT**

A student may make an application to the AAT for a reconsideration of TAFE Queensland South West’s decision to refuse to re-credit their FEE-HELP balance, and may supply additional information to the AAT that they did not previously supply to TAFE Queensland South West.
The Secretary of The Department of Industry, or the Secretary’s delegate, will be the respondent for cases that are before the AAT. When The Department of Industry receives notification of an application to the AAT it may choose to review the original decision. Once The Department of Industry has received notification from the AAT that the person has applied for the reconsideration under section 37 of the Administrative Appeals Tribunal Act 1975 (AAT Act), the Secretary will, within 28 days, lodge the following documents with the AAT:

- a statement setting out the findings on material questions of fact, referring to the evidence of other material on which those findings were based and giving the reasons for the decision; and
- every document or part of a document that is in TAFE Queensland South West’s possession or under the reviewer’s control and is considered by the reviewer to be relevant to the review of the decision by the AAT.

Upon receipt of a notification from the AAT, the Department of Industry will notify the General Manager of TAFE Queensland South West, in writing, that an appeal has been lodged. To enable The Department of Industry to meet the 28-day timeframe, TAFE Queensland South West MUST, within a further five (5) business days of being requested, provide The Department of Industry with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to The Department of Industry by Courier or Express Post to meet the five (5) day requirement. TAFE Queensland South West will keep any originals and copies of the documents in accordance with its normal record keeping practices.

Under Schedule 1A of the HESA, TAFE Queensland South West may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise the Department of Industry if a decision is made to re-credit a person’s FEE-HELP balance. However, until a person withdraws their AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, the Department of Industry is still required to comply with the requirement under section 37 of the AAT Act to lodge the statement, and relevant documents described at (a) and (b) above, with the AAT. Therefore, TAFE Queensland South West must still forward all relevant documents to The Department of Industry within 5 business days, unless advised not to do so by the Department of Industry. The Department of Industry will deal with cases from that point and advise TAFE Queensland South West of the outcome.

Privacy

All information and documentation supplied to TAFE Queensland South West by applicants will be treated confidentially and in accordance with the Queensland Government’s Privacy Policy and Procedures. Information relating to the management of personal information, including practices for disclosure, is available at www.southwest.edu.au.

DOCUMENTATION

VET FEE-HELP Tuition Fee Refund Policy
VET FEE-HELP Review and Re-Crediting Procedure
VET FEE-HELP Application to Re-Credit FEE-HELP Balance Form
VET FEE-HELP Application to Review a Re-Credit Decision Form
VET FEE-HELP Assessment of Application to Re-Credit FEE-HELP Balance Form

COMPLIANCE REFERENCES

- Subdivision 4-D, 7-B and 16-C of Schedule 1A Higher Education Support Act 2003 (HESA) Schedule 1A Higher Education Support Act 2003
- VET FEE-HELP - VET Provider Handbook
- Administrative Appeals Tribunal (AAT) Act, at www.aat.gov.au

POLICY APPROVAL

<table>
<thead>
<tr>
<th>Owned By:</th>
<th>Sarah Byers</th>
<th>Date: 02/05/2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position:</td>
<td>Revenue Coordinator</td>
<td></td>
</tr>
<tr>
<td>Authorised by:</td>
<td>Trevor Schwenke</td>
<td>Date: 02/05/2014</td>
</tr>
<tr>
<td>Position</td>
<td>General Manager</td>
<td></td>
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</tbody>
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