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<b>DOCUMENT REFERENCE:</b>	<b>PPP153</b>
<b>RESPONSIBLE MANAGER:</b>	Student Administration
<b>CATEGORY:</b>	Academic & Student Information
<b>APPROVED DATE:</b>	24/02/2025
<b>DATE OF NEXT REVIEW:</b>	December 2025
<b>RELATED DOCUMENTS:</b>	<b>Legislation:</b> VET Student Loans Act 2016 VET Student Loans (Consequential Amendments and Transitional Provisions) Act 2016 VET Student Loans (Charges) Act 2016 VET Student Loans Rules 2016 VET Student Loans (VSL Tuition Protection Levy) Act 2020 Occupational Health & Safety Act 2004 Equality & Fairness Act 2013
	<b>Documents:</b> PPP146 Student Enrolment Guidelines PPP151 Student Withdrawal and Fees Guidelines PPP175 VET Student Loan Entry Guidelines VET Student Loan Tuition Assurance Statement VET Student Loans Schedule of Fees South West TAFE Census Dates <a href="#">VET Student Loans Information Book</a> <a href="#">eCAF Fact Sheet</a> <a href="#">Student Obligations Fact Sheet</a> <a href="#">Student Progression Fact Sheet</a> <a href="#">Commonwealth Ombudsman – VET Student Loans</a>

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## 1. Introduction

As a VET Student Loans (VSL) provider, South West TAFE (SWTAFE or 'the Organisation') has obligations under the *VET Student Loans Act 2016* to ensure that processes are in place for the assessment and handling of refunds for paid tuition fees or re-credit of a student's HELP balance, and the review of associated decisions.

VSL processes and procedures for students who withdraw from a course are in line with Clause 86/87, Subdivision E of the *VET Student Loan Rules 2016*.

South West TAFE does not apply an administrative fee to our withdrawals irrespective of census date.

A student has the right to apply for a review where SWTAFE has made a decision to not re-credit or remit their VETSL balance. This is known as a 'reviewable decision'.

## 2. Scope

This Guideline applies to reviews of decisions relating to VSL assistance for students who have enrolled into VSL approved courses and utilising VSL to pay for all or some of the enrolled units of study approved by the Federal Government under the VET Student Loans Act 2016.

### 3. South West TAFE Responsibility

The VET Student Loan Rules detail a number of requirements relating to re-crediting a student's HELP balance. The following is a selection of some pertinent requirements that need to be considered where a student requests a re-credit or review of a re-credit decision:

- Where a student withdraws from a VET unit of study on or before the applicable census date, SWTAFE should advise the student that they may apply in writing to SWTAFE, for a re-credit, remission or refund, whichever is relevant to the student. This advice will be sent by the Student Administration & Accounts Officer.
- SWTAFE must ensure that any student is not victimised or discriminated against for seeking a review or reconsideration of a decision or making an application for re-crediting of the students HELP balance.
- A student cannot apply for a re-credit or remission if they have successfully completed the requirements of the unit. Upon withdrawal, a Statement of Attainment is provided to the student.
- SWTAFE must re-credit or remit the student where we are satisfied that **special circumstances** apply to the student that:
  - › were beyond the student's control; **or**
  - › did not make their full impact on the student until on or after the census date **and**
  - › made it impracticable for the student to complete the requirements for the VET unit in the period during which the student undertook, or was to undertake, the VET unit.
- A student may apply to the Secretary of the Department of Employment and Workplace Relations (DEWR) for the student's HELP balance to be re-credited if:
  - › SWTAFE or a person acting on our behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
  - › SWTAFE has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.
- Applications for re-crediting must be made within 5 years after the census day for the course or the part of the course concerned or within that period as extended by the **Secretary of Department of Employment and Workplace Relations (DEWR)**
- The Secretary of the DEWR may re-credit a student's HELP balance in relation to special circumstances if SWTAFE:
  - › is unable to act or is being wound up or has been dissolved; or
  - › has failed to act and the Secretary is satisfied that the failure is unreasonable.
- Applications to the Secretary of the DEWR will be considered by the Commonwealth Ombudsman – VET Student Loans and must be submitted via its website: <https://vet.ombudsman.gov.au/>

### 4. Definitions

ACRONYM / Term Definition	
<b>AAT</b>	Administrative Appeals Tribunal
<b>Census Date</b>	The last day a student can formally withdraw their enrolment without incurring a debt for the course/unit of study.
<b>Eligible Student</b>	Student who meets citizenship or residency requirements and has not exceeded their VET Student Loan cap or HELP loan limit.

<b>HELP balance</b>	The amount of VET Student Loans, VET FEE-HELP, FEE-HELP and HECS-HELP a student has left to use before reaching their HELP loan limit.
<b>HELP Loan Limit</b>	The maximum amount of VET Student Loans, VET FEE-HELP, FEEHELP and HECS-HELP a student can use to pay for their studies.
<b>VET Student Loan (VSL) Program</b>	The Australian Government loan program established by the VET Student Loans Act 2016 that assists eligible students enrolled in approved higher-level vocational education and training courses at approved course providers pay their tuition fees.
<b>VET Student Loan (VETSL) Debt</b>	Refers to the debt incurred by a student after their VET Student Loan Application is approved and used to cover their tuition fees.

### 5. 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 VSL approved VET unit of study, whether they pay their tuition fees up-front or seek VSL assistance.

### 6. Withdrawing from studies 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 VETSL 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 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.

### 7. Student application to re-credit a HELP balance

Students may apply in writing addressed to the Manager RTO Governance to have their balance re-credited after a census date:

- within 12 months of the census date for the unit; or
- within 12 months of the withdrawal date; or
- if the student has not withdrawn, within 12 months of the end of the period of study in which the student has undertaken.

Students are required to demonstrate there were special circumstances beyond their control that made it impractical to complete the requirements for the unit of study. The student may include any relevant documentation to support the claim.

### 8. Assessment of Initial application

The RTO Governance Manager will review the application and eligibility for re-crediting will be determined on the bases that the special circumstances of the student were:

- beyond the student's control: **or**
- did not make their full impact on the student until on, or after, the census date; **and**
- 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.

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

- **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; or

- **family/personal circumstances** – for example, death or severe medical problems within a family, or unforeseen family financial difficulties; or
- **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
- **course related circumstances** – for example, where SWTAFE 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.

## 9. Notification of Decision

The RTO Governance Manager will advise the student in writing of the outcome of their application within 28 days of receipt of their written request, stating the reasons for the decision and a notice of rights to review the decision.

Where 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 HELP balance;
- the HELP balance that will be re-credited and the VETSL debt that will be reduced (if applicable);
- the upfront payment amount that will be refunded if such a payment has been made;
- the Department of Employment and Workplace Relations will be notified via the Transitioning the Collection of Student Information (TCSI) portal.

Where 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 HELP balance;
- the student will be provided with information about how to submit a valid Reviewable Decision request and who to contact for further information.

## 10. Request for review of decision (Reviewable Decision)

Students that are dissatisfied with the outcome of their application to re-credit their HELP balance can apply for a review of the decision in writing addressed to the Audit, Risk and Compliance Manager within 28 days from the date of receipt of the notification of decision.

The student must state the reasons for the application requesting a review of the decision and include any further relevant supporting documentation.

## 11. Assessment of Review of Decision

The Audit, Risk and Compliance Manager will acknowledge receipt of the request for a review and inform the student that they will be advised of the decision within 28 days from the date of the receipt of the request to review the decision.

The Audit, Risk and Compliance Manager will reconsider the decision within 28 days and decide whether to:

- confirm the decision; or
- vary the decision; or
- set the decision aside and substitute a new decision.

The Audit, Risk and Compliance Manager will provide written notice of the decision to the student that includes:

- a statement of the reasons for making the decision;
- details of the student's rights to appeal to the Administrative Appeals Tribunal (AAT), for a review of the decision if unsatisfied with the outcome,

- Contact details for the AAT

Where 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 HELP balance;
- the HELP balance that will be re-credited and the VETSL 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.

Where the application 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 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.

## **12. Appealing the Final Decision**

Students that are dissatisfied with the outcome of the review of decision may apply to the AAT for a reconsideration of the decision to refuse to re-credit their HELP balance.

Where SWTAFE is advised by the DEWR that an appeal has been lodged with the AAT, SWTAFE shall provide the DEWR all relevant copies of documentation pertaining to the appeal within five (5) working days of receipt if the notification

Where AAT determines that the application is successful:

- the student's HELP balance will be re-credited with an amount equal to the amount of VET Student Loan assistance that the student received for that unit of study.

## **13. Keeping confidential records**

The RTO Governance Manager will ensure that all documents connected with any application are maintained and stored in accordance with all relevant Privacy legislations and SWTAFE's Student Records Management Guidelines. The applicant will be given supervised access to the file on request and at no cost.

## **14. Diversity, Equity and Inclusion**

SWTAFE is committed to making diversity, equity and inclusion part of everything we do, including in the implementation of this policy/procedure/guideline. For more information, please visit the 'Our Values' page on our [website](#) [external] or the Diversity, Equity & Inclusion Homepage on ECHO [internal]. [Diversity, Equity & Inclusion \(DEI\)](#)

## **15. Statement of Commitment to Child Safety**

South West TAFE is committed to the protection of all children from all forms of child abuse and demonstrates this commitment through the implementation of a Child Safe Program designed to keep children safe within our organisation. For Child Safe key documents, resources, contact officer details please go to: [Child Safe Commitment](#)