

1. Policy Scope

This policy applies to any person who is or has been enrolled in an eligible VET unit of study with TasTAFE.

This policy deals with 'VET Student Loan Applications to Re-credit VET Student Loan Balances', or refunds of upfront payments and 'VET Student Loan Applications to Review a Re-credit Decision' made to TasTAFE.

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

2. Policy Purpose

Under Schedule 1A of the Higher Education Support Act (HESA), and the VET Guidelines 2013, VET Providers are required to have review procedures in place for reconsidering decisions relating to a person's Commonwealth assistance. The review procedures must be published, publicly available and up-to-date.

The review procedures will be published on TasTAFE's website <https://www.tastafe.tas.edu.au/future/fees-and-payments/vetstudentloans>.

Any student eligible for a loan to assist with the cost of their VET tuition fees, 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 TasTAFE to have their VET Student Loan balance re-credited.

TasTAFE must, where satisfied that special circumstances apply, re-credit a student's VET Student Loan balance with an amount equal to the amount of VET Student Loan assistance that the student received for the VET unit of study.

If a student's VET Student Loan balance is re-credited, any VET Student Loan debt they acquired for the unit must be remitted and TasTAFE must repay any amounts of VET Student Loan assistance for the unit to the Commonwealth.

Students also have the right to apply for a review of a decision made by TasTAFE not to re-credit their VET Student Loan balance.

In accordance with Schedule 1A of the HESA, and the VET Guidelines 2013, TasTAFE has implemented the following policy for guiding the process of re-credits and reviews of decisions made by TasTAFE in relation to re-credits.

3. Policy Statement

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 VET Student Loan balance re-credited, or upfront payments refunded. TasTAFE should advise the student when they withdraw from studies that they may apply, in writing, for a re-credit of their VET Student Loan balance and a remission of their VET Student Loan debt. A student cannot apply if they have successfully completed the VET unit/s of study.

TasTAFE must, where it is satisfied that special circumstances apply, either;

- re-credit a student's VET Student Loan balance with an amount equal to the amount of VET Student Loan 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.

If a student's VET Student Loan balance is re-credited, any VET Student Loan debt they acquired for the VET unit/s of study must be remitted and TasTAFE must repay any amounts of VET Student Loan assistance for the VET unit/s of study to the Commonwealth.

A student's VET Student Loan debt in relation to a VET unit of study is taken to be remitted if the person's VET Student Loan balance is re-credited.

A student's application to re-credit their VET Student Loan 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. TasTAFE 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.

TasTAFE must re-credit or remit if TasTAFE 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 Student Loan; or
- a person's incapacity to repay a VET Student Loan debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

TasTAFE 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 VET Student Loan balance are reviewable decisions. In addition to notifying a student of its decision and the reasons for making the decision, TasTAFE 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 TasTAFE VET Student Loan Review Panel, consisting of the General Manager Business and Performance, the relevant Business Centre Manager and the Manager of Client Services.

Where a decision results in the re-crediting of a student's VET Student Loan balance and/or the refund of a student's up-front payments, TasTAFE must notify the Commonwealth through the 'Revisions File' process. TasTAFE is required to repay to the Commonwealth any amounts of VET Student Loan assistance TasTAFE received from the Commonwealth on the person's behalf.

Distinction between VET Student Loan re-credit and refund

The following summary provides the distinction between re-crediting a VET Student Loan balance and refunding tuition fees based on whether the census date has or has not passed:

VET Student Loan Review and Re-crediting Policy

Census Date	Event	Outcome
Not passed	The student has enrolled, paid an upfront fee and then withdrawn.	TasTAFE must refund any upfront fees. The student does not need to apply for a refund, the act of withdrawing is sufficient.
Not passed	The student has enrolled, requested VET Student Loan and withdrawn.	The student will not incur a VET Student Loan debt.
Passed	The student has enrolled, paid an upfront fee and then withdrawn.	There is no requirement for TasTAFE to refund any fees once the census date has passed. Any refund is at TasTAFE's discretion.
Passed	<p>The student has:</p> <ul style="list-style-type: none"> – enrolled and requested VET Student Loan; – not completed the unit but incurred a VET Student Loan debt; – provided evidence special circumstances apply; – applied in writing for a re-credit and; and – TasTAFE is satisfied special circumstances under HESA apply 	TasTAFE will re-credit the student's VET Student Loan balance.

Responsibilities of the Student

Any student of who is eligible for a loan to assist with the cost of their tuition fees under VET Student Loan 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 have their VET Student Loan balance re-credited due to special circumstances. The VET Student Loan Application to Re-credit VET Student Loan 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 Student Loan 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 TasTAFE VET Student Loan Review Panel.

Responsibilities of the VET Student Loan Coordinator

The VET Student Loan Coordinator must assess the 'VET Student Loan Application to Re-credit VET Student Loan 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. If the applicant is not advised of the decision within 45 days, the original decision is taken to be confirmed.

The VET Student Loan Coordinator will consider the application with any evidence supplied and make a decision to either grant, or deny a re-credit of the applicant's VET Student Loan 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 VET Student Loan Coordinator's decision, they will seek the endorsement of the Business Centre Manager, 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 Student Loan Application to Review a re-credit Decision Form' and the relevant time limit of 28 days for submission.

The VET Student Loan Coordinator is responsible for updating any relevant information systems, and processing any associated change enrolments.

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

Should a 'VET Student Loan Application to Review a Re-credit Decision Form' be submitted, the VET Student Loan Coordinator is responsible for providing the applicant's acknowledgement receipt, and compiling the VET Student Loan Review Panel's documents.

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

Responsibilities of the Business Centre Manager

The relevant Business Centre Manager is responsible for the review and authorisation of the VET Student Loan Coordinator's recommendations using the 'VET Student Loan Assessment of Application to Re-credit VET Student Loan Balance Form'.

The VET Student Loan Coordinator will coordinate the completion of internal documentation relevant to the re-credit process.

All documents are to be returned to the VET Student Loan Coordinator, within specified timeframes for action and filing.

Responsibilities of the VET Student Loan Review Panel

The VET Student Loan Review Panel is responsible for reviewing and reconsidering the original decision made by the VET Student Loan Coordinator in consideration of a student's 'VET Student Loan Application to Re-credit VET Student Loan Balance Form', assessing any further information provided in the 'VET Student Loan Application to Review a Re-credit Decision Form' and documenting this in the 'VET Student Loan Assessment of Application to Re-credit VET Student Loan 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 VET Student Loan Review Panel will document and communicate the outcome to the VET Student Loan Coordinator, who will be responsible for providing written notice to the applicant.

Reviewable VET Decisions

Decisions regarding re-crediting a student's VET Student Loan balance are reviewable. A review of a decision may be requested by the person affected by the original decision or without a request if TasTAFE 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

TasTAFE will 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 TasTAFE the original decision maker/s of a decision relating to the re-crediting of a student's VET Student Loan balance is the VET Student Loan Coordinator. The 'review officer', responsible for reviewing decisions relating to the re-crediting of a person's Student Loan balance is represented by the VET Student Loan 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 VET Student Loan 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 VET Student Loan 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, as well as provide contact information of the nearest AAT registry and the approximate costs of lodging an appeal.

The TasTAFE VET Student Loan Review Panel, via the VET Student Loan 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:

Administrative Appeals Tribunal
Ground Floor, Edward Braddon Building
Commonwealth Law Courts

VET Student Loan Review and Re-crediting Policy

39-41 Davey Street
Hobart TAS 7000

T: 03 6232 1622 <http://www.aat.gov.au/ContactUs/TAS.htm>

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 TasTAFE's decision to refuse to re-credit their VET Student Loan balance, and may supply additional information to the AAT that they did not previously supply to TasTAFE.

The relevant Commonwealth Secretary, or the Secretary's delegate, will be the respondent for cases that are before the AAT. When the Commonwealth receives notification of an application to the AAT it may choose to review the original decision.

Upon receipt of a notification from the AAT, the Commonwealth will notify the TasTAFE, in writing, that an appeal has been lodged. Within a 5 business days of being requested by the Commonwealth, TasTAFE must provide copies of all the documents it holds that are relevant to the appeal. TasTAFE will keep any originals and copies of the documents in accordance with its normal record keeping practices.

4. Legislative/Statutory Requirements

N/A

5. Associated Documents

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

6. Measure of Policy Effectiveness

The effectiveness of this Policy will be by the demonstrated adherence to this Policy.

7. Definitions/Acronyms

See Appendix I

Version History

Policy Reviewed Every: (Maximum 12 months from implementation or date of last review)		Next Review Date: 07 January 2016
Version	Date	Changes - section and description
PVFH04 – V2.2	07/01/2016	Changed FEE-HELP limits
V2.3	11/04/2017	Updated reference of VET FEE-HELP to VET Student Loan

Appendix I – Definitions

Census Date

TasTAFE is required to set a Census Date for each VET unit of study that is available for VET Student Loan assistance. The census date is the date after which a student incurs a debt for a unit of study.

Once the Census Date has passed, the student incurs a debt to the Australian Government.

VET Student Loan Balance

A person's VET Student Loan balance is the amount of VET Student Loan limit they have not used. It is the sum of VET Student Loan and VET Student Loan assistance that is used to calculate a person's VET Student Loan balance.

VET Student Loan Limit

Is the maximum debt allowed by an individual as a sum of all VET Student Loan and VET Student Loans. For 2016, the Student Loan limit is \$124,238 for students undertaking medicine, dentistry and veterinary science courses (as defined in the Higher Education Support Act 2003), and \$99,389 for all other students.

The Student Loan limit is a lifetime limit and is not reset or 'topped up' by any repayments that you make.

HESA

Schedule 1A, Higher Education Support Act 2003

Request for VET Student Loan Assistance Form

A Commonwealth form that must be completed in order to apply for VET Student Loan assistance for VET units of study with TasTAFE.

VET Tuition Fee

Any fee payable to TASTAFE by a student enrolled or seeking to enrol in a VET course of study with TASTAFE in respect of the granting of an award of VET Diploma, Advanced Diploma, VET Graduate Certificate or VET Graduate Diploma. it does not include a 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 - payable in respect of a special admissions test; or
- determined to be a fee of a kind that is 'incidental' to studies that may be undertaken with TASTAFE, as described under 'incidental charges'.

VET Unit of Study

A subject or collection of subjects that a person may undertake with TasTAFE as part of a VET course of study.