

Purpose

This policy applies where a student has deferred an amount to a VET student loan that has been used to pay tuition fees for a course, or a part of a course and who find they have to withdraw from or are unable to complete their studies after the census day.

Policy

If a student withdraws from a VET unit of study after the census date, or has been unable to successfully complete a VET unit of study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected units

- a) a student's FEE-HELP balance can be re-credited under Part 6 of the Act;
- b) a student may apply to the provider for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances;
- c) a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - (i) the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
 - (ii) the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;
- d) that special circumstances are circumstances that:
 - (i) are beyond the student's control; and
 - (ii) do not make their full impact on the student until on or after the census day for a course, or part of a course; and
 - (iii) make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course;
- e) applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;
- f) applications for re-crediting under section 71 of the Act 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;
- g) the processes available to students in relation to reconsideration and review of decisions whether or not to re-credit FEE-HELP balances;
- h) there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT);
- i) the Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:
 - (i) is unable to act or is being wound up or has been dissolved; or
 - (ii) has failed to act and the Secretary is satisfied that the failure is unreasonable.

Re-crediting by RuralBiz Training for special circumstances

RURALBIZ TRAINING will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply which:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for the VET unit of study in question; and
- make it impractical for the student to complete the requirements for that VET unit of study.

RURALBIZ TRAINING will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person'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

RURALBIZ TRAINING will, on the Secretary's behalf, re-credit a student's FEE-HELP balance if:

- the student applies in writing for the re-credit, and
- the application is made within 12 months after the census day for the course or part of the course, and
- RURALBIZ TRAINING is satisfied that "special circumstances" prevented, or will prevent, the student from completing the requirements of the course or the part of the course.

Where RURALBIZ TRAINING allows a person to defer completion of their studies regarding a course or part of a course, the 12-month application period applies from the end of the extended period for the course.

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).

RURALBIZ TRAINING has the discretion to refund any other payments the person made in respect of the course in line with its own policies, which are accessible to the student.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.

RURALBIZ TRAINING will ensure a student is not victimised or discriminated against for:

- seeking a review or reconsideration of a decision
- using the provider grievance processes or procedures or
- making an application for re-crediting the student's HELP balance

Re-crediting a FEE-HELP Balance by the Secretary

The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied that the course provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan

The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied of one or more of the following:

- the student is not an eligible student
- the student is not a genuine student
- the student does not have a tax file number
- the student does not have a student identifier.

The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied that the provider failed to comply with the VET Student Loans Act and the failure has adversely affected the student.

The Secretary of the Department may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:

- 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.

Procedure

1. A student must apply in writing to the VET Student Loans Officer within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the specified completion date of the Unit. RURALBIZ TRAINING has the discretion to extend these 12 months if satisfied that the application couldn't be made within the 12-month period. Relevant supporting documentation will be required to substantiate the claim.

Direct claims to either :

VET Student Loans Officer admin@ruralbiztraining.com.au	VET Student Loans Officer PO Box 524 Dubbo NSW 2830
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2. The application for re-crediting a FEE-HELP balance must include details of the:
 - Unit(s) for which a student is seeking to have a FEE-HELP balance re-credited and
 - special circumstances as referred to above, including supporting documentation.
3. The VET Student Loans Officer will consider each application within 10 working days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the VET Student Loans Act 2016 and VET Student Loans Rules 2016. Applicants will be notified in writing of the decision within 14 working days.

4. Where the VET Student Loans Officer makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review.
5. If a student is not satisfied with the decision made by RURALBIZ TRAINING, the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The 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
6. Review of the decision of applications should be made in writing to the VET Student Loans Senior Review Officer (CEO).

CEO - RURALBIZ TRAINING PO Box 524 Dubbo NSW 2830

7. The Senior 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 Senior Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Senior Review Officer has confirmed the original decision.
8. The Senior 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 his/her right to apply to the Administrative Appeals Tribunal (AAT) if the student disagrees with the Review Decision, and the timelines involved.
 - There is no charge for reconsideration or review of decisions made by RURALBIZ TRAINING other than the review by the Administrative Appeals Tribunal.

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 his/her review rights and responsibilities. The relevant officer will inform a student in writing of his/her right to appeal to the Administrative Appeals Tribunal (AAT) if the student is 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 the order of the AAT.

The Secretary of the Department, or the Secretary’s delegate, will be the respondent for cases that are brought before the AAT. When the department receives notification of an application to the AAT, the department will notify RURALBIZ TRAINING that an appeal has been lodged. Upon receipt of this notification from the department, the Senior Review Officer will provide the department with copies of all the documents that are relevant to the appeal within five business days.

AAT Details

Full details of the application process, time limits and fees payable are available on the AAT Registry’s website: www.aat.gov.au. Fees are subject to change so please refer to the website for further details. Applications cannot proceed until the fee has been paid or waived. The fee is the responsibility of the applicant. Applications for a fee waiver must be made to the AAT refer to the AAT website for more details.

Re-credit of a Student’s FEE-HELP balance by the Secretary - The process

A student may apply in writing to the Secretary for the student’s FEE-HELP balance to be re-credited under section 71 of the VET Student Loans Act 2016. Applications must be made within 5 years after the census day for the course or unit of study concerned or within that period as extended by the Secretary.

Before re-crediting a student’s FEE-HELP balance the Secretary must give the course provider concerned notice in writing:

- stating that the Secretary is considering the re-credit; and
- stating the reasons why the Secretary is considering the re-credit; and
- inviting the provider to make written submissions to the Secretary about the re-credit within 28 days.

In deciding whether to re-credit the FEE-HELP balance, the Secretary must take into account any submissions received within the 28-day period.

The Secretary must give the student and the provider written notice of the Secretary’s decision and the reasons for the decision. The notice must be given as soon as practicable after the decision is made.

Definitions

Student	Students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study or a New Zealand citizen on a special category visa who meet the long-term residency requirements, and who access VET Student Loans for payment of all or part of their tuition fees in respect of the VET unit of study in which they are enrolled.
Census Day	The published date set by RuralBiz Training - the last day to withdraw an enrolment without incurring the cost or debt for that unit
VET Student Loan Debt	A student incurs a VET Student Loan debt for the amount of VET Student Loan assistance loaned to them by the Commonwealth to pay for part or all of the tuition fees plus a loan fee of 20% for full fee-paying students.
FEE-HELP Balance	A person’s HELP limit minus any VET Student Loans; loans they have used.

Re-crediting of FEE-HELP Balances Policy and Procedure

Tuition Fees	The total fees for the course (including the fees deferred to a VET Student Loan plus any gap fee).
Unit or VET Unit of Study	A VET unit of study approved for VET Student Loans that a student may undertake with RuralBiz Training, for which the student may access VET Student Loans to pay for all or part of his/her tuition fees.
Department	The Department of Education
Secretary	The Secretary of the Department
VET Student Loans Officer	The enrolments administrator is the designated VET Student Loans Officer. This individual is responsible for the assessment of a student's request for a re-credit of his/her FEE-HELP balance due to special circumstances and the <u>initial decision</u> regarding the request.
VET Student Loans Senior Review Officer	The CEO is the designated VET Student Loans Senior Review Officer. This role reviews the initial decision by the VET Student Loans Officer concerning a student's application to re-credit his/her FEE-HELP balance. The VET Student Loans Senior Review Officer is <u>not involved in the initial decision.</u>
AAT	The Administrative Appeals Tribunal. The statutory body to which a student may appeal for a review of a decision made by the VET Student Loans Senior Review Officer.