Review and Re-Crediting Policy

VET FEE-HELP

POL - 006
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Review and Re-Crediting
VET FEE-HELP

Purpose
Under Schedule 1A of the Act, and the Higher Education Support (VET) Guidelines 2015 (hereafter known as VET Guidelines), VET Providers are required to have review procedures in place for reconsidering decisions relating to a person’s Commonwealth assistance [Schedule 1A of the Act cl91]. The review procedures must be published, publicly available on our website and up-to-date.

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 the TAFE Queensland East Coast to have their FEE-HELP balance re-credited.

TAFE Queensland East Coast 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 of the Act 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 East Coast 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 East Coast not to re-credit their FEE-HELP balance.

In accordance with the Schedule 1A of the Act, and the VET Guidelines TAFE Queensland East Coast has implemented the following policy for guiding the process of re-credits and reviews of decisions made by TAFE Queensland East Coast 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 East Coast.

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 East Coast.

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

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 East Coast 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 East Coast 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 East Coast 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, unless the application period has been waived by TAFE Queensland East Coast.

TAFE Queensland East Coast must re-credit or remit if TAFE Queensland East Coast 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 East Coast 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 East Coast 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 relevant Centre Director / Associate Centre Director and Manager, Student Services and Support.

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 East Coast must notify DIISRTE through the ‘Revisions File’. TAFE Queensland East Coast is required to repay to the Commonwealth any amounts of VET FEE-HELP assistance TAFE Queensland East Coast received from the Commonwealth on the person’s behalf.

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

Privacy

All information and documentation supplied to TAFE Queensland East Coast 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 TAFE Queensland East Coast’s website.

Responsibilities

Student

Any student of TAFE Queensland East Coast 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 East Coast 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 unless special circumstances apply. Special considerations are outlined in Subparagraph 46(2)(e)(ii) of Schedule 1A of the Act, TAFE Queensland East Coast 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.
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.

Manager, Student Services and Support

The Manager, Student Services and Support 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. If a student is not advised of the decision within 45 days, the original decision is taken to be confirmed.

The Manager, Student Services and Support 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 Manager, Student Services and Support decision, they will seek the endorsement of the Centre Director / Associate Centre 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 Manager, Student Services and Support is responsible for updating all relevant information systems, and processing any associated change enrolments.

The Manager, Student Services and Support is responsible for maintaining all quality documentation and updates around the re-credit and remission process. The Manager, Student Services and Support will provide advice to all TAFE Queensland East Coast staff in the application of this process, and will manage student communications regarding reviews of re-credit decisions, on behalf of the In Review Panel. Should a ‘VET FEE-HELP Application to Review a Re-credit Decision Form’ be submitted, the Manager, Student Services and Support is responsible for providing the applicant’s acknowledgement receipt, and compiling the Review Panel’s documents. The Manager, Student Services and Support will keep all records of individual re-credit and review cases, and be the contact point with DIISRTE should a student engage in an appeal process with the Administrative Appeals Tribunal (AAT).

Centre Director / Associate Centre Director

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

The Centre Director / Associate Centre Director will coordinate the completion of the ‘Application for Enrolment Amendment Form’ advice, which will be used by the Manager, Student Services and Support to process all ISAS and ISAS FEE-HELP data.

Both documents are to be returned to the Manager, Student Services and Support, within specified timeframes for action and filing.

Review Panel

The Review Panel is responsible for reviewing and reconsidering the original decision made by the Manager, Student Services and Support 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 Manager, Student Services and Support, who will be responsible for providing written notice to the applicant.

**Reviewable VET DECISIONS**

Decisions regarding re-crediting a student's FEE-HELP balance are reviewable (reviewable VET decisions) [Schedule 1A of the Act cl91]. A review of a decision may be requested by the person affected by the original decision or without a request if TAFE Queensland East Coast 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 East Coast 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 East Coast, the original decision maker/s of a decision relating to the re-crediting of a student’s FEE-HELP balance is the Manager, Student Services and Support. 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 Manager, Student Services and Support 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
Reconsideration by the AAT

A student may make an application to the AAT for a reconsideration of TAFE Queensland East Coast’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 East Coast.

The Secretary of DIISRTE, or the Secretary’s delegate, will be the respondent for cases that are before the AAT. When DIISRTE receives notification of an application to the AAT it may choose to review the original decision. Once DIISRTE 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 East Coast’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, DIISRTE will notify the General Manager TAFE Queensland East Coast, in writing, that an appeal has been lodged. To enable DIISRTE to meet the 28-day timeframe, TAFE Queensland East Coast MUST, within a further 5 business days of being requested, provide DIISRTE with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to DIISRTE by Courier or Express Post to meet the 5 day requirement. TAFE Queensland East Coast will keep any originals and copies of the documents in accordance with its normal record keeping practices.

Under Schedule 1A of the Act, TAFE Queensland East Coast 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 DIISRTE 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, DIISRTE 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 East Coast must still forward all relevant documents to DIISRTE within 5 business days, unless advised not to do so by DIISRTE. DIISRTE will deal with cases from that point and advise TAFE Queensland East Coast of the outcome.

Glossary

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAT</td>
<td>Administrative Appeals Tribunal</td>
</tr>
<tr>
<td>Academic Penalty</td>
<td>Application of a not-competent ‘M’ grade against a VET unit of study</td>
</tr>
<tr>
<td>Applicant</td>
<td>A student of TAFE Queensland East Coast who has submitted an application in relation to re-crediting, or reviewing decisions around re-crediting of their FEE-HELP balance.</td>
</tr>
<tr>
<td>DIISRTE</td>
<td>The Commonwealth Government’s Department of Industry, Innovation, Science, Research and Tertiary Education</td>
</tr>
<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 [The Act, s104-15].</td>
</tr>
<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 comprise the relevant Centre Director / Associate Centre Director and Manager, Student Services and Support</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 DIISRTE 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 East Coast.</td>
</tr>
<tr>
<td>The Act</td>
<td>Refers to the current Higher Education Support Act (HESA)</td>
</tr>
</tbody>
</table>

Current approximate cost of lodging an appeal: $816.00 (this cost is subject to change and is the responsibility of the applicant).
Tuition fee - Any fee payable to TAFE Queensland East Coast by a person enrolled with, or applying for enrolment with TAFE Queensland East Coast. It may also include any fee payable to TAFE Queensland East Coast in respect of the granting of an award, however does not include any fee that is:
  o payable in respect of an organisation of students, or of students and other persons; or
  o payable in respect of the provision to students of amenities or services that are not of an academic nature; or
  o payable in respect of residential accommodation; or
  o determined to be a fee of a kind that is incidental to studies that may be undertaken with TAFE Queensland East Coast, as described under ‘Incidental Charges’; or
  o 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 the Act.

VET provider - An organisation that is approved under Schedule 1A of the Act to offer VET FEE-HELP to its students.

Related Documents
- 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

References
Commonwealth legislation (www.comlaw.gov.au)
  • Higher Education Support Act 2003 [Clause 43 of Schedule 1A]
  • Administrative Appeals Tribunal (AAT) Act 1975

State legislation (www.legislation.qld.gov.au)
  • Information Privacy Act 2009

Other (http://www.innovation.gov.au)
  • VET Provider Applicant Handbook

Enquiries
Enquiries in respect of this policy should be directed to the Manager, Student Services and Support.