

## VET STUDENT LOANS STUDENT REVIEW PROCEDURES

Under the *VET Student Loans Act 2016*, students who withdraw from a unit of study/part of a course after census day are able to apply to have their debt re-credited under special circumstances\* (see below).

If your FEE-HELP balance for a Unit of Study/Part of a Course is re-credited, any FEE-HELP debt you have incurred for that unit will also be removed.

If you have successfully completed a Unit of Study/Part of a Course, you are **not** eligible, under any circumstances, to have your FEE-HELP balance re-credited, or the debt removed for that Unit of Study/Part of a Course.

If your application to have your debt recredited is unsuccessful, you have the right to request a review of the decision not to re-credit your FEE-HELP balance.

### Procedures

If you are requesting a review of a decision not to re-credit a FEE-HELP balance, you need to follow the Student Review Procedures:

1. When you are notified that your re-credit application is not successful, an ***Application to review a decision not to re-credit a FEE-HELP balance*** form will be sent to you. This will outline what you need to do, including advising whether further evidence of your special circumstances is required.
2. Complete your application, and submit along with supporting documentation to the TAFE NSW Review Officer for your delivery location, as advised to you in your letter. Requirements for submitting a valid request are:
  - a. you must apply for a review of a decision within **28 days** from the day you first received notice of the original decision not to re-credit your FEE-HELP balance
  - b. you must provide reasons as to why you are applying for a review
  - c. you should submit original or certified copies of documentation supporting your claim.
3. Your application will be acknowledged in writing and you will receive a response **within 45 days** of submitting the application for review.
4. The TAFE NSW Review Officer will reconsider the decision according to the following available options:
  - a. confirm the decision
  - b. vary the decision, or
  - c. set the decision aside and substitute a new decision.
5. You will be notified in writing of the outcome of the review process and will be provided with the reasons for making the decision.
6. You have the right to make an appeal to the Administrative Appeals Tribunal (AAT) of an unsuccessful Review. As at 1 July 2016, the approximate cost of lodging an appeal is \$884. In certain circumstances, this fee can be reduced to \$100. The contact details and address of the nearest AAT registry are:

**Administrative Appeals Tribunal (AAT)**

<http://www.aat.gov.au>

Phone: 1800 228 333

Deputy Registrar

Administrative Appeals Tribunal (AAT)

Level 6

83 Clarence Street

SYDNEY NSW 2000

Postal address:

GPO Box 9955

Sydney NSW 2001

Fax: 02 9776 5599

**In relation to consideration of appeals by the AAT, TAFE NSW will:**

1. Provide to the Commonwealth government, **within 5 business days** of being requested, copies of all the documents it holds that are relevant to your appeal.
2. Keep any originals and copies of the documents relevant to your appeal in accordance with normal record management procedures.
3. Further information can be found on the **Study Assist** website at <http://studyassist.gov.au/sites/studyassist/payingbackmyloan/cancelling%20a%20help%20debt%20under%20special%20circumstances/pages/cancelling-a-help-debt-under-%27special-circumstances%27>

**\* Special Circumstances**

1. **Beyond the student's control** - Circumstances could be considered beyond the student's control if a situation occurs that a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible. This situation would generally be expected to be unusual, uncommon or abnormal. **and**
2. **Do not make full impact until on or after the census day** - Circumstances could be considered not to make their full impact on the student until on or *after* the census day for the course or the part of the course if the student's circumstances occurred:
  - before the census day, but worsen after that day
  - before the census day, but the full effect or magnitude does not become apparent until after that day; or
  - on or after the census day **and**
3. **Impracticable for the student to complete the requirements for the course, or the part of the course during the student's enrolment** - Circumstances that make it impracticable for the student to complete the requirements for their course or part of the course 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.
  - family/student circumstances, for example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies.
  - employment related circumstances, for example, where a student's employment status or

arrangements have changed so the student is unable to continue their studies, and this change is beyond the student's control; or

- course related circumstances, for example, where the provider has changed the course or parts of a course it had offered and the student is disadvantaged by either not being able to complete the course or parts of a course, or not being given credit towards other or courses or parts of a course.

A student is unable to complete the requirements for a course or part of a course, for example, if the student is unable to:

- undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- complete the required assessable work to the required standard; or
- sit the required examinations and obtain a required mark; or
- complete any other course requirements because of their inability to meet the above.

**Note:**

**Pre-existing conditions** – A circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a student may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for the course or the part of the course, but that condition may worsen, or that student may suffer from an aggravation, deterioration or episode, after the census day.

Alternatively, the full implications of a student's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study are not fully realised until after the census day.