



# Student FEE-HELP Re-Credit Procedures – VET Student Loans

Part 8, Division 1, of VET Student Loan Rules (2016)

## 1. Purpose

Lawson College Australia meets its legal and ethical requirements in relation to student Fee-HELP Re-credit procedures.

Information is collected in order for Lawson College Australia to meet and discharge obligations under pertinent legislation in regard to VET Student Loan Act 2016 and VET Student Loan Rules 2016.

A student’s HELP balance may be re-credited under the VET Student Loan Act (2016) (Section 67) only if an amount of a VET student loan has been used to pay tuition fees for the student for a course, or a part of a course.

A student’s VET Student Loan balance can be re-credited under Part 6 of the VET Student Loan Act (2016), Section 68 Special Circumstances.

An approved VET Student Loans provider must comply with the requirements of the VET Student Loans Ombudsman and fully cooperate with the VET Student Loans Ombudsman to ensure compliance with the Act.

## 2. Scope

This *Student FEE-HELP Re-Credit Procedures – VET Student Loans* sets out the procedures Lawson College Australia uses in its management of student complaints and appeals.

Related Lawson College Australia Policy and Procedure:

- Census Days\_VSL
- Tuition Fees\_VSL
- Student Review Procedures\_VSL
- Tuition Assurance Procedures\_VSL
- Published Statement of Tuition Assurance\_VSL
- Student Withdrawal Processes and Procedures\_VSL
- Student Grievance Procedures\_VSL
- Complaint and Appeal
- Access, Equity and Anti-discrimination
- Privacy and Information Handling Procedures\_VSL
- Record Management and access to records

This *Student FEE-HELP Re-Credit Procedures – VET Student Loans* applies to all Lawson College Australia staff and students.

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### 3. Definitions

**Appeal:** An *appeal* is the process in which cases are reviewed, where parties request a formal change to an official decision.

**ASQA:** ASQA is the Australian Skills Quality Authority, the National VET regulator and registering body for private RTOs in Victoria ([Australian Skills Quality Authority \(ASQA\)](#)).

**Australian Privacy Principles:** The Australian Privacy Principles (APPs) are rules of conduct set out by The Privacy Act 1988 (Cth) which establishes standards for the collection and handling of 'personal information' (as defined by the Act) by Commonwealth agencies ([Australian Privacy Principles guidelines — OAIC](#)).

**Census Days:** The day the student incurs financial liability for the unit of study. Students may cancel their enrolment by the census day without incurring tuition fees (or a HELP or VET Student Loans debt) for the course or the part of the course.

**Complaint:** A complaint is any expression of dissatisfaction with an action product or service of an education and training provider.

**Covered Fees:** The amount of the course tuition fees to be covered by a VET Student Loan. This will be set out on the Student Loans Statement of Covered Fees.

**Gap Fee:** The difference between the covered fees and the total tuition fee for a course.

**HELP Loan Limit:** The maximum amount a person can borrow over their lifetime for VET Student Loans.

**Impracticable:** Means not practicable. That which cannot be put into practice with the available means (Vet Student Loans Manual or Providers, V4.2, August 2020, p. 78)

**Personal information:** Personal information includes a broad range of information, or an opinion, that could identify an individual ([What is personal information? — OAIC](#)).

**Privacy Act 1988 (Cth):** An Act to make provision to protect the privacy of individuals, and for related purposes ([Privacy Act 1988 \(legislation.gov.au\)](#)).

**Secretary:** A person holding, occupying or performing the duties of the position of Secretary of the Commonwealth Department of Education, Skills and Employment, responsible for the administration of VET Student Loans.

**Student:** A person who is enrolled in a higher education course or an *approved course* for VET Student Loans (may also be referred to as 'VET course') ([Student | HEIMSHelp \(dese.gov.au\)](#)).

**The Act:** The VET Student Loans Act 2016 (Act) and the VET Student Loans Rules 2016 (Rules) set out the legislative requirements that underpin the VET Student Loans (VSL)



program ([VET Student Loans Compliance - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](#)).

**Tuition Fee:** The total fees for the course (including the covered fees plus any gap fee).

**Unit of Study:** A unit of study may comprise a group of units of competency or one unit of study may equal one unit of competency.

**VET Student Loan:** A VET Student Loan (VSL) helps eligible students to cover tuition fees for vocational education and training (VET) courses. VSLs are only available for approved courses at the diploma level and above ([VET Student Loans | StudyAssist](#)).

**VET Student Loans Ombudsman:** The VET Student Loans Ombudsman in the Office of the Commonwealth Ombudsman investigates complaints from students regarding their VET FEE-HELP or [VET Student Loans](#) provider in Australia. Their services are free, independent and impartial ([VET Student Loans Code of Practice \(ombudsman.gov.au\)](#))

#### 4. Applying for re-credit of VET Student Loan debt (as per Section 68 of the Act) – Special Circumstances.

4.1 A student may apply for re-credit of a VET Student Loan debt if they withdraw from their Unit of Study after the census day, or have not completed the Unit of Study requirements.

- To be noted, a student cannot apply for a re-credit for a Unit of Study that they have completed successfully.

4.2 A re-credit of a VET Student Loan application must be submitted within 12 months of the withdrawal date specified on the student Withdrawal Form.

4.3 An application for re-credit of a VET Student Loan in regard to the individual student circumstance, is considered on the basis of Special Circumstances that:

- Were beyond the student’s control
- 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 their Unit of Study requirements.

4.4 Special circumstances application in relation to replacement component of replacement course

- If a student applies under section 68 of the Act for a re-credit of the student’s HELP balance in relation to a replacement component of a replacement course, the tuition fees paid for the affected part of the original course are taken to have been paid for the replacement component.

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## 5. Applying for re-credit of FEE-HELP Debt under Special Circumstances (Refunds) – by Provider (Section 68 of the Act)

5.1 Application for a re-credit of a FEE-HELP debt, under Commonwealth Legislation, is considered on the basis of Special Circumstances.

5.2 Where the provider is satisfied special circumstances apply, the provider must re-credit the student’s HELP balance (on the Secretary’s behalf) with an amount equal to the VET Student Loan used to pay the tuition fees for the course or part of the course.

5.3 To apply for Special Circumstances the student must provide:

- A written application:
  - A completed *Application of Re-Credit of Fee-HELP – Special Circumstances* form with the following attachments:
  - A personal statement which specifies how special circumstances were beyond the student’s control and how it changed after the census data and prevented continuation of studies.
  - Dated and signed documents of support from an independent source or authority which supports the personal statement, and includes dates, duration affected, level of impact on capacity to study or continue studies.

5.3.1 Acceptable supporting documentation may include:

- A medical statement completed by a *medical professional* that describes at a minimum:
  - The date of the consultation
  - An indication of whether diagnosis was based on self-report or by the medical professional
  - The severity of the impact of the condition on ability to complete the Unit of Study or withdrawal by the Census Day.
  - The dates/duration of the impact. To be noted, a simple Medical Certificate is not sufficient.
- A detailed statement from one of the following:
  - A police officer, or
  - A counsellor, or
  - A minister of religion
  - An employer regarding significant changes in employment circumstances, or
- A copy of a death certificate or death notice of a close family member, including proof or relationship to the deceased, or

5.4 Where Lawson College Australia allows a student 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.

5.5 Lawson College Australia has the discretion to refund any other payments the student made in respect of the course.



## 6. Meaning of Special Circumstances

6.1 Circumstances are Special Circumstances under the Act, if a student can demonstrate to the satisfaction of Lawson College Australia that the circumstances were:

- Beyond the student’s control
- Did not make their full impact on the student until on, or after, the census day for the course, or the part of the course, and
- Made it impracticable for the student to complete the requirements of the course, or part of the course, during the student’s enrolment.

6.1 Special Circumstances beyond a student’s control

- Examples which may meet the criteria include a motor vehicle accident or the worsening of a serious illness.

6.2 Special Circumstances that do not make full impact until on or after the census date

For example, occurred:

- Before the census day, but worsen after that day
- Before the census day, but the full effect or magnitude did not become apparent until after that day, or
- On or after the census day.
- Students do not need to demonstrate they were unable to withdraw from the course prior to the census day.

6.3 Special Circumstances arising from pre-existing conditions

6.3.1 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 person may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for a course, but the condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.
- Alternatively, the full implications of a person’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 is not fully realised until after the census day.

6.3.2 Lawson College Australia must consider whether the person’s circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition which may have affected the person on or after the census day.

6.4 Circumstances that made it impracticable to complete a course

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6.4.1 Lawson College Australia must consider:

- Whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements
- Whether the student could complete any required assessable work, or demonstrate competencies required, and
- Whether the student could complete any other requirements arising from the student’s inability to do the above.

6.4.2 Circumstances which make it impracticable for the person to complete the requirements for their course may include (among other things):

- Medical circumstances – for example where a person’s medical condition has changed to such an extent that they are unable to continue studying
- Family or personal circumstances – for example death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies, or
- The student’s employment related circumstances – for example where a person’s employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person’s control.

**7. Special Circumstances do not include:**

7.1 Lack of knowledge or understanding of requirements under the schemes; or

7.2 An applicant's incapacity to repay a HELP debt, as repayments are income contingent, and the applicant can apply for a deferral of a compulsory repayment in certain circumstances.

**8. Decisions regarding FEE-HELP Re-Credit**

8.1 Lawson College Australia will consider the student’s application.

8.2 Notification will be provided to the student as soon as practicable, in writing, and include the reasons for making the decision.

**9. Reviewing a decision**

9.1 Decisions regarding re-crediting a person’s HELP balance are reviewable.

9.1 The person will be advised that the time limit for applying for a review of a decision is 28 days after the day on which the person was notified of the decision, or within such longer time as the decision maker allows. Refer to *Student Review Procedure\_VSL*

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9.3 In circumstances where an application for review is made outside the application period (that is, 28 days after the person was notified of the decision), and Lawson College Australia has not extended this time, the person will be advised that the application has been refused on the basis the person is out of time.

9.4 To be noted, in these circumstances, it is not necessary for Lawson College Australia to address whether the Special Circumstances test has been satisfied.

## 10. Review by the Administrative Appeals Tribunal (AAT)

10.1 A person may apply to the AAT for review of a decision. Refer to *Student Review Procedure\_VSL*.

## 11. Re-Crediting by Secretary

11.1 The Secretary may act in place of a provider and re-credit a student's HELP balance under section 68 of the Act, for Special Circumstances. Refer to *Student Review Procedure\_VSL*.

## 12. Retaining Information

12.1 Lawson College Australia will retain documents and information related to the operation of the Act and the Rules for seven years or as otherwise specified in the Rules.

## 13. Acknowledgements

VET Student Loans Act (2016) <https://www.legislation.gov.au/Details/C2021C00150>

VET Student Rules (2016) <https://www.legislation.gov.au/Details/F2020C00982>

[VET Student Loans - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](https://www.dese.gov.au)

Australian Government, *VET Student Loans, Manual for Providers*, V4.2 August 2020

[VET Student Loans | StudyAssist](#)

[Cancel your VET debt in special circumstances | Department of Education, Skills and Employment](#)

[Census-days.pdf \(ombudsman.gov.au\)](#)

[VET Student Loans Compliance - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](#)

[Information for VET Student Loans Students - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](#)

[VET Student Loans Information Booklet - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](#)



[eCAF fact sheet - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](#)

[Users' guide to Standards for RTOs 2015 | Australian Skills Quality Authority \(ASQA\)](#)

[Legislation | Australian Human Rights Commission](#)

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### 14. Document History and Version Control Table

Version Date	Approval Date	Approved By	Type of Change	Extent
03082021	3 August 2021	Quality and Compliance Committee (QACC)	Initial	NA

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