



Student Review Procedures – VET Student Loans

Part 7, Division 1, Subdivision H of VET Student Loan Rules (2016)

1. Purpose

Lawson College Australia meets its legal and ethical requirements in relation to Student Review 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.

An approved course provider’s processes and procedures must ensure that a student is not victimised or discriminated against for:

- (a) seeking review or reconsideration of a decision; or
- (b) using the provider’s processes or procedures about dealing with grievances; or
- (c) making an application for re-crediting of the student’s HELP balance under Division 2 or 3 of Part 6 of the Act.

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 Review 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

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
VET Student Loan Rules 2016: Student Review Procedures: Part 7, Division 1, Subdivision H	Document Name	Student Review Procedures – VET Student Loans	03082021



- Record Management and access to records

This *Student Review Procedures – VET Student Loans* applies to all Lawson College Australia staff and students.

3. Definitions

Administrative Appeals Tribunal (AAT): The Administrative Appeals Tribunal (AAT) conducts independent merits review of administrative decisions made under Commonwealth laws ([About the AAT | Administrative Appeals Tribunal](#)).

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.

HELP Balance: A person's HELP limit minus any VET Student Loans, VET FEE-HELP, FEE-HELP and HECS-HELP loans they have used.

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](#)).

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
VET Student Loan Rules 2016: Student Review Procedures: Part 7, Division 1, Subdivision H	Document Name	Student Review Procedures – VET Student Loans	03082021

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

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. Reviewable Decisions

4.1 Certain decisions in the Act are 'reviewable decisions'.

4.2 An affected person may request the decision maker to review the decision and apply to the Administrative Appeals Tribunal (AAT) for a review of the reconsidered decision, as set out in the Act:

4.2.1 Where the course provider is the decision maker.

- A decision not to re-credit a student's HELP balance for Special Circumstances (Section 68 the Act)

4.2.2 Where the Secretary is the decision maker

- A decision to approve or not approve a VET Student Loan
- A decision to revoke the approval of an approved course provider



- A decision not to re-credit a student’s HELP balance for Special Circumstances
- A decision to or not to re-credit a student’s HELP balance for unacceptable conduct.

4.3 Where a decision is not a reviewable decision under the Act, the decision maker may still reconsider the decision if satisfied there is sufficient reasons to do so.

4.4 There will be no charge for reconsideration or review of decision other than a review conducted by the Administrative Appeals Tribunal.

5. Treatment of students seeking review

5.1 Lawson College Australia’s processes and procedures ensure a student is not victimised or discriminated against for:

- Seeking a review or reconsideration of a decision
- Using the provider (Lawson College Australia) grievance processes or procedures, or
- Making an application for re-crediting the student’s HELP balance.

6. The decision maker is taken to have decided to refuse an application if:

- (a) a person makes an application for a reviewable decision to be made; and
- (b) the decision maker is required to notify the person of the decision; and
- (c) the person is not notified:
 - (i) within the required time; or
 - (ii) if there is no required time—within 2 months after the application is made.

7. Review of a Decision by the Lawson College Australia (the Provider) regarding re-crediting a HELP balance

7.1 A decision by Lawson College Australia not to re-credit a person’s HELP balance is reviewable.

7.2 A review of a decision may be requested by the person affected by the original decision, or without a request if Lawson College Australia is satisfied there is sufficient reason to do so.

7.3 As an Approved Course provider, Lawson College Australia must appoint a Review Officer to reconsider reviewable decisions made by Lawson College Australia, that is, a decision made under Section 68 (the Act) not to re-credit a person’s HELP balance (for Special Circumstances).

7.4. The Review Officer must be appointed by the Chief Executive Officer of Lawson College Australia, or a delegate.

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
VET Student Loan Rules 2016: Student Review Procedures: Part 7, Division 1, Subdivision H	Document Name	Student Review Procedures – VET Student Loans	03082021



7.5 The Review Officer must not review a decision they were involved in making, and must occupy a position that is not lower than that occupied by the person who made the original decision.

7.6 Lawson College Australia will examine and determine each application on its merits.

7.7 Lawson College Australia will consider the person's claims, together with any independent supporting documentary evidence that substantiates these claims.

8. Review by Review Officer (Lawson College Australia)

8.1 The Review Officer will reconsider the decision and either:

- Confirm the decision
- Vary the decision, or
- Set the decision aside and substitute a new decision

8.2 The Review Officer will provide written notice of the decision and provide a statement of the reasons for making the decision.

8.3 The Review Officer will advise in the written notice, of the person's right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the person is unsatisfied with the outcome.

8.4 If the reviewer does not give the person a notice of the decision within 45 days after receiving the person's request, it is taken that the reviewer has confirmed the original decision.

8.5 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 the application has been refused on the basis the person is out of time.

8.6. In the circumstances related to 7.5 above, it is not necessary for Lawson College Australia to address whether the Special Circumstances test has been satisfied.

9. Meaning of Special Circumstances

9.1 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.

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
VET Student Loan Rules 2016: Student Review Procedures: Part 7, Division 1, Subdivision H	Document Name	Student Review Procedures – VET Student Loans	03082021

9.2 Special Circumstances do not include:

- Lack of knowledge or understanding of requirements under the schemes; or
- 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.

10. Review by the Administrative Appeals Tribunal (AAT)

10.1 A person may apply to the AAT for review of a decision.

10.2 When you apply to the Administrative Appeals Tribunal (AAT) for review of some kinds of decisions, there is no application fee. For the review of other decisions, a fee must be paid.

AAT Website: <https://www.aat.gov.au>

AAT Contacts: <https://www.aat.gov.au/contact-us>

AAT Phone: 1800 228 333

10.3 The Secretary, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT.

11. Retaining Information

11.1 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.

12. 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](#)

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J		Version
VET Student Loan Rules 2016: Student Review Procedures: Part 7, Division 1, Subdivision H		Document Name	Student Review Procedures – VET Student Loans	03082021



13. 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

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J		Version
VET Student Loan Rules 2016: Student Review Procedures: Part 7, Division 1, Subdivision H		Document Name	Student Review Procedures – VET Student Loans	03082021