VET Student Loan Review and Re-Crediting Procedure

# Audience

All TasTAFE Employees and VET Student Loan students.

# Purpose

The purpose of this procedure is to provide information to both employees and students on how to conduct and access the review and re-credit process relating to VET Student Loans. It provides a set of activities that are required to be undertaken when applying for, reviewing and processing applications for re-credit, or applications to review re-credit decisions in relation to a VET Student Loan.

# Procedure statement/details

In accordance with the VET Student Loan (VSL) Rules 2016, this procedure will be publicly available on TasTAFE’s website.

Please refer to TasTAFE’s [VET Student Loan Review and Re-crediting Policy](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6682785/download_latest_final_file) which outlines TasTAFE’s commitment to reviewing student’s request for re-credit of a VSL debt, refunds of upfront payments of tuition fees, and reviewing re-credit decisions relating to a VSL debt.

## Withdrawal from studies on or before census date.

If a student withdraws from a unit of study on or before the published census date, the student will not incur a VSL debt for that unit of study and will be refunded any tuition fees paid for the unit of study.

The student must complete TasTAFE’s withdrawal process for this to occur. Information on the withdrawal process can be found on [TasTAFE’s public website – VET Student Loans](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tastafe.tas.edu.au%2Fstudents%2Ffees%2Fvet-student-loans&data=05%7C02%7Cpolicy%40TasTAFE.tas.edu.au%7C8a62591638104ea0e70408dc43d96f7b%7Ca9be3ac70c60491e8b3ba32f8f46aec8%7C0%7C0%7C638459848356474123%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=E9O3BdbXN98MzjO5YemHoodvJE3YZ0W7E8Hk%2FcStQRE%3D&reserved=0).

## Withdrawal from studies after the census date.

Students who withdraw from a unit of study after the published census date, or fail to complete a unit of study, may apply to have their FEE-HELP balance re-credited with respect to the unit of study if they believe special circumstances apply (refer to section 68 of the VET Student Loans Act 2016 (‘the Act’)).

Students may also apply to the Secretary of the Department of Education and Training under section 71 of the Act for the student’s balance to be re-credited due to:

* TasTAFE, or a person acting on the TasTAFE’s behalf, having engaged in unacceptable conduct in relation to the student’s application for the VSL, or
* TasTAFE failing to comply with the Act, or an instrument under the Act, and the failure has adversely affected the student.

## Application for Re-credit of a VET Student Loan process

* If the census date has passed and the student was unable to complete their studies and the student believes this was due to special circumstances, the student may apply to have their VSL debt re-credited and their unit of study fees refunded.
* Each application for re-credit of a student’s FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim. There is no charge to undertake this process.
* The student is to complete an [Application to Re-credit VSL Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862753/download_latest_final_file) within 12 months of withdrawing from their studies, or if the student is still enrolled and has not completed the requirements of the unit, application must occur within 12 months from the date the unit ends.
* The student must send their [Application to Re-credit VSL Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862753/download_latest_final_file) via email to the [VET Student Loan Coordinator](mailto:vetstudentloans@tastafe.tas.edu.au) (VSL Coordinator), or in writing to VET Student Loan Coordinator, TasTAFE, Level 1, 75 Campbell Street, Hobart TAS 7000.
* Once received, TasTAFE’s VSL Coordinator will provide a written receipt to the student, and the assessment of the application will commence through the [VSL Re-credit and Review of VSL Re-Credit Decision Forms](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862767/download_latest_final_file). TasTAFE’s VSL Coordinator will inform the student of the decision within 25 days of TasTAFE receiving the application.

## Other considerations

* 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 the period as extended by TasTAFE.
* 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 of the Department of Education and Training.
* There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT).
* The Secretary of the Department of Education and Training may re-credit a student’s FEE-HELP balance in relation to special circumstances if TasTAFE is unable to act or is being wound up or has been dissolved; or has failed to act and the Secretary of the Department of Education and Training is satisfied that the failure is unreasonable.
* This process ensures that TasTAFE does not victimise or discriminate against a student for
  + seeking a review or reconsideration of a decision,
  + using TasTAFE’s grievance processes or procedures, or
  + making an application for re-crediting the student’s FEE-HELP balance.

## Special Circumstances

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

TasTAFE will re-credit the Student’s FEE-HELP balance if it is satisfied that Special Circumstances apply. Definition of the meaning of Special Circumstances can be found in the [Application to Re-credit VSL Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862753/download_latest_final_file).

## Request to review decision

* If the student disputes the original decision, they have a right to lodge an [Application to Review a VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862759/download_latest_final_file) within 28 days of receiving the written outcome of their application. As noted in the form, this application for review must specify the reasons for seeking a review.
* The student must send their [Application to Review a VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862759/download_latest_final_file) via email to the [VET Student Loan Coordinator](mailto:vetstudentloans@tastafe.tas.edu.au) (VSL Coordinator), or in writing to VET Student Loan Coordinator, TasTAFE, Level 1, 75 Campbell Street, Hobart TAS 7000.
* Once received, TasTAFE’s VSL Coordinator will provide a written receipt to the student and forward the request to TasTAFE’s VSL Review Officer.
* TasTAFE’s VSL Review Officer will review and reconsider the original decision reviewing the:
  + application to Review a VSL Re-credit Decision Form (student to provide), and
  + information from the original decision and any new evidence provided by the Student.
* TasTAFE’s VSL Review Officer may decide to either:
  + Confirm the original decision, or
  + Vary the decision.
* The decision of the VSL Review Officer will be documented on the [VSL Re-credit and Review of VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862767/download_latest_final_file).
* The student will be advised, in writing, within 45 days of receiving the application to review of:
  + TasTAFE’s VSL Review Officer’s decision, and
  + the reasons for the decision, and
  + where relevant, details of re-credited or refunded amounts, and
  + the student’s right to appeal to the Administrative Appeals Tribunal (AAT).
* If the student is not informed within the 45-day period, the original decision is taken to be confirmed.
* Based on the above decision, TasTAFE’s will adjust the student’s enrolment data, advise the relevant Education Manager of the decision, update the VSL Register and submit the revision file where necessary.

# Administrative Appeals Tribunal (AAT)

* If the student is not satisfied with TasTAFE’s VSL Review Officers decision, the student has the right to appeal to the Administrative Appeals Tribunal (AAT) for a review of TasTAFE’s VSL Review Officers decision.
* The AAT will charge the student an application fee. Payment of this fee is the responsibility of the student.
* [AAT’s contact details](https://www.aat.gov.au/contact-us) are:  
  Administrative Appeals Tribunal  
  Ground Floor, Edward Braddon Building  
  Commonwealth Law Courts  
  39-41 Davey Street, Hobart Tas 7000

T: 1800 228 333

The Commonwealth may request all documentation held by TasTAFE in relation to the student’s application for a re-credit of the VSL debt. Upon request, TasTAFE will provide this information to the Commonwealth within 5 days of receiving the request.

* Within 28 days of notification from the Commonwealth, TasTAFE will lodge to the AAT:
  + a statement setting out the material questions of fact, referring to the evidence or other material on which those findings were based and giving reasons for the decision, and
  + every document or part of a document that is in the VSL Review Officer’s possession and is considered by the reviewer to be relevant to the review of the decision by the AAT.
* Upon advice from the AAT to TasTAFE, TasTAFE’s VSL Coordinator will make the required adjustments to the student’s data, VSL register and student Commonwealth Assistance Notice.
* Where relevant, TasTAFE’s VSL Coordinator will provide the student with relevant updated documents.

# Responsibilities

## Student

* Where appropriate, submit an [Application to Re-credit VSL Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862753/download_latest_final_file) within 12 months of withdrawal.
* If not satisfied with the outcome of the original application, submit an [Application to Review a VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862759/download_latest_final_file) within 28 days of receiving the outcome of the original application.
* If not satisfied with TasTAFE’s VSL Review Officer’s decision to the review a Re-credit Decision, submit an application to the Administrative Appeals Tribunal (note, fees apply).

## VET Student Loan Coordinator ([TasTAFE’s Business Systems Officer](#Row_Title_Contact_Person))

* Review an [Application to Re-credit VSL Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862753/download_latest_final_file) and provide recommendation to Education Manager.
* Liaise with TasTAFE’s VSL Review Officer when a student submits an [Application to Review a VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862759/download_latest_final_file).
* Advise Student of TasTAFE’s decision within the required timeframes.
* Provide the AAT with appropriate information as and when requested.
* Ensure VSL register, Student File, Commonwealth Assistance Notice, and all relevant documentation pertaining to the VSL application is up to date throughout the entire process.

## VSL Review Officer (TasTAFE’s Chief Financial Officer)

* As required, review and reconsider TasTAFE’s original decision regarding the re-credit of a student’s VSL.

# Associated legislation/documents

* [VET Student Loan (VSL) Rules 2016](https://www.legislation.gov.au/Details/F2017C00963)
* [VET Student Loan Review and Re-Crediting Policy](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6682785/download_latest_final_file)
* [Application to Re-credit VSL Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862753/download_latest_final_file)
* [Application to Review a VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862759/download_latest_final_file)
* [VSL Re-credit and Review of VSL Re-credit Decision Form](https://recordsmanager.education.tas.gov.au/linkgeneratorapi/record/6862767/download_latest_final_file)

# Measure of procedure effectiveness

At a minimum this procedure will be measured for effectiveness by:

* The timely management and resolution of student re-credit requests
* Consistency of practice in management of student re-credit requests

# Definitions/acronyms

**AAT** - Administrative Appeals Tribunal

**Commonwealth Assistance Notice (CAN**) - After the census date, TasTAFE will send you a CAN. The CAN includes important information about your enrolment, any VSL debt you have incurred or student contribution amounts you have paid, and any loan fee you may have incurred.

**Census Date** - The census date is a period of time that is approximately 20 per cent of the way through the unit of study. It is the date a student incurs a debt for a unit of study.

**FEE-HELP** - Is a loan scheme that assists eligible full fee-paying students pay their tuition fees at university and other higher education providers.

**Re-credit** - A loan amount previously paid to TasTAFE by the Commonwealth from a student’s FEE-HELP balance that is subsequently returned to the Commonwealth.

**Tuition Fee** - The fee associated with a unit of study in the delivery of Diploma and Advanced Diploma courses. Each unit of study tuition fee represents a portion of the total course fee.

**Unit of Study** - A subject or collection of subjects that a person may undertake with TasTAFE.

**VSL** - VET Student Loan

# Policy control

## Contact points

| **Responsibility** | **Position title** | **Contact person** | **Contact number** |
| --- | --- | --- | --- |
| **Executive owner** | Chief Financial Officer | Will McShane | 0437 192 635 |
| **Procedure owner** | Manager, Business Systems & Reporting | Andrew Stevens | (03) 6270 5401 |
| **Contact person** | Business Systems Officer | Casey Harwood | (03) 6232 7546 |

## Consultation

The following teams/positions should be consulted during the development/review of this Procedure:

* Finance and Performance – Finance Manager
* Chief Financial Officer
* VET Student Loan Coordinator

## Endorsement required prior to Risk and Compliance Committee:

Not Applicable

**Endorsements**

| **Committee** | **Date** |
| --- | --- |
| Risk and Compliance Committee | 28.03.2024 |

## Dates:

**Last approved:**  8/04/2024

**Next review**: 8/04/2027

## Version history

| **Version** | **Date** | **Description of changes** |
| --- | --- | --- |
| 2.0 | 25.11.2019 | Format changes to meet policy template requirements. |
| 3.0 | 24.11.2020 | Updated to ensure procedure reflects actual practices. |
| 4.0 | 26.06.2023 | Updated Executive Owner Contact Person. |
| 5.0 | 25.09.2023 | Updated Executive Owner from Chief Operating Officer to Chief Financial Officer. |
| 5.1 | 6.11.2023 | Updated with the new template |
| 6.0 | 15.03.2024 | Cyclical review, updated to the new template with supporting documents also updated. |

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