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PURPOSE

The purpose of this policy is to provide a set of guidelines for dealing with certain decisions made under Schedule 1A of the *Higher Education Support Act 2003 (HESA)* regarding re-crediting a person's FEE-HELP balance.

SCOPE

This policy is concerned with requests for review of certain decisions made by TAFE Queensland Gold Coast in relation to applications by students to re-credit their FEE-HELP balance.

OBJECTIVES

Customer Group	Objectives
Students enrolled in a VET course of study who are eligible for VET FEE-HELP assistance	To review decisions for re-crediting a student's FEE-HELP balance
TAFE Queensland Gold Coast Staff	To familiarise themselves with the procedures outlined in this document to comply with the HESA and the VET Guidelines.

EXCEPTIONS

Students who have successfully completed a VET unit of study are not eligible to apply to have their FEE-HELP balance re-credited or to have their VET FEE-HELP debt removed for that VET unit of study.

POLICY INFORMATION AND PROCEDURES

1. Introduction

TAFE Queensland Gold Coast will conduct this procedure in compliance with Schedule 1A of the *Higher Education Support Act 2003 (HESA)* and the VET Guidelines.

For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder who is resident in Australia for the duration of the VET unit of study enrolled in a VET FEE-HELP enabled course (a VET course of study) with TAFE Queensland Gold Coast.

TAFE Queensland Gold Coast will:

- set a census date for each VET unit of study that is no earlier than 20% of the way through the VET unit of study;
- ensure that all students are informed of the census date for each VET unit of study in the manner and by the date prescribed in the VET Administration Guidelines;
- ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

A student who withdraws from a VET unit of study on or before the published census date for that VET unit of study will not incur a VET FEE-HELP debt for that VET unit of study.

A student who withdraws from a VET unit of study after the published census date for that VET unit of study will incur a VET FEE-HELP debt for that VET unit of study.

A student who has incurred a VET FEE-HELP debt for a VET unit of study may apply to have their FEE-HELP balance re-credited for the affected VET units of study in accordance with the following procedure.

2. Special circumstances

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

TAFE Queensland Gold Coast will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for the VET unit(s) of study in question; and
- make it impractical for the student to complete the requirements for the VET unit(s) of study in question.

TAFE Queensland Gold Coast will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.

Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to the VET FEE-HELP Team, and sent to:

VET FEE-HELP
PO Box 5547, GCMC Bundall
Queensland 9726
Phone: 617 5581 8866

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- (a) when a student withdraws from a VET unit of study, TAFE Queensland Gold Coast shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- (b) when a student fails to meet the requirements of a VET unit of study, TAFE Queensland Gold Coast shall confirm the failure by giving notice to the student in writing of the final result for that VET unit of study after results for the VET unit of study have been properly approved;
- (c) the student must apply in writing to the VET FEE-HELP Team within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the VET unit of study. TAFE Queensland Gold Coast may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period;
- (d) The VET FEE-HELP Team send the application for re-credit along with the supporting documentation to the Director of the faculty of the course of which the student is applying for re-credit with. The Director will review the documents provided by the student and will make a decision regarding the re-credit of the student's VET FEE-HELP balance. The Director will communicate the decision made with the VET FEE-HELP Team.
- (d) The VET FEE-HELP Team shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- (e) The VET FEE-HELP Team shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The Director will consider the re-credit application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If the application is successful, TAFE Queensland Gold Coast will re-credit the student's FEE-HELP balance with an amount equal to the amounts of VET FEE-HELP assistance that the student has received for the affected VET units of study and the student's VET FEE-HELP debt for those VET units of study will be removed.

3. Review of a decision

If a student is not satisfied with the decision made by the Director in relation to re-crediting their FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the Review Officer who is the Executive Director of Studies and is senior to the original decision maker.

Any such request must be submitted to the Review Officer in writing and:

- (a) must be lodged within 28 days of receiving notice of the original decision, unless the Review

- Officer allows a longer period;
- (b) must specify the reasons for making the request; and
 - (c) sent to:

VET FEE-HELP Team
 PO Box 5547, GCMC Bundall
 Queensland 9726
 Phone: 617 5581 8380

The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

The Review Officer shall:

- (a) seek all relevant information from the person who made the original decision;
- (b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- (a) confirm the decision;
- (b) vary the decision; or
- (c) set the decision aside and substitute a new decision;

The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal for a review of the decision; and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal as follows:

If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT). The current fee to lodge an application with the AAT for the review of a decision is \$816 (GST exempt), although some applicants may be entitled to a reduction in fees (see [Information about Application Fees](#)). The contact details for the AAT are:

Deputy Registrar
 Administrative Appeals Tribunal
 GPO Box 9955
 Brisbane Qld 4001

Phone: 07 3361 3000 / 1300 366 700
 Internet: www.aat.gov.au

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of TAFE Queensland Gold Coast's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to TAFE Queensland Gold Coast either in the original application or the request for review.

The Secretary of the Commonwealth Department of Education, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the Department's receipt of a notification from the AAT, the Department will notify TAFE Queensland Gold Coast that an appeal has been lodged. Upon receipt of this notification from the Department of Education, the Review Officer will provide the Department with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

4. Privacy

All information and documentation supplied to TAFE Queensland Gold Coast by students will be treated confidentially and in accordance with TAFE Queensland Gold Coast's Privacy Procedure.

5. Publication

These *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be published on the TAFE Queensland Gold Coast internet website <http://tafegoldcoast.edu.au>

DEFINITIONS

Terms	Definitions
Student	A person who is enrolled in a VET course of study with TAFE Queensland Gold Coast who is eligible for VET FEE-HELP assistance
VET Course of Study	A structured and integrated program of VET unit/s of study leading to a VET award at the diploma, advanced diploma, graduate certificate or graduate diploma level.
VET FEE-HELP	A Commonwealth Government loan scheme which assists eligible students to pay their tuition fees, and can cover all or part of the student's tuition fees for VET units of study which form part of a VET course of study undertaken with a Registered Training Organisation that is approved as a VET Provider under the <i>Higher Education Support Act 2003</i> (HESA).
VET Provider	A Registered Training Organisation that is approved under the <i>Higher Education Support Act 2003</i> (HESA) to offer VET FEE-HELP assistance to its eligible students.
VET Unit of Study	A subject or unit that a person may undertake with a VET Provider which forms part of a VET course of study.

DOCUMENTATION AND REFERENCES

- [POL-043 – VET FEE-HELP Refund Policy](#)
- [POL-044 – Student Review Policy for Re-crediting a VET FEE-HELP Balance](#)
- TQGC Privacy Procedure

COMPLIANCE REFERENCE

- [Higher Education Support Act 2003](#) (HESA)
- [VET Guidelines 2013](#)
- [VET Administration Information for Providers](#)
- [Administrative Appeals Tribunal Act 1975](#)

POLICY OWNER

Director, Finance, Procurement, ICT and Compliance

POLICY AUTHOR

Educational Projects Officer VET FEE-HELP

REVISION HISTORY

Revision	Status (Draft/Final)	Summary of Changes	Prepared/Approved By	Revision #
10/01/2010	Draft	Initial document revised for resubmission to THE COMMONWEALTH DEPARTMENT OF EDUCATION 14.01.2009	Educational Projects Manager VET FEE-HELP	01
26/03/2010	Draft	Revised on THE COMMONWEALTH DEPARTMENT OF EDUCATION request	Educational Projects Manager VET FEE-HELP	03
08/07/2011	Final	Change of Delegations to the review process	Director, Domestic Business	04
08/06/14	Final	Change to TAFE structure and updated hyperlinks	Associate Director, Quality and Legal	06