

STUDENT REVIEW PROCEDURES FOR RE-CREDITING A FEE-HELP BALANCE

Overview

This policy relates to the process Forsythes Training Pty Limited (Forsythes Training) will follow to re-credit a Student's FEE-HELP balance when a Student withdraws from a course, or part of a course on or after Census Day, or where a course is not provided to completion.

Definitions

The Act: Refers to the *VET Student Loans Act 2016*

Student: Refers to students who have requested a VET student loan to pay tuition fees for their course, or part of their course in which they are enrolled.

Census Day: A published date set by an approved course provider for each fee period that is at least 20% of the way through the fee period.

Tuition Fees: Fees paid for an approved course through a VET student loan.

The Department: The Commonwealth of Australia represented by the department which has the responsibility for administering the Act.

1.0 General principles

- 1.1 A Student who withdraws from a course before the Census Day will not incur a VET student loan debt for that part of the course that the Census Day relates to.
- 1.2 Students who remain enrolled on or after the published Census Day will incur a VET student loan debt for that part of the course that the Census Day relates to.
- 1.3 Under Part 6 of the Act a Student may apply to have their FEE-HELP balance re-credited under certain circumstances.
- 1.4 There is no charge for consideration of an application or review of the initial decision. There may be a charge for a review by the Administrative Appeals Tribunal.
- 1.5 Forsythes Training will ensure that a Student is not victimised or discriminated against for making an application for re-crediting the Student's FEE-HELP balance under Part 6 of the Act or seeking a review of the initial decision.

2.0 Re-crediting a FEE-HELP Balance due to special circumstances

- 2.1 Under section 68 of Part 6 of the Act, Students who withdraw from a course on or after a published Census Day may apply to have their FEE-HELP balance re-credited with respect to that part of the course that the Census Day relates to if they believe special circumstances apply.
- 2.2 Forsythes Training will re-credit the Student's FEE-HELP balance if it is satisfied that special circumstances apply where:
 - these circumstances were beyond the Student's control; and
 - these circumstances did not make their full impact on the Student until on or after the Census Day for the course or part of the course; and

- these circumstances were such that it was impracticable for the Student to complete the requirements for the course, or part of the course during the Student's enrolment in the course, or part of the course.
- 2.3 For circumstances deemed to be beyond a Student's control, the situation should be that which 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. The situation must be unusual, uncommon or abnormal to be considered special circumstances.
- 2.4 Special circumstances do not include:
- lack of knowledge or understanding of requirements for VET student loans; or
 - a Student's incapacity to repay a VET student loan (repayments are income contingent and the Student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).
- 2.5 Each application for re-credit of a Student's FEE-HELP balance based on special circumstances will be considered on its merits together with all supporting documentation substantiating the claim.
- 2.6 The Compliance Manager is the designated officer responsible for the assessment of a Student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.
- 2.7 A Student must apply in writing to the Compliance Manager at Forsythes Training, Locked Bag 2050, Newcastle within 12 months after the Census Day for the course, or the part of the course.
- 2.8 Forsythes Training has the discretion to waive this requirement if it is satisfied that it was not possible for the application to be made within the 12 month period. Relevant supporting documentation will be required to substantiate the claim.
- 2.8 The application for re-crediting a FEE-HELP balance must include details of:
- those parts of the course for which a Student is seeking to have a FEE-HELP balance re-credited; and
 - the special circumstances as referred to above, including supporting documentation.
- 2.9 Forsythes Training will consider each application as soon as practical but no later than 28 days of receipt of the application. If Forsythes Training is satisfied that special circumstances prevented, or will prevent, the Student from completing the requirements of the course, or part of the course the Student's FEE-HELP balance will be re-credited equal to the amount of the VET student loan for the affected parts of the course. Applicants will be notified in writing of the decision within 28 days, including reasons for the decision.
- 2.10 The Secretary of the Department may re-credit a Student's FEE-HELP balance in relation to special circumstances if Forsythes Training is unable to act or is being wound up or has been dissolved or has failed to act and the Secretary of the Department is satisfied that the failure is unreasonable.
- 3.0 Review of a decision to re-credit a FEE-HELP Balance due to special circumstances**
- 3.1 Where Forsythes Training makes a decision NOT to re-credit a Student's FEE-HELP balance that decision may be subject to review.
- 3.2 If a Student is not satisfied with the decision made by Forsythes Training, the Student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
- be made within 28 days of receipt of the original decision;
 - include the date of the original decision;

- state fully the reasons for applying for the review;
 - include any additional relevant evidence.
- 3.3 Applications should be made in writing to the Compliance Manager at Forsythes Training, 9 Denison Street, Newcastle as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. The Review Officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision to be reviewed.
- 3.4 The Review Officer will:
- acknowledge receipt of the application for review of a decision in writing within 10 working days; and
 - inform the Student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.
- 3.5 The Review Officer will then:
- review the information from the original decision and then assess any new evidence provided by the Student;
 - provide written notice to the Student of the decision, setting out the reasons for the decision;
 - inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

4.0 Reconsideration by the Administrative Appeals Tribunal

- 4.1 At the time of the original decision, and at the time of the subsequent review decision, the Student will be notified of their review rights and responsibilities. The relevant officer will inform a Student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The application must be lodged at the AAT within 28 days of receiving written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.
- 4.2 Full details of the application process and fees payable are available on the AAT's website: www.aat.gov.au. An application fee may have to be paid in the amount of \$884 and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details. Details of the closest AAT office can also be found on the AAT website: www.aat.gov.au/ContactUs.htm and are shown in Appendix 1 of this document.
- 4.3 The Secretary of the Department, 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 Forsythes Training that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide the Department with copies of all the documents that are relevant to the appeal within five business days.

5.0 Re-crediting a FEE-HELP Balance due to provider behaviour

- 5.1 Under section 71 of part 6 of the Act a Student may apply to the Secretary of the Department if:
- Forsythes Training, or a person acting on Forsythes Training's behalf, engaged in unacceptable conduct in relation to the Student's application for the VET student loan; or

- Forsythes Training has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the Student.

5.2 A Student must apply in writing to the Secretary of the Department 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.

6.0 Publication

6.1 These procedures are published on the Forsythes Training website: www.forsythes training.com.au to ensure Students have up to date and accurate information publicly available to them.

APPENDIX 1

LOCATION OF AAT OFFICES

STATE OR TERRITORY	PHYSICAL LOACTION	POSTAL DETAILS	CONTACT NUMBERS
ACT	Level 8 14 Moore St Canberra ACT 2601	GPO Box 9955 Canberra ACT 2601	Phone: 1800 228 333 Fax: 02 6243 4600
New South Wales	Level 7 55 Market St Sydney NSW 2000	GPO Box 9955 Sydney NSW 2001	Phone: 1800 228 333 Fax: 02 9283 4881
Queensland & Northern Territory	Level 4 Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000	GPO Box 9955 Brisbane QLD 4001	Phone: 1800 228 333 Fax: 07 3361 3001
South Australia	11th Floor Chesser House 91 Grenfell St Adelaide SA 5000	GPO Box 9955 Adelaide SA 5001	Phone: 1800 228 333 Fax: 08 8201 0610
Tasmania	Edward Braddon Building Commonwealth Law Courts 39–41 Davey St Hobart TAS 7000	GPO Box 9955 Hobart TAS 7001	Phone: 1800 228 333 Fax: 03 6232 1601
Victoria	Level 16 HWT Tower 40 City Rd Southbank VIC 3006	GPO Box 9955 Melbourne Vic 3001	Phone: 1800 228 333 Fax: 03 9282 8480
Western Australia	Level 5 111 St Georges Terrace Perth WA 6000	GPO Box 9955 Perth WA 6001	Phone: 1800 228 333 Fax: 08 9327 7299