

Subject: Student Policies and procedures

Title of Policy: Review for Re-Crediting a VSL- FEE HELP Balance

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Approved by: Emily Xu - CEO

DOCUMENT REVISION

Version	Release Date	Change	Approved	Revision Date
1.0	Sep 2020	Vet Student Loans - From 1 January 2017, the Commonwealth VET Student Loans program will replace the existing VET FEE-HELP loan program.	B McPherson	Sep 2021

Purpose:

Patrick's College Australia will conduct this procedure in compliance with [VET STUDENT LOANS ACT 2016 PART 6](#) and [Higher Education Support Act 2003, Vet Student Loans Rules 2016](#).

For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder enrolled in a VET STUDENT LOANS approved course with Patrick's College Australia.

Procedure.

Patrick's College Australia will:

- Set at least 3 census days for the course
- Set each census day for a part of the course is at least 20% of the way through the period
- Ensure that all students are informed of the census date
- Ensure that all students are informed of the review procedures for the re-crediting of a VET STUDENT LOANS 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 receive a refund of their tuition fees if they have paid, or will not incur a debt if they have taken out a VET Student Loan.

A student who withdraws from a VET unit of study after the published census date for that VET unit of study:

- will receive no refund of the unit of study fees if they have paid up-front
- will be liable for the full debt for the unit of study if they have taken out a VET Student Loan
- will only be eligible for a refund or reversal of their VET Student Loan under special circumstances.

Special circumstances for re-crediting a student's VSL FEE-HELP balance

Special Circumstances

A provider must re-credit if satisfied that **special circumstances** prevented, or will prevent the student from completing the requirements for the course, or part of the course and that:

- are beyond the student's control; **and**
- do 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 for the course, or the part of the course during the student's enrolment in the course, or the part of the course. [VET Student Loans Act (2016) Part 6; Division 2; Section 68]

1. **Beyond the student's control** Circumstances could be considered beyond the student's control if a situation occurs that 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. This situation would generally be expected to be unusual, uncommon or abnormal.

2. **Do not make full impact until on or after the census day** Circumstances could be considered not to make their full impact on the student until on or after the census day for the course or the part of the course if the student's circumstances occurred:

- before the census day, but worsen after that day
- before the census day, but the full effect or magnitude does 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 unit of study prior to the census day.

Pre-existing conditions – 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 student may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for the course or the part of the

course, but that condition may worsen, or that student may suffer from an aggravation, deterioration or episode, after the census day.

Alternatively, the full implications of a student'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 are not fully realised until after the census day.

3. Impracticable for the student to complete the requirements for the course, or the part of the course during the student's enrolment - Circumstances that make it impracticable for the student to complete the requirements for their course or part of the course may include:

- medical circumstances, for example, where a student's medical condition has changed to such an extent that he or she is unable to continue studying.
- family/student circumstances, for example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies.
- employment related circumstances, for example, where a student's employment status or arrangements have changed so the student is unable to continue their studies, and this change is beyond the student's control; or
- course related circumstances, for example, where the provider has changed the course or parts of a course it had offered and the student is disadvantaged by either not being able to complete the course or parts of a course, or not being given credit towards other or courses or parts of a course.

Each application to re-credit a student's VSL FEE-HELP balance 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 VSL FEE-HELP balance are to be made, in writing. Please use Re-credit application form available on Patrick's College Australia website and submit via email to: info@pca.edu.au

The procedure for the re-crediting of a VSL FEE-HELP balance:

- When a student withdraws from a VET unit of study, the college shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- When a student fails to meet the requirements of a VET unit of study, the college shall confirm this by giving notice to the student in writing;
- The student must apply in writing within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving written notice of their failure to meet the requirements of a VET unit of study. Patrick's College Australia 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;
- Patrick's College Australia will advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- Patrick's College Australia will also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.
- The college will consider the 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, the college will re-credit the student's VSL FEE-HELP balance with an amount equal to the amounts of VSL assistance that the student has received for the affected VET units of study and the student's VSL debt for those VET units of study will be removed.

Review of a decision

If a student is not satisfied with the decision made by Patrick's College Australia in relation to re-crediting their VSL FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the CEO.

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

- Must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- Must specify the reasons for making the request; and
- Sent to:

In Person: CEO – Emily Xu	Post: Level 7/451 Pitt St Sydney NSW 2000	Scan and email to: info@pca.edu.au
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The college will acknowledge receipt of an application for a review of the refusal to re-credit a VSL FEE-HELP balance in writing and inform the applicant that if the college has not advised the applicant of a decision within 45 days of having received the application for review, the college 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.

- Patrick's College Australia will:
- Seek all relevant information from the person who made the original decision;
- Review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

Patrick's College Australia may:

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

The college 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 \$884 from 1 July 2016. In certain circumstances, this fee can be reduced to \$100. The contact details



for the AAT are:

Administrative Appeals Tribunal Level 7, City Centre Tower
55 Market Street

Sydney NSW 2000

Telephone (02) 9391 2400

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

The Secretary of the Department which has the responsibility for administering the Higher Education Support Act 2003 ("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 SPIE 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 they hold that are relevant to the appeal within five (5) business days.

Publication

These Student Review Procedures for Re-crediting a FEE-HELP Balance are published in the Student Handbook that is available on: www.pca.edu.au