

## Purpose

This Policy and Procedure is in place to ensure that Central Australian College has clear, fair and equitable processes for re-crediting VET Student Loan debts to students who withdraw from a course or unit of study, or due to provider default.

## Scope

This policy applies to all the current and prospective eligible students enrolled under VET Student Loan Scheme at Central Australian College and the staff involved in assessing and processing VET Student Loan balance re-crediting.

## Relevant standards, acts and legislations

The policy is governed by

- VET Student Loans Act 2016
- VSL Rules 2016

## Policy

1. Where a student who has requested a VET Student Loan formally withdraws from a unit of study on or before the census date, the student will not incur a debt for that unit of study and will be refunded any tuition fees or student contribution paid upfront for that unit of study.
2. Where a student has requested for a VET Student Loan, formally withdraws from a unit of study after the census date, the student normally will incur a VET Student Loan debt for that unit of study.
  - a. Students enrolled under VSL scheme may apply for the student's HELP balance to be re-credited under section 68 of the Act because of special circumstances. Where CAC is satisfied special circumstances apply, CAC must re-credit the person's HELP balance with an amount equal to the VSL used to pay the tuition fees for the course or part of the course.
3. VET Student Loan debt removal and remission does not apply to passed units.
4. CAC shall respond to all requests within 28 days of receipt of request
5. VET Student Loan remission requests due to special circumstances must be made within 12 months of the unit withdrawal date or within 12 months of the end of the period of study in which the unit was or was to be undertaken.
6. Student may apply to the Secretary for the student's HELP balance to be re-credited under section 71 of the Act because:
  - If CAC, or a person acting on behalf of CAC, engaged in unacceptable conduct in relation to the student's application for the VSL, or
  - If CAC has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
7. The 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
8. There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT)

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9. The Secretary may re-credit a student's HELP balance in relation to special circumstances if CAC is unable to act or is being wound up or has been dissolved or has failed to act and the Secretary is satisfied that the failure is unreasonable.
10. No students will be victimised or penalised for requesting a review of decision. Or for making an application for re-crediting of the students VET Student Loan balance under part 6 of the Act

## VSL Students Fees Recrediting Procedure

The processes available to students in relation to reconsideration and review of decisions whether to re-credit HELP balances, including relevant time limits that apply:

1. To apply for VET Student Loan re-crediting, student must formally lodge an application for withdrawal from unit(s) of study or a course.
2. Students must complete the Domestic Student Withdrawal form and submit the complete form to [admin@cac.edu.au](mailto:admin@cac.edu.au) with the supporting documents.
3. To be eligible for a re-crediting under special circumstances the:
  - i. Student must have still been enrolled in the unit(s) after the census date;
  - ii. Student must not have successfully completed the requirements of the unit(s);
  - iii. Student must complete and submit the Domestic Student Withdrawal Form with the supporting documents to [admin@cac.edu.au](mailto:admin@cac.edu.au)
  - iv. Application must be received within 12 months of the withdrawal date, or if the student has not withdrawn from the course, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken; and
  - v. Applications submitted outside this timeframe may be considered if the student submits evidence of the special circumstances that prevented them from applying within the specified period.
4. The documents supporting the above circumstances must be sufficient and in the form of:
  - a. An original certificate or letter on letterhead, depending on the nature of the condition from:
    - i. A registered health practitioner;
    - ii. An approved medical specialist.
    - iii. A person qualified to assess and support the application, e.g., clergy providing grief counselling);
  - b. A certificate from a funeral director; or
  - c. A death certificate
5. In the case of a successful application to re-credit a VET Student Loan balance:
  - i. A student's FEE-HELP debt for the unit/s in question is removed.
  - ii. CAC will refund to the Commonwealth the amount of FEE-HELP paid to CAC on behalf of the student. This refund will be paid in the manner required by the Commonwealth.
  - iii. The DESE will inform the Australian Taxation Office that the debt has been removed.

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6. If the student is not eligible for the re-crediting, CAC will notify the student of the decision and the reasons for the decision within 28 days of receipt of the application. This written notification will also advise the applicant of their rights for a review of the decision.
7. . If a student is not satisfied with the decision made by CAC in relation to re-crediting, they may request a review of the decision:
  - i. The request for a review of the decision must be lodged within 28 days of receiving notice of the original decision, unless a longer period is accepted by CAC; and
  - ii. The request must specify the reasons for making the request and include any supporting documentation and sent to [admin@cac.edu.au](mailto:admin@cac.edu.au)
8. The student will be notified of the outcomes of the review in writing within 14 days of receiving the review application. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal (AAT) within 28 days of a decision for an external review of that decision and will provide the contact details of AAT.

## Policy Reference

- VSL manual for VET Providers
- VSL ACT 2016
- VSL Rules 2016

## Relevant Policies and Procedures

- Fees Charges and Refunds Policy and Procedures
- Records Management Policy and Procedures

## Relevant Documents and Forms

- Domestic Student Withdrawal Form

## Appendix 1.

### Meaning of 'special circumstances'

Circumstances are special circumstances under the Act, if a student can demonstrate to the satisfaction of you that the circumstances were [Act s 68]:

- 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 for the course, or part of the course, during the student's enrolment.

### Special circumstances beyond a person's control

- Examples of circumstances that may be considered beyond a person's control and may meet the criteria, might include a motor vehicle accident or the worsening of a serious illness.
- Special circumstances that do not make full impact until on or after the census date
- Circumstances could be considered not to make their full impact on the person until on or after the census day for the VET unit of study if the person's circumstances occurred:

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- on or before the census day, but worsen after that day
- on or before the census day, but the full effect or magnitude did 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 course on or before to the census day.

## Special circumstances arising from pre-existing conditions

- A circumstance that first occurred on or 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 person may have an illness or other underlying, pre-existing condition or incapacity on or before the census day for a course, but the condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.
- Alternatively, the full implications of a person'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 is not fully realised until after the census day.
- You must consider whether the person's circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition which may have affected the person on or after the census day.

## Circumstances that made it impracticable to complete a course

The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means'. Please keep this definition in mind when deciding whether a student's circumstances made it impracticable for them to complete a course, or part of a course. In considering whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment, you must consider:

- whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements
- whether the student could complete any required assessable work, or demonstrate competencies required, and
- whether the student could complete any other requirements arising from the student's inability to do the above [Rules s 145].

Circumstances which make it impracticable for the person to complete the requirements for their course may include (among other things):

- medical circumstances – for example where a person's medical condition has changed to such an extent that they are unable to continue studying
- family or personal circumstances – for example death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies or

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- the student's employment related circumstances – for example where a person's employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person's control [Rules s 146].

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