

VET STUDENT LOANS DEBT REVIEW AND RE-CREDIT POLICY

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Contents

Documents	3
References.....	3
Purpose	4
Scope.....	4
Definitions.....	4
Policy.....	7
Objectives.....	7
Responsibilities.....	8
General Manager	8
Students	8
STANDARDS.....	8
Standards for Registered Training Organisations 2015	8
Standard 5 – Inform and Protect Learners.....	8
Standard 7 – The RTO has effective governance and administration arrangements in place.....	9

Documents

Application for Refund Form FM056

Complaint & Appeals Report Form FM011

Complaint Appeal Register FM014

References

Appeals Policy POL002

Complaints Policy POL020

Fee and Refund Policy POL024

Refund and Recredit Policy for VSL POL046

VET Student Loans Policy POL048

VSL Tuition Fee and Charges Policy POL049

VSL Withdrawal Deferral and Cancellation Policy POL050

VSL Student Entry Procedure POL051

VSL Tuition Assurance Policy and Procedures POL052

[Privacy Act 1988](https://www.oaic.gov.au/privacy-law/privacy-act/) (<https://www.oaic.gov.au/privacy-law/privacy-act/>)

Issuance of Certification Policy POL009

[Quality VET Framework](https://www.asqa.gov.au/vet-registration/understand-requirements-registration/vet-quality-framework) (<https://www.asqa.gov.au/vet-registration/understand-requirements-registration/vet-quality-framework>)

Standards for Registered Training Organisations (RTOs) 2015 Cth.

(<https://www.asqa.gov.au/standards>)

[National Vocational Education and Training Regulator Act 2011](https://www.legislation.gov.au/Details/C2017C00245)

(<https://www.legislation.gov.au/Details/C2017C00245>)

[Clause 7.3—Protecting pre-paid fees by students](https://www.legislation.gov.au/Details/C2017C00245)

[https://www.legislation.gov.au/LZ/C/A/TRAINING%20AND%20SKILLS%20DEVELOPMENT%20ACT%202008/CURRENT/2008.30.UN.PDF](https://www.legislation.gov.au/Details/C2017C00245)

[Competition and Consumer Act 2010](https://www.legislation.gov.au/Details/C2017C00245)

VET Student Loan Act 2016 (Cwth.)

VET Student Loan Rules 2016 (Cwth.)

Australian Human Rights Commission Act 1986 (Cwth.)

Racial Discrimination Act 1975 (Cwth.)

Sex Discrimination Act 1984 (Cwth.)

Disability Discrimination Act 1992 (Cwth.)

Age Discrimination Act 2004 (Cwth.)

Fair Work Act 2009 (Cwth.)

Workplace Gender Equality Act 2012 (Cwth.)

Purpose

The purpose of this policy is to define how Skills Lab will manage a student's request to review their VET Student Loan debt following withdrawal from their approved course of study, in accordance with the VET Student Loans Act 2016 and the VET Student Loans Rules 2016.

Scope

This policy covers all Skills Lab staff engaged in the VET Student Loans program and Skills Lab students enrolled in an approved course of study as per the current VET Student Loans (Courses and Loan Caps) Determination 2016.

Definitions

VET Student Loans : An Australian Government loans program which assists eligible students to pay tuition fees for approved VET courses at diploma-level and above when studying at VET Student Loans approved providers.

VET Student Loans (VSL) eligible student: A student who is: studying an approved course with an approved provider AND an Australian citizen, or a permanent humanitarian visa holder who is usually resident in Australia, or a New Zealand citizen who holds a Special Category visa and meets certain qualifying requirements AND has a HELP balance greater than \$0 (i.e. has not exceeded the HELP limit) AND meets academic

suitability requirements, evidenced by: a Senior Secondary Certificate, or competence at level 3 Australian Core Skills Framework in both reading and numeracy, or a copy of an awarded Certificate IV or higher qualification, delivered in English.

Administrative Appeals Tribunal (AAT): The statutory body to which a student may appeal for a review of a decision made by the Student Loans Review Officer.

Census date : The published date by the end of which: a student must submit their completed request for a VET Student Loan or FEE-HELP loan; a VET Student Loan eligible student may withdraw from the unit of study without financial or academic penalty.

The census date will be no earlier than 20% of the way through the period during which the unit of study is undertaken, including the assessment period, as defined in the Higher Education Support Act 2003.

CAN - Commonwealth Assistance Notice: A notice from an approved course provider issued after the census date, which details the Commonwealth assistance (FEE-HELP or VSL) the student has used for the study period.

Eligible Student : An Eligible Student: holds Australian citizenship or holds a permanent humanitarian visa AND will be a resident of Australia for the duration of the unit(s) of study OR is a New Zealand Special Category VISA holder who meets the long term residency requirements AND has not exceeded their Combined HELP Loan Limit.

FEE-HELP : A loan from the Australian Government under the Higher Education Loan Program (HELP) that helps eligible fee-paying higher education students (i.e. those who are not enrolled in a subsidised place) pay their tuition fees for eligible higher education courses.

HELP Limit : The maximum amount a person can borrow over their lifetime for VET Student Loans, VET FEE-HELP, FEE-HELP and HECS-HELP. As a person accesses VET Student Loans, FEE-HELP, HECS-HELP or VET FEE-HELP to pay their tuition fees, the amount they may borrow in the future is reduced. Once a person has borrowed an amount equal to the HELP loan limit, they are no longer eligible for VET Student Loans or FEE-HELP to pay further tuition fees. A person's HELP loan limit is renewable. This means that any compulsory or voluntary amounts that are repaid from the previous financial year's income onwards will be able to be re-borrowed, up to the HELP loan limit.

HELP balance : A person's HELP balance is the HELP limit minus the total of any VET Student Loans, FEE-HELP, HECS-HELP or VET FEE-HELP loans

accessed. Loan fees and indexation of outstanding debts are not included in a person's HELP balance.

- Higher Education Loan Program (HELP):** Australia's Higher Education Loan Program (HELP) provides loans to students studying approved higher education courses. It includes FEE-HELP, HECS-HELP and OS-HELP.
- Incidental fees** : Fees other than tuition fees, for goods and services that are: not essential to the course e.g. access to internet and computer facilities not required as part of the course, the printing of notes, and graduation ceremonies; essential, but while there is a charge, they are also readily available at no cost, e.g. in the library; essential, but which become the property of the student and are not consumed during the course of study, e.g. protective clothing and tool kits, and fines or penalties imposed as a disincentive.
- Loan fee** : A loan fee of 20% of the tuition fee applies to each unit of study you pay for using a VET student loan. This is a Commonwealth Government requirement.
- Re-credit** : The positive adjustment of a student's HELP balance.
- Remission** : Also called Remit is the removal of a Commonwealth or Australian Government student loan debt.
- Special circumstances** : Unusual, uncommon or abnormal circumstances beyond a student's control surrounding a student's withdrawal from a unit of study after the census date or surrounding a student's non-completion of the unit that provide grounds to approve a student's application to refund fees, re-credit or remit their Commonwealth student loan.
- Student Loans Officer** : The Skills Lab team member with the responsibility for determining the outcome of a student's application for a refund, re-credit or remission of a VET Student Loan or FEE-HELP loan.
- Student Loans Review Officer** : The Skills Lab team member responsible for reviewing disputed decisions made by the Student Loans Officer. This person must not have been involved in the initial decision.
- Tuition protection** : The protections and assistance available support FEE-HELP or HECS-HELP (HELP) students and VET Student Loans (VSL) students. The Australian Government's Tuition Protection Service (TPS) provides tuition protection assistance for domestic students accessing a VSL, FEE-HELP or HECS-HELP loan at a private education provider, and international students. The TPS ensures that these students are able to either: Complete their studies in another course or with another education provider, or receive a refund of their unspent tuition fees or a re-credit of their VSL, FEE-HELP or HECS-HELP loan.

- Tuition fee : The fee determined by Skills Lab and payable by a student for tuition services, examination, evaluation and assessment required for completion of a unit of study and recognition of prior learning (RPL) for VET courses. It does not include fees for goods or services that are incidental to a student's studies.
- Unit of study : A subject, module or unit of competency that a student undertakes as part of a qualification, and for which the student may access a Commonwealth student loan to pay for all or part of their tuition fees.

Policy

This policy outlines the processes and considerations for debt review and re-credit to HELP Loan Balance including census dates and special circumstances for withdrawing.

It is the policy of Skills Lab to have fair and reasonable financial dealings with all clients and students.

Objectives

Skills Lab is committed to the following principles that underpin this policy by ensuring that:

- 3.1 As per our VET Student Loans Withdrawal, Deferral and Cancellation Policy, students withdrawing from an Approved Course or part of an Approved Course on or before the census date for that Module/Cluster or Unit, will NOT incur any charges imposed by Skills Lab, nor accrue a VET Student Loans debt for that Module/Cluster/Unit of study. Skills Lab will confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect.
- 3.2 Students withdrawing from an Approved Course or part of an Approved Course, after the census date will not incur any charges imposed by Skills Lab but will accrue a VET Student Loan debt. Skills Lab will confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect. Please note that:
- 3.3.1** All students will have the opportunity to apply to have their VET Student Loans balance re-credited, if they can demonstrate 'Special Circumstances' (see below), if they withdraw from an Approved Course or part of an Approved Course after the Census Date or have been unable to successfully complete the requirements of the course or part of a course.

Special Circumstances (s 68 of the [VET Student Loans Act 2016](#))

Students must be able to demonstrate the circumstances for withdrawal were:

- 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.
- 3.3 Students will be informed of their right to apply for a re-credit of their VET Student Loans balance through publication of this policy on Skills Lab's website.
- 3.4 Students will be treated fairly in accordance with Skills Lab's Fair Treatment and Equal Opportunities Policy.
- 3.5 The privacy of student's records will be held in accordance with legislative requirements and Skills Lab's Privacy Policy.

Responsibilities

General Manager

It is the responsibility of the General Manager to ensure that this policy has been made available to students and staff of Skills Lab.

Students

It is the responsibility of students to ensure that they comply with the requirements of this policy.

STANDARDS

Standards for Registered Training Organisations 2015

Made under the National Vocational Education and Training Regulator Act 2011:

Standard 5 – Inform and Protect Learners

Clause 5.3: *Fee & Refund Information Prior To Enrolment*

Where the RTO collects fees from the individual learner, either directly or through a third party, the RTO provides or directs the learner to information prior to enrolment of the commencement of training and assessment, whichever comes first, specifying:

- all relevant fee information including:

- fees that must be paid to the RTO, and
- payment terms and conditions including deposits and refunds,
- the learner's rights as a consumer, including but not limited to any statutory cooling-off period, if one applies, and
- the learner's right to obtain a refund for services not provided by the RTO in the event the:
 - arrangement is terminated early, or
 - the RTO fails to provide the agreed services.

Standard 7 – The RTO has effective governance and administration arrangements in place

Clause 7.3 Protect Prepaid Fees by Learners

Where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in [Schedule 6](#).