

REFUND AND RECREDIT POLICY FOR VET STUDENT LOANS

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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

VET Student Loans Debt Review and Recredit Policy POL047

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.sa.gov.au/LZ/C/A/TRAINING%20AND%20SKILLS%20DEVELOPMENT%20ACT%202008/CURRENT/2008.30.UN.PDF)

<https://www.legislation.sa.gov.au/LZ/C/A/TRAINING%20AND%20SKILLS%20DEVELOPMENT%20ACT%202008/CURRENT/2008.30.UN.PDF>

[Competition and Consumer Act 2010](#)

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 ensure students and staff are aware of the way in which Commonwealth Assistance Notices (CANs) are issued, re-crediting and remission of VET student fees are handled and Skills Lab's decisions regarding refunds and credits.

Scope

This policy covers refunds and re-credits for VET Student loans.

This applies to prospective and current students who are:

- VSL eligible students applying for or undertaking study or training in VSL eligible courses delivered by Skills Lab
- Domestic higher education students applying for or undertaking study or training in higher education courses at Skills Lab.

This does not apply to:

- Units of study and courses that are not eligible for VSL or FEE-HELP
- Completed units of study
- Refunds of tuition fees paid up-front
- Any other or incidental fees paid

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% applies to VSL for all courses other than State or Territory subsidised courses. A loan fee of 25% applies to FEE-HELP loans for all undergraduate courses.
- 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 re-credit or refund to HELP Loan Balance including decision review processes as required by the Higher Education Support Act 2003. The onus is placed on the student to ensure the accuracy of the Commonwealth student loan that is applied to them and to initiate action to remedy any errors in an appropriate timeframe. Information and requirements for participating in a Commonwealth student loans scheme is provided to students prior to enrolment and via the Skills Lab website.

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

Procedure

1. Issuing Commonwealth Assistance Notice (CAN)

All Skills Lab students approved for a VSL or FEE-HELP loan will receive a CAN, regardless of whether the student has paid upfront.

Students will be sent a CAN within 28 days of the census date for a unit of study, setting out:

- The tuition fees for the units of study in which the student is enrolled
- The units of study for which the student has received VSL or a FEE-HELP loan
- Any up-front payments the student has made
- The student's right to request correction of information contained in the CAN
- The student's responsibility for ensuring they have enough HELP balance to cover the amounts indicated in the CAN.

If a student believes the information in the CAN is incorrect the student may submit a written request for review to the Student Loans Officer. The request must be submitted within 14 days of the CAN being issued and must specify the information the student considers is incorrect and the reasons it is incorrect.

Skills Lab will consider the request within five working days and notify the student in writing of the outcome.

If Skills Lab determines that the information on the CAN is incorrect or has ceased to be correct, Skills Lab will:

- Issue a new CAN with the correct information
- Correct its records
- Correct data sent to the Department and the Australian Taxation Office as required.

2. Withdrawal from unit of study on or before the census date

2.1 VSL eligible students

2.1.1 A VSL eligible student who has been approved for a loan and who withdraws from a unit of study on or before the census date will not incur a debt for the tuition fees for that unit.

2.1.2 A VSL eligible student who withdraws from a unit of study on or before the census date will be entitled to a re-credit/refund of the tuition fees.

2.1.3 Exceptions to this will be covered under Skills Lab's tuition protection arrangements

2.2 Domestic higher education students

2.2.1 A domestic higher education student who receives FEE-HELP and who withdraws from a unit of study on or before the census date will not incur a debt for the tuition fees for that unit of study.

2.2.2 Exceptions to this will be covered under Skills Lab's tuition protection arrangements.

3. Withdrawal from a unit of study after the census date

- 3.1.1 A VSL student who has been approved for a loan or a domestic higher education student who withdraws from a unit of study after the census date will be liable for the full debt for tuition fees for this unit of study.
- 3.1.2 Once a unit of study has been resulted, a refund or remittance cannot be given. 3.1.3 A refund or a remittance of a VSL or FEE-HELP loan will only be given under special circumstances.
- 3.1.4 Exceptions to this will be covered under Skills Lab's tuition protection arrangements

4. Applying for a refund or re-credit after the census date

- 4.1 Students who withdraw from a unit of study after the census date may apply for a refund or re-credit of a VSL or FEE-HELP loan for this unit of study using the Application for Refund and Re-credit of a Commonwealth student loan form
- 4.2 The completed Application for Refund and Re-credit of a Commonwealth student loan form and supporting documentation outlining special circumstances must be submitted to the Student Loans Officer:
 - Within 12 months of the date of the withdrawal if they withdrew, or
 - Within 12 months of the end date of the unit if they did not complete the unit, or
 - Within 12 months of the end of a period of deferral if Skills Lab has allowed a student to defer completion of their studies.
- 4.3 The Student Loans Officer may waive the 12-month time limit on the grounds that it would not be or was not possible for the student to make the application before the end of the 12 months.

5. Special circumstances

- 5.2 Special circumstances are circumstances that are unusual, uncommon or abnormal, beyond the student's control, and:
 - 5.2.1 If they occurred before the census date, they did not make full impact until on or after the census date or they worsened on or after the census date, or
 - 5.2.2 Made it impracticable for the student to complete the requirements for the unit in the period in which the unit was undertaken or was to be undertaken.
- 5.3 Special circumstances are limited to:
 - 5.3.1 Medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying, or

- 5.3.2 Family/Personal circumstances: 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, or
- 5.3.3 Employment- related circumstances: where a person’s employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person’s control, or
- 5.3.4 Course-related circumstances: where Skills Lab has changed the unit of study it had offered and the person is disadvantaged by either not being able to complete the unit of study, or not being given credit towards other units of study or courses.
- 5.4 Evidence for a claim of special circumstances must consist of one of the following:
- 5.4.1 Medical circumstances: A medical certificate from a medical practitioner registered to practise in South Australia.
- 5.4.2 Family/Personal circumstances:
- 5.4.2.1 Where family medical problems are cited, a statutory declaration witnessed by a Justice of the Peace, and a copy of a medical certificate from a medical practitioner registered to practise in South Australia, for the family member cited, or
- 5.4.2.2 In the case of unforeseen family or personal financial difficulties a statutory declaration witnessed by a Justice of the Peace or a signed statement from either Centrelink or a registered Job Services Australia provider or a registered Migration Agent.
- 5.4.3 Employment-related circumstances: A written declaration from an officer of the employer describing the change in employment status or arrangements, or a signed statement from Centrelink, a registered Jobactive Australia provider or a registered migration agent describing the change in employment status.
- 5.5 Special circumstances do not include:
- 5.5.1 Lack of knowledge or understanding of requirements
- 5.5.2 A person’s incapacity to repay a VSL or FEE-HELP loan where no special circumstances apply
- 5.5.3 A “change of mind” where a student decides they no longer wish to study a qualification, but no special circumstances apply.

6. Assessment of refund or re-credit application by the Student Loans Officer

When the student’s initial application is received:

- The Student Loans Officer will:
 - Acknowledge receipt of the student’s refund/re-credit/remission application

- Consider the application with all the evidence supplied to determine whether special circumstances apply
- Decide to either grant or deny a re-credit or refund
- Send the student a notice of the decision including the reason for the decision, information regarding the student's right to have the decision reviewed, and the process they should follow to initiate this review.

When the student's initial application is approved:

- The Student Loans Officer will:
 - Update all relevant Skills Lab information systems
 - Process any associated changes to enrolment
 - Remove any academic penalty previously applied against the unit of study.
- Skills Lab will:
 - Notify the student of the decision to re-credit the student loan
 - Refund any upfront tuition fee payments the student has made
 - Notify the Department of the Revisions and repay to the Australian Government any monies Skills Lab has received for the unit of study so that the student's debt for the unit is remitted.

7. Appeals to the Student Loans Review Officer to review a decision made by the Student Loan Officer

A student has the right to appeal the Student Loan Officer's decision.

Students must apply in writing to the Student Loans Review Officer, via training@skillslab.com.au, using the Application to Review a Refund/Re-credit Decision form.

The completed Application to Review a Refund/Re-credit Decision form and any documents provided to support the application must be submitted to the Student Loans Review Officer within 28 days of the date on which the student received notice of the initial decision.

8. Principles for conducting a review of a decision made by the Student Loans Officer

- 8.2 Students have the right to be represented by a third party such as a family member, friend, counsellor or other professional support person.
- 8.3 Students requesting a review of a decision made by the Student Loans Officer will not incur any financial charges.
- 8.4 Students who have applied for a review of a decision made by a Student Loans Officer are entitled to full explanations in writing of any decisions or actions taken as part of the review process.

- 8.5 The privacy of all parties involved in reviewing decisions made by the Student Loans Officer will be protected, subject to necessary legal requirements.
- 8.6 Skills Lab students and staff will be protected from victimisation and discrimination.
- 8.7 The Student Loans Review Officer will not have been involved in making the decision under review.
- 8.8 The Student Loans Review Officer will hold a position that is senior to the officer who made the original decision.

9. Outcome of applications to review a decision made by the Student Loans Officer

- 9.2 On receipt of the student's application for review, the Student Loans Review Officer will:
 - Acknowledge receipt of the student's application for review within 10 days of receiving it and inform the student that they will be advised of the outcome in writing within 45 days
 - Review the information from the initial decision and then assess any new evidence provided by the student
 - Determine whether to confirm the initial decision, vary the decision or set the decision aside and substitute it with a new decision
 - Document the outcome of the student's appeal and include the record on the student's file
 - Communicate the outcome to the Student Loans Officer.
- 9.3 Within 45 days of receiving the application, the Student Loans Review Officer will provide written notice to the student of the decision in a letter, setting out:
 - The financial decision, including information about any refund of paid tuition fees, re-credit of the student's HELP balance or remission of the student's VSL or FEE-HELP loan
 - The reasons for the decision
 - The date on which the decision takes effect
 - The student's right to apply to the AAT if they disagree with the Student Loans Review Officer's decision
 - How submit a valid request to the AAT, including:
 - The AAT's contact details
 - The location of the nearest AAT office
 - The approximate cost of lodging an appeal to the AAT
 - The time limit for lodging an appeal
 - Whom to contact for more information.
- 9.4 Where the original decision does not stand:
 - The Student Loans Review Officer will:
 - Update all relevant information systems
 - Process any associated changes to enrolment
 - Remove any academic penalty previously applied against the unit of study.
 - Skills Lab will:

- Notify the student of the decision to re-credit the student loan
- Refund any upfront payments the student has made towards tuition
- Notify the Department of the revisions and repay to the Australian Government any monies Skills Lab has received for the unit of study so that the student's debt for the unit is remitted.

10. Appeal to the Administrative Appeals Tribunal (AAT)

Decisions regarding re-crediting a student's HELP balance are reviewable under the Higher Education Support Act 2003. This means that a student may apply to the AAT for a reconsideration of Skills Lab's refusal to recredit their HELP balance.

Details for contacting the AAT in South Australia can be found on the AAT website. Students are responsible for the payment of the AAT application fee.

The AAT will notify the Department that it has received an application to review a decision made by Skills Lab not to recredit a student's HELP balance. The Department will then notify Skills Lab in writing that an appeal has been lodged.

The Secretary of the Department, or the Secretary's delegate, will respond on behalf of Skills Lab for cases that are before the AAT. Within 28 days, the Secretary will lodge the following with the AAT:

- A statement setting out the findings and the evidence on which those findings were based, and giving the reasons for the decision
- Every document or part of a document in Skills Lab's possession and considered by the AAT reviewer to be relevant to the review of the decision. Skills Lab must provide the Department with copies of these documents within five business days of being requested

Skills Lab may reconsider matters that are being reviewed by the AAT at any time up until the AAT makes a final decision. If Skills Lab decides to recredit a student's HELP balance while the matter is being reviewed by the AAT, Skills Lab must inform the Department.

Until a student withdraws their appeal or the matter is dealt with by the AAT, the Department must still lodge a statement and all relevant documents with the AAT. Skills Lab must therefore still forward all relevant documents within the five business days, even if it has reconsidered the original decision.

The Department will deal with cases from this point and advise Skills Lab of the outcome.

When an appeal to the AAT has been successful, Skills Lab will:

- Remove any academic penalty applied against the unit of study
- Refund any tuition fees paid upfront
- Re-credit a student's HELP balance with the amount received for the unit of study within two weeks of the student being notified of the decision to re-credit
- Report the recredit to the Department so that the student's debt can be remitted
- Repay any monies it has received from the Australian Government on the person's behalf for remission of the student's debt.

Responsibilities

Compliance and Administrative Officer

It is the responsibility of the Compliance and Administrative Officer to:

- Acts as 'Student Loans Officer' for the purpose of this procedure
- Ensure current information regarding this procedure, including supporting forms and documentation, is published and available to students via the Skills Lab website
- Enable the removal of VSL debt from a student account

General Manager

- Acts as 'Student Loans Review Officer' for the purpose of this procedure

Students

It is the responsibility of students to ensure that they comply with the requirements of this policy, including:

- Knowing and understanding the requirements and deadlines associated with VSL and FEE-HELP loans and payment of fees, including the procedures associated with withdrawal and non-completion of a unit of study
- Checking their CAN for accuracy and seeking correction of any errors
- Submitting applications for refunds, recredits or remission, and supporting documentation to support claims of special circumstances within the specified time limits
- When they are dissatisfied with a decision relating to re-credits, remission or refunds, submitting an application for appeal within the specified time limit to the appropriate officer.

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](#).