

Student Review Procedures for Re-Crediting a HELP Debt (for VET FEE-HELP and VET Student Loans program)

Introduction

Access Group Training Pty Limited (AGT) will conduct this procedure in compliance with Schedule 1A of the *Higher Education Support Act 2003* and the VET Guidelines 2013.

For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder enrolled in a VET FEE-HELP or VET Student Loan enabled course with AGT.

AGT will:

- set a census date for each VET unit of study that is no earlier than 20% of the way through the VET unit of study;
- ensure that all students are informed of the census date for each VET unit of study in the manner and by the date prescribed in the VET Guidelines 2013;
- ensure that all students are informed of the review procedures for the re-crediting of a HELP Debt.

Re-crediting a HELP Debt or refund:

Students who withdraw from a VET unit of study on or before the published census date for that VET unit of study will not incur a HELP debt for that VET unit of study.

AGT will refund a student's VET tuition fees where the student paid upfront and withdraws from a VET unit of study on or before the census date, as per the Refund Policy.

Incurring a HELP Debt

Students who have requested VET FEE-HELP/VET Student Loans assistance who remain enrolled after the published census date will incur a HELP debt.

A student who withdraws from a VET unit of study after the published census date for that VET unit of study will incur a HELP debt for that VET unit of study.

A student who has incurred a HELP debt after the census date for a VET unit of study may apply to have their HELP debt re-credited for the affected VET units of study in if they believe special circumstances apply in accordance with the following procedure.

Special Circumstances

If a Student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a Unit and believes this was due to special circumstances, the student may apply to have their HELP balance re-credited for the affected unit/s.

AGT will re-credit the Student's HELP debt if it is satisfied that Special Circumstances apply where:

- these circumstances are beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the census date; and
- these circumstances were such that it was impracticable for the Student to complete the requirements for the Unit.

For circumstances 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.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET FEE-HELP/VET Student Loans assistance; or
- a Student's incapacity to repay a HELP debt (repayments are income contingent and the Student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

Re-credit of a Student's HELP balance - The process

Each application for re-credit of a student's HELP debt will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

The AGT Chief Operations Officer is the designated HELP officer of AGT, they are responsible for the assessment of a student's request for a re-credit of their HELP Debt due to special circumstances and for the initial decision regarding the request.

1. A Student must apply in writing to the Chief Operations Officer within 12 months of the withdrawal date, or if the Student has not withdrawn, within 12 months of the specified completion date of the Unit. AGT 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. The application for re-crediting a HELP debt must include details of the:
 - Unit(s) for which a Student is seeking to have a HELP debt re-credited and
 - special circumstances as referred to above, including supporting documentation.
3. AGT will consider each request to re-credit a HELP debt in accordance with the requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within 28 working days of receipt of the application.

Review of Decision

Where AGT makes a decision not to re-credit a student's HELP debt, that decision may be subject to review.

If a Student is not satisfied with the decision made by AGT, 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

Applications should be made in writing to the Managing Director, Access Group Training, PO Box 1873, DUBBO NSW 2830 as the designated Review Officer of any decisions relating to a request for re-crediting of a HELP debt.

Note: The Review Officer is senior to the designated VET HELP officer responsible for the original decision and was not involved in making the original decision to be reviewed.

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.

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).

Reconsideration by the Administration Appeals Tribunal

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.

AAT Details and Approximate Costs

Administrative Appeals Tribunal
Level 7, City Centre Tower
55 Market Street
Sydney NSW 2000
1300 366 700

Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid by the student, in the amount of \$816 and is subject to change or they may be eligible for a reduced fee in some circumstances. 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.

The Secretary of the Department of Education, 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 AGT 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 ten (10) business days.

Publication

This policy and procedure is published on the AGT's website www.agt.edu.au to ensure Students have up to date and accurate information publicly available to them.