



VET Student Loan Re-Crediting and Review Procedures

Policy Overview

This policy refers to Absolute Medical Response students who are or would be, entitled to VET FEE-HELP assistance. It describes Absolute Medical Response processes and procedures for re-credit of FEE-HELP balance, and the review of associated decisions. It covers formal requests from students for re-credit of FEE-HELP balance; and a formal review process of decisions associated with re-credit of FEE-HELP balance.

Absolute Medical Response will:

1. Set a census dates for each VET course of study that is no earlier than 20% of the way through the total delivery period of that VET course of study;
2. Ensure that all students are informed of the census date for each VET course of study in the manner and by the date prescribed in the VET Administration Guidelines.
3. Ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

Where a request to re-credit a student's FEE-HELP balance is granted, a student's VET FEE-HELP debt is removed in respect of the affected VET course(s) of study.

Absolute Medical Response will consider these applications and agree to such requests, if it is satisfied that the student has been unable to successfully complete a VET course(s) of study and there were special circumstances relevant to the student's withdrawal.

Scope

As an approved course provider, Absolute Medical Response must have processes and procedures for explaining the re-crediting of students' FEE-HELP balances under Part 6 of the Act. Students who meet the requirements for re-crediting of FEE-HELP balances are requested to follow the procedure below. Includes:

- Re-Credit and Review Procedure
- Special Consideration requirements
- Unacceptable Conduct and Secretary Re-Credit Requirements

Student Review Procedures

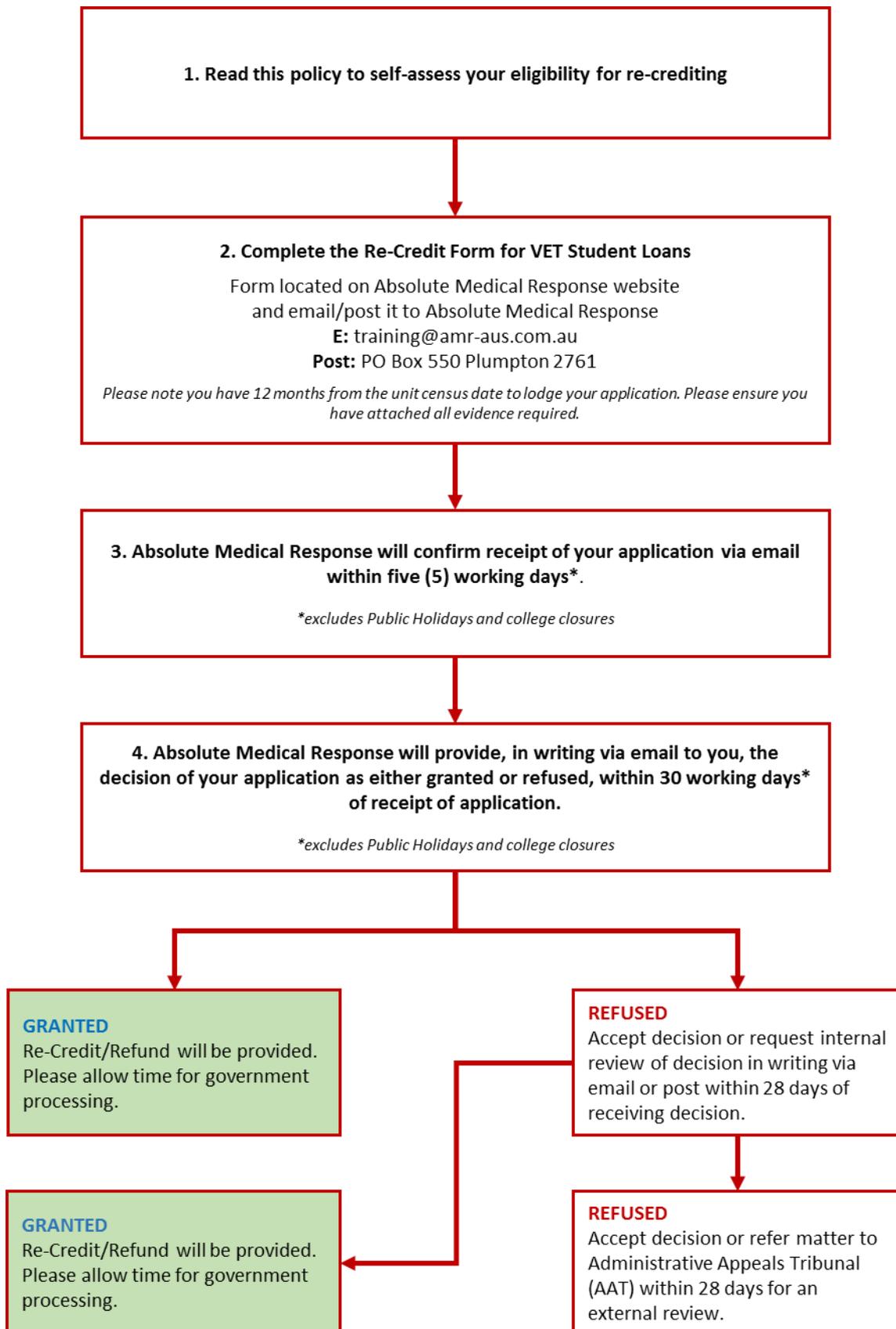
If a student who has requested VET FEE-HELP assistance, or was entitled to VET FEEHELP, withdraws from a VET course of study on or before the census date for that course of study, the student will not incur a VET FEE-HELP debt for that course of study.

If a student who has requested VET FEE-HELP assistance, or was entitled to VET FEEHELP, withdraws from a VET course of study after the census date for that course of study, the student will incur a VET FEE-HELP debt for that course of study.

If a student withdraws from a VET course of study after the census date, or has been unable to successfully complete a VET course of study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected VET courses of study.



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Special Circumstances for Re-Crediting a Student's Fee-Help Balance

1. Special Circumstances

In accordance with the VET Student Loans Act (2016), Part 6, Division 2 (68), Absolute Medical Response must, on the Secretary's behalf, re credit a student's FEE HELP balance if:

- a) the student applies to the provider in writing for the re credit and
 - b) the application is made within 12 months after the census day for the course, or the part of the course and
 - c) Absolute Medical Response is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course.
3. Circumstances are special circumstances if they:
- a) are beyond the student's control and
 - b) 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
 - c) make 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.
4. The amount re credited must equal the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of a course.
5. The course provider must, as soon as practicable:
- a) consider an application for a student's FEE HELP balance to be re credited under this section and
 - b) notify the student of the provider's decision on the application.

The notice must include a statement of the reasons for the decision.

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.

Special Circumstances

Applicant must provide sufficient evidence to support special circumstances as defined in the VET Student Loans Act (2016).

- a. Special circumstances beyond a person's control

Examples of circumstances that may be considered beyond a person's control might include a motor vehicle accident or the worsening of a serious illness may meet the criteria.

- b) Special circumstances that do not make full impact until on or after the census date



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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:

- before the census day, but worsen after that day
- 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 prior to the census day.

Special circumstances arising from 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 person may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for a course, but that 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.

The provider 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 that 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'. The provider should 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, the provider 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 s145]



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- Circumstances that 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 he or she is 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
 - 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 s146].

Evidence of Special Consideration

Attach any independent evidence (original or certified copy of original) to support your claim. For example a letter from a doctor, psychologist, psychiatrist, registered counsellor. Please note that in cases of mental health issues, further documentation is required from treating mental health professionals as defined in our policy.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET Student Loans assistance or
- a student’s incapacity to repay a FEE-HELP debt, as repayments are income contingent and the student can apply for a deferral of a compulsory repayment in certain circumstances.

Special Circumstances does not cover an inability to repay student loans. If you would like to find out more about repaying your FEE-HELP debt please visit the [Study Assist website](#).

If you are unhappy with Absolute Medical Response decision regarding your application for Re-Credit of a FEE-HELP Balance, you need to inform Absolute Medical Response in writing within 28 days for an internal review of the decision. If you are unhappy with Absolute Medical Response ’ final internal review decision, you can apply to the Administrative Appeals Tribunal (AAT) within 28 days for an external review. For more information, visit www.aat.gov.au .

Unacceptable Conduct

Unacceptable conduct relating to an application for a VET student loan VET Student Loans Rules (2016), Part 8, Division 2 (148).

1. For the purposes of subsection 71(2) of the Act, the following is *unacceptable conduct* in relation to an application for a VET student loan for an approved course provided, or to be provided, by an approved course provider:
 - a. unconscionable conduct (whether or not a particular individual is identified as having been disadvantaged by the conduct)
 - b. misleading or deceptive conduct
 - c. the making of a representation with respect to any future matter, such as the doing of, or the refusing to do, any act, if the maker of the representation does not have reasonable grounds for making the representation



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- d. advertising tuition fees for the course where there are reasonable grounds for believing that the provider will not be able to provide the course for those fees
 - e. use of physical force, or harassment or coercion, in connection with the application or enrolment in the course.
2. Paragraphs (1)(a), (b), (c), (d) and (e) do not limit one another.
 3. In deciding for the purposes of paragraph (1)(a) whether conduct is unconscionable, the Secretary may have regard to the following:
 - a) the relative strengths of the bargaining positions of the persons concerned;
 - b) whether the student was required to comply with conditions that were not reasonably necessary for the protection of the legitimate interests of another person;
 - c) whether the student was able to understand any documents related to the application for the VET student loan;
 - d) whether any undue influence or pressure was exerted on, or any unfair tactics were used against, the student or a person acting on behalf of the student;
 - e) whether the provider, or person acting on the provider's behalf, failed to disclose anything to the student;
 - f) the extent to which the provider, or person acting on the provider's behalf, acted in good faith.

VET Student Loans Act (2016), Part 6, Division 3 (71)

- 1) The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied that the course provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan.
- 2) *Unacceptable conduct*, in relation to an application for a VET student loan, has the meaning given by the rules.
- 3) The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied of one or more of the following:
 - a) the student is not an eligible student;
 - b) the student is not a genuine student;
 - c) the student does not have a tax file number;
 - d) the student does not have a student identifier.
- 4) The Secretary may re-credit the student's FEE-HELP balance if the Secretary is satisfied that:
 - a) the provider has failed to comply with this Act; and
 - b) the failure has adversely affected the student.



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- 5) The amount re-credited must not exceed the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of the course.
- 6) This section applies whether or not the student applies for the re-credit.

Student may apply for re-crediting by Secretary

- 1) A student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71.
- 2) The application must be in writing and meet any requirements set out in the rules.

149 Requirements for application to Secretary to re-credit student's FEE-HELP balance VET Student Loans Rules (2016), Part 8, Division 2 (149)

- 1) For the purposes of subsection 72(2) of the Act, this section sets out requirements for an application for the Secretary to re-credit a student's FEE-HELP balance to be re-credited under section 71 of the Act.
- 2) The application must be made within 5 years after the census day for the course, or the part of the course, concerned.
- 3) The Secretary may extend the period of 5 years mentioned in subsection (2).
- 4) The application must set out the grounds on which the applicant's FEE-HELP balance is to be re-credited under section 71 of the Act.
- 5) The application must include the following to the extent that they are known to the applicant:
 - a) details of the course to which the application relates
 - b) details of the provider of that course
 - c) the loan amount that is to be re-credited
 - d) the applicant's student identifier (if any)
 - e) any documents supporting the application