

RE-CREDITING A HELP BALANCE

Definitions

The Act refers to the VET STUDENT LOANS ACT 2016

Student refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET STUDENT LOANS for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census Date refers to a published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees are fees paid for a VET Unit of Study that is approved for VET STUDENT LOANS and applies to students who are or would be entitled to VET STUDENT LOANS assistance under the Act.

Unit or VET Unit of Study A unit of study approved for VET STUDENT LOANS that a student may undertake with Australian College of Event Management, for which the student may access VET STUDENT LOANS assistance to pay for all or part of their tuition fees.

DEWR Department of Employment and Workplace Relations

Incurring a VET Student Loans Debt

A Student who is, or would be, eligible for VET Student Loans and has requested FEE-HELP assistance, who withdraws from a Unit on or before the census date will not incur a HELP debt for the tuition fees for that Unit.

Students who have requested VET Student Loans Assistance who remain enrolled after the published census date will incur a HELP debt. A Student who withdraws from a Unit after the published census date for that Unit will incur HELP debt for that Unit.

Re-crediting a VSL Balance

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their HELP balance re-credited, under Division 2 and 3 of Part 6 of the Act. If you meet the special circumstances clause under section 68 of the Act, you may apply in accordance with the following procedures.

A student may also apply to the Secretary of the Department to have their HELP balance re-credited under section 71 of the Act because:

- the 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; or
- the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.

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.

College of Event Management will re-credit the Student's HELP Balance 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 Student Loans assistance; or
- a Student's incapacity to repay a VET Student Loans 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 balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim. The College Administrator or his/her delegate is the designated VET Student Loans officer of College of Event Management. The above officer is responsible for the assessment of a student's request for a recredit of their HELP balance due to special circumstances and for the initial decision regarding the request.

A Student must apply in writing for re-crediting under section 68 of the Act to Student Services: admissions@coem.edu.au within 12 months after the census day for the course. Relevant supporting documentation will be required to substantiate any re-crediting claim.

The application for re-crediting a HELP balance must include details of the:

- Unit(s) for which a Student is seeking to have a HELP balance recredited and
- Special circumstances as referred to above, including supporting documentation.

College of Event Management will consider each application within five working days of receipt of the application. It will consider each request to re-credit a HELP balance in accordance with the requirements of Section 68 of the Act. Applicants will be notified in writing of the decision within five working days. A student may also apply to the Secretary for their FEE-HELP balance to be re-credited under section 71 of the Act because:

- A) the 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; or
- B) the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;

Applications for re-crediting under section 71 (as set out above) 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; The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:

- A) is unable to act or is being wound up or has been dissolved; or
- B) has failed to act and the Secretary is satisfied that the failure is unreasonable

Review of Decision

Where College of Event Management makes a decision NOT to re-credit a student's HELP balance that decision may be subject to review.

If a Student is not satisfied with the decision made by College of Event Management, 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
- Is conducted at no cost unless referred further to the Administrative Appeals Tribunal

Applications should be made in writing to the Managing Director for the review of any decisions relating to a request for re-crediting of a HELP balance.

Note: The Managing Director is senior to the designated VET Student Loans officer responsible for the original decision and will not be 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

Administrative Appeals Tribunal NSW
GPO Box 9955, Sydney NSW 2001
Phone: 1800 228 333 or (02) 9276 5101

Email: enquiries@aat.gov.au

Note: full responsibility of the application process and fees payable are available on the AAT website: <http://www.aat.gov.au/> Fees may apply.

The Department of Employment and Workplace Relations (DEWR), or their delegate, will be the responsible for cases that are brought before the AAT. Upon DEWR's receipt of a notification from the AAT, DEWR will notify Australian College of Event Management that an appeal has been lodged. Upon receipt of this notification from DEWR, the Review Officer will provide DEWR with copies of all the documents that are relevant to the appeal within ten (10) business days.

If my application is successful, how long will it be before my debt is cancelled?

The cancellation process can be lengthy due to the number of administrative steps occurring behind the scenes. We will submit a revisions file to The Department to trigger the cancellation of your debt. The Department then reports the cancellation to the ATO, and your tax record is updated to reflect the cancelled debt. Depending on the date of the cancellation and the reporting schedule, it may take up to six (6) months for the cancellation to transmit to your tax information with the ATO.

There will be no charge for reconsideration or review of HELP re-crediting decisions other than by the Administrative Appeals Tribunal.

The Secretary of The Department, may re-credit a student's HELP balance in relation to special circumstances if a course provider:

- 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

Students will not be victimised not discriminated against for seeking a review of their HELP balance, or making an application for re-crediting of the HELP balance under Part 6 of the ACT.

Publication

This Policy is available to student enrolled at College of Event Management through publication on the college website.

NOTE: The College reserves the right to update and amend policies and procedures at any time.