

Re-crediting VET-FEE-HELP Balance Procedure



Purpose

The purpose of this procedure is to outline the process for students who wish to apply for re-crediting their VET FEE-HELP balance due to special circumstances.

Definitions

The Act: Refers to the Higher Education Support Act 2003

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 FEE-HELP for payment of their tuition fees in respect of the VET Unit of Study in which they are enrolled.

Census Date: A published list of dates set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees: Fees paid for a VET Unit of Study that is approved for VET FEE-HELP and applies to Students who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

VET Unit of Study: A VET Unit of Study approved for VET FEE-HELP that a Student may undertake with the provider, for which the Student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.

Department: The Department of Education and Training.

Unacceptable conduct include the following conduct that the VET FEE-HELP provider may engage, including but not limited to:

- offering prohibited inducements,
- failing to provide relevant information about a course,
- engaging in prohibited marketing techniques, etc.

Unacceptable conduct may lead to re-crediting a student's VET FEE-HLP balance if the Secretary of the Department of Education and Training is satisfied that a provider engaged in unacceptable

Scope

This student review procedure applies to students enrolled with Management Consultancy International (Trading as MCI Institute).



References

Higher Education Support (VET) Guidelines 2015, section 43
Higher Education Support Act, clauses 19, 46, Schedule 1A

Procedure

1. Incurring a VET FEE-HELP Debt


- a. A Student who is, or would be, eligible for VET FEE-HELP and has requested VET FEE-HELP assistance, who withdraws from a VET unit of study on or before the census date(s) will not incur a VET FEE-HELP debt for the tuition fees for that Unit.
- b. Students who have requested VET FEE-HELP Assistance who remain enrolled after the published census date(s) will incur a VET FEE-HELP debt for the VET unit of study in which they are enrolled. A Student who withdraws from a VET unit of study after the published census date, the Student will incur a VET FEE-HELP debt for that VET unit of study.

2. Re-crediting a FEE-HELP Balance

- a. Students who withdraw from a Unit after the published census date, or fail to complete a VET unit of study, may apply to have their FEE-HELP balance re-credited with respect to the VET unit of study if they believe special circumstances apply in accordance with the following procedures.
- b. There is no cost involved in applying for re-crediting VET FEE-HELP balance.
- c. Students applying for re-crediting VET FEE-HELP balance will not be discriminated against or victimised.

3. Special Circumstances

- a. If a Student withdraws from a VET unit of study after the published census date for that VET unit of study, or has been unable to successfully complete a VET unit of study and believes this was due to special circumstances as described below, the Student may apply at no cost to them to have their FEE-HELP balance re-credited for the affected VET unit of study.
- b. Management Consultancy International Pty Ltd ("MCI") will re-credit the Student's FEE-HELP Balance if it is satisfied that special circumstances apply where:
 - these circumstances were beyond the Student's 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 VET unit of study in the period during which the student undertook or was to undertake the VET unit of study.
- c. 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.

d. Special circumstances does not include:


- lack of knowledge or understanding of requirements for VET FEE-HELP assistance; or
- a Student's incapacity to repay a VET FEE-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).

4. Unacceptable Conduct

- a. If a student withdraws from a VET unit of study after the published census date, or has been unable to successfully complete a VET unit of study and believes this was due to Unacceptable Conduct, the Student may apply to have their FEE-HELP balance re-credited for the affected VET unit of study.
- b. A student has three years after the period in which they undertook the unit to submit an application for re-credit of their FEE-HELP balance. The amendments apply in relation to unacceptable conduct engaged in on or after 1 January 2016.
- c. The Student will need to contact the Department of Education and Training for further information on how to apply for re-credit the FEE-HELP balance due to Unacceptable Conduct. Please follow this link <https://www.education.gov.au/contact-us> for further information.

5. Re-credit of a Student's FEE-HELP Balance - The Process

- a. Each application for re-credit of a Student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.
- b. The Operation Manager, (Phone: 1300 333 435) is the designated officer responsible for the assessment of a Student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.
- c. A Student must complete the Special Circumstances form 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.
- d. MCI 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.
- e. The application for re-crediting a FEE-HELP balance must include details of the:
 - Unit(s) for which a Student is seeking to have a FEE-HELP balance re-credited and
 - special circumstances as referred to above, including supporting documentation.
- f. MCI will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the




requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within 28 days.

6. Review of Decision

- a. Where MCI makes a decision NOT to re-credit a Student's FEE-HELP balance that decision may be subject to review.
- b. If a Student is not satisfied with the decision made by MCI, the Student at no cost to them 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.
- c. Applications should be made in writing to the Chief Operating Officer at MCI, GPO BOX 1794, SYDNEY, NSW, 2001 as the designated Review Officer of any decisions relating to a request for re crediting of a FEE-HELP balance. The Review Officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision to be reviewed.
- d. 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.
- e. 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).

7. Reconsideration by the Administration Appeals Tribunal

- a. 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.
- b. Full details of the application process and fees payable are available on the AAT's website: www.aat.gov.au. An application fee may have to be paid in the amount of \$861 (from May 2016) and is subject to change. 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.

- c. The Secretary of the Department or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DET Department's receipt of a notification from the AAT, the Department will notify MCI 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 business days.

Records

The following records shall be generated and retained in the Student Management System for a period of 5 years:

- Completed Special Circumstances application form and supporting documents
- Notifications and correspondence sent to the students regarding re-crediting VFH balance

Key links

Forms and/or documents required for this procedure:

Special Circumstances Form: Click [here](#).

Document revision history and version control

Version	Summary of changes	Author	Approved by	Effective date
V 2.2	Unacceptable Conduct section added to the procedure	Quality and Compliance Manager	Chief Accountant	09/06/2016