

# **POLICY AND PROCEDURE FOR RE-CREDITING FEE-HELP BALANCE**

## **1. VET Student Loan Debt**

- 1.1 Students who are or would be eligible for VET Student Loan and has requested for VET Student Loan Assistance who withdraw from a unit of study on or before the Census day will not incur a VET Student Loan Debt for the tuition fees of that unit.
- 1.2 Students who have requested for VET Student Loan Assistance who remain enrolled after the Census day will incur a VET Student Loan Debt for the units in which they are enrolled. A Student who withdraws from a unit after the Census day for that unit will incur a VET Student Loan Debt for that unit.

## **2. Special Circumstances**

- 2.1 If a Student withdraw from a unit of study after the Census day or has been unable to successfully complete a unit and believe this was due to special circumstances, the Student may apply in writing to have their FEE-HELP Balance re-credited for the affected unit/s. Application must be made within 12 months after the Census day for the unit of study.
- 2.2 AAPA will rec-credit the Student's FEE-HELP Balance if it is satisfied that special circumstances apply where:
  - a) These circumstances are beyond the Student's control; and
  - b) These circumstances did not make their full impact on the Student until on or after the Census day; and
  - c) These circumstances were such that it was impracticable for the Student to complete the requirements for the unit in the period which the Student undertook or was to undertake the unit.

2.3 Special circumstances do not include the following:

- a) Lack of knowledge or understanding of requirements for VET Student Loan assistance;  
or
- b) A Student incapacity to repay a VET Student Loan Debt

### **3. Re-Crediting of a Student's FEE-HELP Balance**

3.1 Each application to re-credit a Student Fee-Help Balance will be considered on its merits together with all supporting documentations substantiating the special circumstances claim.

3.2 AAPA's Corporate Services Manager 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.

3.3 A Student must apply in writing to the AAPA Corporate Services Manager within 12 months of the withdrawal date, or if the Student has not withdrawn within 12 months of the specified completion date of the unit.

3.4 AAPA 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.

3.5 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.

3.6 AAPA 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.

3.7 A student may apply to the Secretary for the student FEE-HELP Balance to be re-credited under section 71 of the Act because:

- The provider engaged in unacceptable conduct in relation to the student's application for a VET Student Loan, or
- The provider has failed to comply with the Act or an instrument of the Act and the failure as adversely affected the student.

3.8 Re-crediting under section 71 of the Act must be made within 5 years after the Census day for the course, or unit of study, concerned or within that period as extended by the Secretary.

#### 4. Review of Decision

4.1 Where AAPA makes a decision NOT to re-credit a Student's FEE-HELP Balance that decision may be subject to review by an officer who was not involved in the original decision.

4.2 If a student is not satisfied with the decision made by AAPA, the student may apply within 28 days of the receipt of the original decision for a review of the decision. The application for a 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

4.3. There is no charge to the student for the consideration of review decision.

4.4. Application should be made in writing to the AAPA's Executive Chairman, Australian Airline Pilot Academy Pty Ltd, 81-83 Baxter Road, Mascot 2020, NSW, who is the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP Balance.

4.3 The Review Officer will acknowledge receipt of the application for a 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 a review, it is taken that the Review Officer has confirmed the original decision.

4.5 The Review Officer will then:

- Review the information from the original decision and then assess any new evidence provided by the student
- Decide to either confirm, vary or set the decision aside and substitute a new decision
- Provide written notice to the student of the decision, setting out the reasons for the decision

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- Inform the student of their right to apply to the Administrative Appeals Tribunal (AAT) if they disagree with the Review decision, and timelines involved (see below).

**5. Administrative Appeals Tribunal**

5.1 The relevant officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal if they are not satisfied with the outcome and the contact details and the approximate cost of lodging an appeal.

5.2 The application must be lodged at the AAT within 28 days of receiving the written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.

5.3 Full details of the application process and fees are available on the AAT’s website: [www.aat.gov.au](http://www.aat.gov.au) An application fee may have to be paid and the amount is subject to change. Application for fee waiver must be made to the AAT. Please refer to the AAT website for more details.

5.4 Details of the closest AAT Office:

Administrative Appeals Tribunal,  
Level 6,  
83 Clarence Street,  
Sydney NSW 2000

5.5 The Secretary of the Department 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 AAPA that an appeal has been lodged.

5.6 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 5 business days.

**6. New VET-FEE HELP Student Redress Measures**

6.1 New VET FEE-HELP Student Redress remedies commence on 1 January 2019.

6.2 The Department of Education and Training can now remove a student’s VET FEE-HELP debt if it was incurred because of inappropriate conduct by a VET FEE-HELP provider or their agent.

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- 6.3 The VET Student Loan Ombudsman (VSLO) in the Office of the Commonwealth Ombudsman is the primary contact point for any person who believes that they have a VET FEE-HELP debt which they should not have.
- 6.4 If you believe you have a debt you shouldn't you can find information about how to make a complaint, how the VSLO can help and FAQs at <https://vet.ombudsman.gov.au/> A factsheet available at <https://vet.ombudsman.gov.au/how-we-can-help> also provides information about the new VET FEE-HELP Student Redress Measures.
- 6.5 You can also check your VET Fee-HELP debt records by logging on to the myUniAssist portal at <https://app.heims.education.gov.au/myuniassist/Forms/Logon.aspx> You will need your Commonwealth Higher Education Student Support Number (CHESSN) to log on. Your CHESSN will be in documentation sent to you by the VET FEE-HELP provider.
- 6.6 If you are not able to locate your CHESSN, you can check your HELP debt records in your myGov account. If you do not have a myGov account, you can set up one by selecting 'Create an account' from this link <https://my.gov.au/LoginServices/main/login?execution=e3s1> For more information about myGov accounts call 13 28 61.