

<b>AUDIENCE</b>	<b>INTERNAL</b> <input checked="" type="checkbox"/>	<b>EXTERNAL</b> <input checked="" type="checkbox"/>
<b>POLICY ID</b>	EDN-037-POL Re-Crediting VET FEE-HELP Policy and Procedure	
<b>RESPONSIBLE OFFICER</b>	National Manager, Operations and Governance	
<b>CONTACT OFFICER</b>	State Manager/Campus Manager	
<b>ENDORSED BY</b>	Continuous Improvement Committee	
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# 1. Introduction

## 1.1 Modification History

VERSION	COMMENTS
6	Policy format in new template and reflection if machinery of government changes in relation to Department of Education
7	Content page fixed
8	Updated footer to include updated CRICOS code

## 1.2 Purpose

This document describes the Institute's processes and procedures for the re-crediting of FEE-HELP balances, and the review of associated decisions. It covers:

- all potential and currently enrolled domestic students who are or would be entitled to VET FEE-HELP assistance
- formal requests from students for refund of paid tuition fees and/or re-credit of VET FEE-HELP balance and
- formal review of decisions associated with refund of paid tuition fees and/or re-credit of VET FEE-HELP balance.

The processes and procedures described in this document are consistent with obligations prescribed in the following legislation and guidelines:

- the requirements of Schedule 1A of the Higher Education Support Act 2003 (HESA)
- HESA VET FEE-HELP Guidelines
- the VET Provider Guidelines
- Administrative Appeals Tribunal (AAT) Act

## 2. Scope

This policy applies to:

- Domestic students enrolled in courses offered by MEGT (Australia) Ltd under VET FEE-HELP funding arrangements
- MEGT Education staff

## 3. Legislative Context

This policy applies satisfies the requirements of the Higher Education Support Act 2003 (HESA).

## 4. Definitions

**VET FEE HELP:** is a Commonwealth Government loan scheme to assist eligible students to pay their tuition fees. VET FEE-HELP can cover all or part of the student's tuition fees for units of study which form part of an approved MEGT Institute course which is approved for VET FEE-HELP.

**Census Date:** is the last date which you can withdraw from a unit/s without incurring financial liability for the fee.

## 5. Policy Statement

### 5.1 Principles

1. Students enrolled in a VET FEE-HELP enabled course who lodge a withdrawal form on or before the census date for a unit of study will not incur a VET FEE-HELP debt for the unit; all VET tuition fees paid for the unit will be refunded
2. Students enrolled in a VET FEE-HELP enabled course who lodge a withdrawal form after the census date for a unit of study will incur a VET FEE-HELP debt for the unit except in exceptional circumstances, however:
3. Where a student does not complete or withdraws from a VET unit/s of study in a VET FEE-HELP enabled course after the census date due to special circumstances, the student can apply in writing for a re-credit of their FEE-HELP balance and a remission of their VET FEE-HELP debt.

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 applicable VET units studied.

MEGT Institute will refund to the Commonwealth the amount of VET FEE-HELP paid to the Institute on behalf of the student, if the student's request for re-credit is successful. MEGT Institute will notify the Department of Education through the HELP Variations File.

### 5.2 Who can/cannot apply

A student who withdraws from a VET unit of study after the census date can apply to have their FEE-HELP balance re-credited and any up-front tuition fee payments refunded in full where the student has been prevented from completing the VET unit of study due to special circumstances.

A student cannot apply for a re-credit for a VET unit of study if they successfully complete that unit.

Being unable to meet the academic requirements of a VET unit of study does not of itself make a student eligible for a re-credit.

### 5.3 Demonstrating Exceptional Circumstances

Special circumstances need to be:

- beyond a person's control
- do not make their full impact until on or after the census date for the VET unit of study in question
- make it impracticable for a person to complete the requirements for the VET unit of study.

The situation must be unusual, uncommon or abnormal to be considered special circumstances.

- a) For circumstances to be beyond a person's control, the situation occurs which a reasonable person would consider which is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.
- b) The Institute needs to be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a VET unit of study if the person's circumstances occur:
  - before the census date but worsen after that day
  - before the census date, but the full effect of magnitude does not become apparent until on or after that day or
  - on or after the census date.
- c) Special circumstances which would make it impracticable for the student to complete the requirements for the VET unit of study would include:
  - medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying or
  - family/personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies or
  - employment related circumstances: where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control or
  - course-related circumstances: where MEGT Institute has changed the VET unit of study it had offered and the person is disadvantaged by either not being able to complete the VET unit of study, or not being given credit towards other VET units of study or courses.

A student is unable to complete the requirements for a VET unit of study, for example, if the student is unable to:

- undertake the necessary private study required or
- attend sufficient lectures or tutorials or
- meet other compulsory attendance requirements in order to meet their compulsory course requirements or
- complete the required assessable work or
- sit the required examinations or
- complete any other course requirements because of their inability to meet the above.

### 5.3 The Census Date

The census date will be set no earlier than 20% of the way through a VET unit of study. A student can apply to MEGT Institute to have their FEE-HELP balance re-credited if he or she withdraws from his or her studies after the census date and/or the student has not successfully completed the requirements for the VET unit of study.

### 5.4 Application Deadline

The student must apply in writing, within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the end of the period of study in which the VET unit of study was, or was to be, undertaken.

### 6.0 Procedures

## 6.1 Application Process

Applications for Re-Crediting of VET FEE-HELP must be made in writing on the Institute's Re-Crediting VET FEE-HELP Application Form and include supporting documentation (eg letter from doctor, counsellors, etc).

Administration will date stamp receipt of the letter and provide written notification of receipt of the application to the student.

The application will be checked for signatures and supporting documentation, and that the application is within the timeframe or accompanied by an application to Waiver the deadline. The student's application will be considered and a decision determined within 10 working days. Applicants will be notified of the decision within a further 10 working days. (A maximum timeframe for consideration and response being 20 working days.)

If your application is successful, the Notice of Decision letter will include the reasons for the decision to refund the student's paid tuition fees and/or re-credit the FEE-HELP balance; the FEE-HELP balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable); the up-front payment amount that will be refunded if the student has made such a payment; and who to contact for further questions.

If the application is unsuccessful, the Notice of Decision letter will include the reasons for the decision not to refund paid tuition fees and/or re-credit the FEE-HELP balance; how to submit a valid request for a review of this decision; and who to contact for further questions.

## 6.2 Application for Waiver of Deadline

MEGT Institute has the discretion to waive the application deadline if satisfied that the application could not be made within the time limit. The application for waiver must be in writing, together with supporting documentation, to the Administration Manager, and include the description of the circumstances that prevented timely submission.

The Institute will determine if the circumstances and supporting documentation verify that it was not possible for the application to have been submitted prior to the application deadline, guided by:

- the circumstances were beyond the student's control
- the circumstances exist or have existed for a significant part of the application period, especially approaching the deadline
- the circumstances made it impractical for the student to meet the deadline.

## 6.3 Review of the Decision

If a student is not satisfied with the outcome of their request for a re-credit of their FEE-HELP balance, they may appeal in writing to the Student Admissions Officer within 28 days from the day they first receive notice of the outcome.

These procedures are to be published on the Institute website so that students have up-to-date information publicly available to them in regard to these procedures.

At MEGT Institute the review officer will be a senior staff member who was not the same person who made the original decision and who is senior to that occupied by the original decision maker.

The request must specify reasons for seeking the review and may contain new or additional evidence provided by the student. MEGT Institute will acknowledge receipt of an application for review of a reviewable decision in writing and inform the applicant that they will be advised in writing of a decision within 45 days.

The reviewer can decide to:

- confirm the original decision
- vary the original decision
- set aside the original decision and substitute a new decision.

The Notice of Decision letter will include the reasons for the decision; the FEE-HELP balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable); the up-front payment amount that will be refunded (if applicable); the student's right of appeal to the Administrative Appeals Tribunal (AAT), and who to contact for further questions.

### 6.3 Appeals Procedure

A person may make an application to the Administrative Appeals Tribunal (AAT) for a reconsideration of MEGT Institute's decision to refuse to re-credit a person's fees or FEE-HELP balance and may supply additional information to the AAT which he or she did not previously supply to the Institute (including the Institute's reviewer).

The Secretary of the Department of Education or his delegate will be the respondent for cases which are before the AAT. Once the Department of Education has received notification from the AAT that the person has applied for the reconsideration, under section 37 of the Administrative Appeals Tribunal Act 1975 (AAT Act), the Secretary must lodge the following documents with the AAT within 28 days:

- a) statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision and
- b) every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the Tribunal.

Details of how to apply to the AAT are located at <http://www.aat.gov.au> . MEGT Institute will provide students with the details of their nearest AAT.

If you apply to the Administrative Appeals Tribunal for review of a decision, you may have to pay an application fee.

The Department of Education will notify MEGT in writing that an appeal has been lodged with the AAT. Upon receipt of that notification MEGT must supply the Department of Education with the originals of all documents held that are relevant to the appeal within the specified time.

## 7. Related Policies & Procedures

VET FEE-HELP Fees, Charges and Refund Policy

## 8. Implementation

EDN-037-POL – Re-crediting VET FEE-HELP Policy and Procedure is made available via the MEGT Institute website externally and on the MEGT Intranet internally.

## 9. Responsibilities

The National Manager, Operations and Governance will review this policy annually or in case of legislative changes.

## 10. Attachments

EDN-037-FORM - Re-Crediting VET FEE-HELP Application Form

## 11. Process Map

N/A