

POLICY

PPMF | TAFESA | 1013

Title

Refunds and Re-credits for Commonwealth Student Loan Approved Courses Policy

Contact Officer at version effective date

Position

Manager, Regulation

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TAFE SA Policies are issued under the TAFE SA Policy Management Framework. They are binding on all TAFE SA employees

Policy Owner: Executive Director, Quality, Teaching & Learning

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1 Policy

The Refunds and Re-credits for Commonwealth Student Loans Approved Courses Policy provides the principles, responsibilities and procedures for the refund of fees paid up front, re-crediting and remission of a student's loan.

2 Scope

This policy applies to all eligible students, including prospective, current, and existing students, applying for or undertaking study or training in eligible courses delivered by TAFE SA. (This policy may apply to the holder of a permanent visa who is undertaking bridging study for overseas-trained professionals and will be resident in Australia for the duration of study.)

Exclusions

This policy does not apply to:

- units/courses that are not eligible
- units of study that a student has completed

3 Definitions

Administrative Appeals Tribunal (AAT)	The statutory body to which a student may appeal for a review of a decision made by the Student Loans Review Officer.
Census Date	<p>The published date, set by TAFE SA, up to and including which:</p> <ul style="list-style-type: none"> • a student must submit their completed request for a Commonwealth student loan • A student enrolled in a unit of study may withdraw without financial or academic penalty. <p>The census date will be no earlier than 20% of the way through the period during which the unit is undertaken, including the assessment period as defined by HESA.</p>
Department	The Department of Education and Training
Eligible Student	<p>An Eligible Student :</p> <ul style="list-style-type: none"> • holds Australian citizenship or holds a permanent humanitarian visa AND will be a resident of Australia for the duration of the unit(s) of study AND • has not exceeded their FEE-HELP Limit
Commonwealth student loans	An Australian Government program providing income contingent loans to eligible students enrolled in eligible VET courses or higher education courses pay their tuition fees.
FEE-HELP Balance	A student's FEE-HELP Balance is the amount of their FEE-HELP Limit

	they have not used. The total amount of assistance received by the student is deducted from the current FEE-HELP Limit to calculate their FEE-HELP Balance.
FEE-HELP Limit	The FEE-HELP Limit is the total amount available to an eligible student under Commonwealth student loans. Any amount borrowed by an eligible person using VET Student Loans, FEE-HELP or VET FEE-HELP will reduce the person's FEE- HELP Balance until the FEE-HELP Limit is reached. The FEE-HELP Limit does not include loan fees
Student Loan Debt	A student incurs a debt for the amount of financial assistance loaned to them by the Commonwealth to pay for part or all of their tuition fees plus a loan fee of 20% or 25% (as applicable).
Student Loans Officer	The person within the TAFE SA Education Business Unit with the responsibility for determining the outcome of a student's application for a refund, re-credit and remission of a student loan.
Student Loans Review Officer	The responsible for reviewing any disputed determinations by the Student Loans Officer. This person must not have been involved in the initial decision.
HESA	Higher Education Support Act 2003
Incidental Fees	Incidental fees are fees other than tuition fees. They are fees for goods or services that: <ul style="list-style-type: none"> • are not essential to the course of study, e.g. access to internet and computer facilities not required as part of the course, printing of notes, graduation ceremonies • are essential, but while there is a charge, they are also readily available at no cost, e.g. in the library • are essential but which become the property of the student and are not consumed during the course of study, e.g. protective clothing, tool kits • Fines or penalties imposed as a disincentive
Re-credit	Re-credit is the adjustment of a Commonwealth student loan.
Remission (remit)	Remission is the removal of a Commonwealth student loan debt.
Special Circumstances	Unusual, uncommon or abnormal circumstances beyond a student's control surrounding a student's withdrawal from a unit of study after the census date or surrounding a student's non-completion of the unit that provide grounds for TAFE SA to approve a student's application to refund fees, re-credit or remit their Commonwealth student loan.
Tuition Assurance	Tuition Assurance means that if TAFE SA or a TAFE SA campus ceases to provide a VET or higher education course of study in which a student is enrolled, the student is entitled to choose to accept either: <ul style="list-style-type: none"> • an offer of a place in a similar VET or higher education course of study with another TAFE SA campus or a comparable qualification at another provider and receive full recognition of any successfully completed units or as much credit as possible for successfully completed units; or • A refund of up-front VET payments for any VET or higher

	education unit of study that the student was enrolled in at the time the course ceased to be delivered.
Tuition Fee	A tuition fee is the fee determined by TAFE and payable by a student for tuition services, examination, evaluation and assessment required for completion of a unit of study and recognition of prior learning (RPL). It does not include fees for goods or services that are incidental to a student's studies.
Unit of study	A subject or unit that a student may undertake as part of a course of study for which the student may access a Commonwealth student loan to pay for all or part of their tuition fees for that unit.
Withdraws / Withdrawn	A student will have been considered withdrawn from a unit of study or qualification once they have completed the withdrawal process found on the TAFE SA website.

4 Related policies

PPMF TAFESA 1012	Assessment and Academic Grievances Policy
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5 References e.g. legislation, standards or government circulars - delete if not applicable

Commonwealth of Australia Legislation Higher Education Support Act 2003	Higher Education Support Act 2003 (Cth) and associated legislative instruments (Higher Education Standards Framework (Threshold Standards) 2015 , Higher Education Provider Guidelines 2012 , Higher Education Support Act 2003 - Administration Guidelines 2012 , Higher Education Support Act 2003 - VET Guidelines 2013 , Higher Education Support Act 2003 - Fee-Help Guidelines (03/08/2007))
Commonwealth of Australia Legislation VET Student Loans Act 2016	VET Student Loans Act 2016
Commonwealth of Australia Legislation Privacy Act 1988	Privacy Act 1988
Commonwealth of Australia Government Publications Higher Education Administrative Information for Providers Department of Education -	Higher Education Administrative Information for Providers

Document library	
TAFE SA document www.tafesa.edu.au/apply-enrol/fees-payments/vet-fee-help#assurance	Statement of Tuition Assurance
TAFE SA Forms http://www.tafesa.edu.au/docs/vet-fee-help/application-for-refund-and-re-credit-of-fee-help-balance.pdf?sfvrsn=2	Application for refund and Re-credit of a Commonwealth student loan
TAFE SA Forms http://www.tafesa.edu.au/docs/vet-fee-help/application-to-review-a-refund-re-credit-decision.pdf?sfvrsn=2	Application to Review a Refund/Re-credit Decision

6 Procedure

This procedure outlines the processes and considerations for re-credit or refund to FEE-HELP Balance including decision review processes as required by the HESA. The onus is placed on the student to ensure the accuracy of the Commonwealth student loan that is applied to them and to initiate action to remedy any errors in an appropriate timeframe.

6.1 Commonwealth Assistance Notice (CAN)

- 6.1.1 All students approved for a Commonwealth student loan will receive a Commonwealth Assistance Notice (CAN), regardless of whether the student has paid upfront
- 6.1.2 Students will be sent the CAN within 28 days of the census date for a unit of study, setting out:
- what units the student has enrolled in
 - the amount of debt incurred for each unit
 - the loan fee for each unit if applicable
 - the student's right to request correction of information contained in the CAN
 - That the student is responsible for ensuring they have sufficient FEE-HELP Balance to cover the amounts indicated in the CAN, and that they are not eligible to receive assistance greater than their FEE-HELP Balance.
- 6.1.3 If a student believes the information in the CAN is incorrect,
- within 14 days of the CAN being given, the student may submit a written request that the Student Loans Officer review the CAN
 - The request should specify the particular information the student considers is incorrect and the reasons why it is considered incorrect.
- 6.1.4 TAFE SA will consider the request as soon as possible and notify the student in writing of the outcome.

6.1.5 If the information on the CAN was incorrect or has ceased to be correct, TAFE SA will:

- issue a new CAN with the correct information
- correct its records
- correct data sent to the Department and the ATO as required

6.2 Withdrawal from unit of study on or before the census date

An eligible student withdrawing from a unit of study on or before the census date will be refunded all applicable tuition fees paid up front. An Educational Manager may approve a refund of incidental fees paid.

An eligible student who receives a Commonwealth student loan who withdraws from a unit of study on or before the census date will not incur a debt for the tuition fees for that unit.

An eligible student who withdraws from a unit of study on or before the census date will be entitled to a re-credit/refund of the tuition fees.

Exceptions to this will be in circumstances covered by the Tuition Assurance

6.3 Withdrawal from a unit of study after the census date

An eligible student who withdraws from a unit of study after the census date will be liable for the full debt for tuition fees for this unit of study. Once a unit of study has been graded no refund or remittance can be given.

A refund or a remittance of a Commonwealth student loan will only be given under special circumstance

Incidental fees will not be refunded.

In the event Tuition Assurance circumstances arise, a refund may be granted in accordance with provisions of the Tuition Assurance statement.

6.3.1 Applying for a Refund or Re-credit of a Commonwealth student loan after the Census Date

6.3.1.1 Students may apply for a refund or re-credit of a Commonwealth student loan using the Application for Refund and Re-credit of a Commonwealth student loan form.

6.3.1.2 The completed form and supporting documentation outlining special circumstance must be submitted to the Student Loans Officer

- within 12 months of the date of the withdrawal if they withdrew, or
- within 12 months of the end date of the unit if they did not complete the unit, or
- Within 12 months of the end of a period of deferral if TAFE SA has allowed a student to defer completion of their studies.

6.3.1.3 The Student Loans Officer may waive the 12 month time limit on the grounds that it would not be or was not possible for the student to make the application before the end of the 12 months.

6.4 Special Circumstances

6.4.1 Special circumstances are circumstances that:

- are unusual, uncommon or abnormal, and beyond the student's control, and
- if they occurred before the census date, they did not make full impact until on or after the census date or they worsened on or after the census date, or
- Made it impracticable for the student to complete the requirements for the unit in the period in which the unit was undertaken or was to be undertaken.

6.4.2 Special circumstances are limited to:

- 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 TAFE SA has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

6.4.3 Evidence sufficient for a claim of special circumstances shall be:

- In respect to Medical circumstances, the provision of a medical certificate from a medical practitioner registered to practice in South Australia.
- In respect to Family/Personal circumstances, a statutory declaration witnessed by a Justice of the Peace, and where family medical problems are cited, a copy of a medical certificate from a medical practitioner registered to practice in South Australia, for the family member cited.
- In respect to Employment related circumstances, where unforeseen family or personal financial difficulties a statutory declaration witnessed by a Justice of the Peace or a signed statement from either Centrelink or a registered Job Services Australia provider or a registered Migration Agent.
- In respect to Employment related circumstances, a written declaration from an officer of the employer describing the change in employment status or arrangements or a signed statement from either Centrelink or a registered Job Services Australia provider or a registered Migration Agent describing the change in employment status.

6.4.4 Special circumstances do not include:

- Lack of knowledge or understanding of requirements; or
- A person's incapacity to repay a student loan where no special circumstances apply.

6.5 Assessment of refund /re-credit application by the Student Loans Officer

6.5.1 The Student Loans Officer will:

- acknowledge receipt of the student's refund/re-credit/remission application
- consider the application with all the evidence supplied to determine whether special circumstances apply
- make a decision to either grant or deny a re-credit or refund
- send the student a notice of the decision including the reason for the decision, information regarding the student's right to have the decision reviewed, and the process they should follow to initiate this review

6.5.2 Where the student's initial application is approved:

The Student Loans Officer will:	TAFE SA will:
update all relevant information systems	notify the student of the decision to re-credit the student loan
process any associated changes to enrolment	refund any upfront payments the student made towards tuition
remove any academic penalty previously applied against the unit of study	notify the Australian Government Department of Education and Training of the revisions and repay to the Commonwealth any monies TAFE SA received

6.6 TAFE SA Appeal Principles for Conducting Appeals or Reviews

Throughout the process of a review or appeal of a decision, the following principles will apply:

- Students have the right to be accompanied or represented by a third party such as a family member, friend, counsellor or professional support person.
- There will be no financial charges incurred by the students in regard to accessing the internal TAFE SA review procedures.
- Complainants and/or respondents are entitled to full explanations in writing of any decisions or actions taken as part of the review/appeal process.
- The privacy of all parties involved in the TAFE SA complaint resolution process will be protected, subject to necessary legal responsibilities.
- Students and staff will be protected from victimisation and discrimination.
- Reviewers will not have been involved in making the decision under review.
- A reviewer will hold a position that is senior to the officer who made the original decision.

6.7 Appeal to the Student Loans Review Officer for review

A student has the right to appeal the decision of the Student Loans Officer.

Students must apply in writing to the Student Loans Review Officer using the Application to Review a Refund/Re-credit Decision form.

The completed form and any documents provided to support the application must be submitted to the Student Loans Review Officer within 28 days of the date on which the student received the notice of the initial decision.

The Student Loans Review Officer may allow a longer period than 28 days

6.8 Outcome of the appeal to the Student Loans Review Officer

The Student Loans Review Officer:

- will acknowledge receipt of the student's application for review within 10 days of receiving it and inform the student that they will be advised of the outcome in writing within 45 days
- inform the student that if they have not received a decision in writing within 45 days of the date of submitting the application, then it is taken that the appeal has been unsuccessful
- review the information from the initial decision and then assess any new evidence provided by the student
- determine whether to confirm the initial decision, vary the decision or set the decision aside and substitute it with a new decision
- within 45 days of receiving the application, provide written notice to the student of the decision in a letter, setting out:
 - the reasons for the decision
 - the financial outcomes, including information about any refund of paid tuition fees, re-credit of the student's FEE-HELP balance and remission of the student's debt
 - the date on which the decision takes effect
 - inform the student of their right to apply to the Administrative Appeals Tribunal (AAT), if they disagree with the Student Loans Review Officer's decision
 - provide information on how to submit a valid request to the AAT, contact details and nearest AAT office, approximate cost of lodging an appeal to the AAT and time limit for lodging an appeal
 - indicate whom to contact for more information.
- document the outcome of the student's appeal and include the record on the student's file record
- Communicate the outcome to the Student Loans Officer.

6.8.1 Where the original decision does not stand:

The Student Loans Review Officer will:	TAFE SA will:
update all relevant information systems	notify the student of the decision to remit or re-credit the student loan
process any associated changes to enrolment	refund any upfront payments the student made towards tuition
remove any academic penalty previously applied against the unit of study	notify the Department of the revisions and repay to the Commonwealth any monies TAFE SA received for the unit so that the student's debt for the unit is remitted

6.9 Appeal to the Administrative Appeals Tribunal (AAT)

- 6.9.1 Decisions regarding re-crediting a student's FEE-HELP Balance are reviewable under the Higher Education Support Act 2003 (HESA).
- 6.9.2 A student may make an application to the AAT for a reconsideration of TAFE SA's refusal to re-credit their FEE-HELP Balance, and may supply additional information to the AAT that they did not previously supply to TAFE SA.

Details for contacting the AAT in South Australia are found at:

[Contact Us - AAT](#)

If a Fee is payable, the full application fee is \$861 (at 10 December 2016). In certain circumstances, this fee can be reduced to \$100. Students are responsible for the payment of this fee.

- 6.9.3 The Secretary of the Department, or the Secretary's delegate, will be the respondent for cases that are before the AAT. When the Department receives notification of an application to the AAT it may choose to review the original decision.
- 6.9.4 Once the Department (The Department of Education and Training) 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 will, within 28 calendar days, lodge the following documents with the AAT:
- a statement setting out the findings on material questions of fact, referring to the evidence of other material on which those findings were based and giving the reasons for the decision; and
 - every document or part of a document that is in TAFE SA'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 AAT.

- 6.9.5 Upon receipt of a notification from the AAT, the Department will notify TAFE SA, in writing, that an appeal has been lodged.
- 6.9.6 To enable the Department to meet the 28-day timeframe, TAFE SA must, within a further 5 business days of being requested, provide the Department with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to the Department by registered courier or Registered Post to meet the 5 day requirement. TAFE SA will keep any originals and copies of the documents in accordance with its record keeping policy (Records Management Policy PPMF | DFEEST | 210)
- 6.9.7 The HESA permits TAFE SA to reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision). If TAFE SA makes a decision to re-credit a student's FEE-HELP balance, TAFE SA must advise the Department of this. However, until a student withdraws their AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, the Department is still required to comply with the requirement under section 37 of the AAT Act to lodge the statement, and relevant documents with the AAT. Therefore, TAFE SA must still forward all relevant documents within the 5 business days, unless advised not to do so by the Department. The Department will deal with cases from that point and advise TAFE SA of the outcome.

6.10 Successful Appeals – TAFE SA Responsibilities

The principles for decisions and processes in regard to success appeals to the AAT are the same as those following a review by the Student Loans Review Officer

- 6.10.1 Successful applications for re-credit or refund
- Any academic penalty previously applied against the unit of study will be removed.
- 6.10.2 Withdrawals after the census date
- Re-credit a student's FEE-HELP Balance with an amount equal to the amount of the loan that the student received for the unit of study within 2 weeks of the student being notified of the decision to re-credit.
- 6.10.3 Decisions resulting in the re-crediting of a Commonwealth student loan balance
- TAFE SA shall notify the Department through the 'Revisions File' so that the student's debt can be remitted.

TAFE SA is required to repay to the Commonwealth any amounts monies that TAFE SA received from the Commonwealth on the person's behalf for remission of the debt the student incurred.

7 Responsibilities

7.1 Specific responsibility of TAFE SA students

Students are responsible for:

- knowing and understanding the requirements and deadlines associated with Commonwealth student loans and payment of fees including the procedure associated with withdrawal and non-completion of a unit
- checking their Commonwealth Assistance Notice (CAN) for accuracy and seeking correction of any errors
- submitting applications for refunds/re-credits/remission and supporting documentation to support their claim of special circumstances within the specified time limits
- where they are dissatisfied with a decision relating to re-credits, remission or refunds,

submitting an application for appeal within the specified time limit to the appropriate Officer

- complying with requirements of the Higher Education Support Act 2003 in relation to assistance they have requested and accessed from the Commonwealth for tuition fees for approved courses and units of study
- Complying with requirements set by TAFE SA in relation to tuition and incidental fees for approved courses and units of study.

7.2 Specific responsibility of TAFE SA staff

Student Loan Officers, the Student Loans Review Officer and staff of TAFE SA are responsible for implementation of this policy in accordance with requirements of the legislation and associated specifically:

- The Student Loans Unit within Regulation will ensure the Policy and Procedures on the student website are kept up-to-date following any amendment.
- Staff of TAFE SA are responsible for the implementation and carriage of this policy and related procedure.

7.3 Review of TAFE SA Policy

TAFE SA Policy must be reviewed at least every two years, but may be actioned earlier according to strategic priorities, reforms or feedback received.

APPENDIX 1

