

Policy: VET Student Loans - Re-crediting FEE-HELP Balances Procedure

Objective: The purpose of this policy and procedure is to outline the requirements for withdrawal from a course after a Unity of Study Census Day requesting a Re-Credit of FEE-HELP balance, with Australian Institute of Fitness Pty Ltd, where all or part of the fees for which the student/applicant may apply for a VET Student Loan (VSL).

This procedure applies to VSL students only. Fee For Service students who made up-front payments can find more information on Australian Skills Quality Authority (ASQA) website at [https:// www.asqa.gov.au/students/provider-closures](https://www.asqa.gov.au/students/provider-closures).

This policy is in accordance with:
VET Student Loans Act 2016
VET Student Loans Rules 2016
VET Student Loans (VSL Tuition Protection Levy) Act 2020
VET Student Loans (Charges) Act 2016
Higher Education Support Act 2003

Last updated: 26 March 2021

Definitions: **AIF** Australian Institute of Fitness Pty Ltd (Head Office | RTOID 121508)
The Provider Australian Institute of Fitness Pty Ltd (Head Office | RTOID 121508)
VSL VET Student Loans

Policy: Purpose

This procedure applies to a student who is enrolled with Australian Institute of Fitness (AIF) in a VET Student Loans (VSL) approved course and who wishes to apply for a re-credit of their FEE-HELP balances incurred in relation to the approved course.

A Student who is, or would be, eligible for a VET Student Loan and has requested VET Student Loan Assistance, who withdraws from a Unit on or before the census date will not incur a VET Student Loan debt for the tuition fees for that Unit. Further information this process can be found in the VSL Student Withdrawal Policy and Procedure on our website (fitness.edu.au).

Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loan debt for the Units in which they are enrolled. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loan debt for that Unit.

Students may find they have to withdraw from their studies after the census date or have been unable to complete their studies due to certain special circumstances. Students in this situation may apply to have their FEE-HELP balance re-credited.

This procedure will outline conditions and processes that will apply to the re-crediting of FEE-HELP balances related to the student's enrolment in a VET Student Loan approved course with AIF.

1.0 Procedure for Re-Credit of FEE-HELP Balances due to Special Circumstances

1.1 Re-Crediting by AIF

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe special circumstances apply in accordance with the following procedures.

1.2 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 FEE-HELP balance re-credited for the affected Unit/s.

1.2.1 Circumstances beyond a student's control

Such circumstances include situations arising that 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.

1.2.2 Circumstances impacting after critical dates

Such circumstances include situations arising that do not make their full impact on the student until on or after critical dates such as withdrawal date or census date for a course or unit of study. The situation may be known before the date(s) but the full impact or magnitude may not become apparent until on or after the date(s).

1.2.3 Circumstances making it impracticable to complete study requirements

These circumstances would make it impracticable for the student to undertake the necessary private study required, attend sufficient lectures to meet attendance requirements, complete the required assessment work or sit required examinations.

1.3 What are 'Special Circumstances'?

Special circumstances may involve the following examples:

- **Medical reasons:**
 - Your medical condition only becomes apparent after the census date and the effects are sufficiently serious that it is impracticable for you to continue with your studies.
 - You contract an illness prior to the census date. Your illness continues past the census date and deteriorates to the extent that you are unable to continue with your studies.
- **Family/personal reasons:**

- A member of your family suffers from a severe medical condition that requires you to provide full time care, as a result you are unable to continue your studies.
- You or your family's financial circumstances change unexpectedly to the extent that you are unable to continue with your studies.
- **Employment related reasons:**
 - You are engaged in employment out of necessity and studying. Your employer unexpectedly increases your hours of employment in circumstances where you are unable to object. As a result you are unable to continue with your studies.
- **Course related reasons:**
 - You have been disadvantaged by changed arrangements to your unit of study, and it was impossible for you to undertake alternative units of study.

1.4 What type of supporting documentation do you need to provide?

It is important that you provide independent supporting documentation to support your claims. Statements made by family members, close relatives, or friends are not considered to be 'independent' for these purposes. Depending on your special circumstances you may need to provide an independent statement from a doctor, counsellor, employer, or from your faculty, including the following examples:

- **Medical reasons:** A statement from a doctor indicating:
 - The date your medical condition began or changed;
 - How your condition affected your ability to study; and
 - When it became apparent that you could not continue with your studies.
- **Family/personal reasons:** A statement from a doctor, counsellor or independent member of the community (e.g. a Justice of the Peace, or a Minister of Religion) indicating:
 - The date your personal circumstance began or changed;
 - How your circumstance affected your ability to study; and
 - When it became apparent that you could not continue with your studies.
- **Employment related reasons:** A statement from your employer indicating:
 - Your previous work hours and location;
 - Your current work hours and location; and
 - The reason for changed hours and/or location.
- **Course related reasons:** A statement from your faculty indicating:
 - The date the arrangements for your unit of study changed;
 - How your changed arrangement affected your ability to study; and
 - When it became apparent that you could not continue with your studies.

1.5 What is 'not' Special Circumstances

Special Circumstances do not include;

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

2.0 Procedure for Application for Re-Credit by Student

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. A student applying to re-credit Fee-HELP balances is required to complete the [VSL Withdrawal Form](#).

The form is also available at: www.fitness.edu.au

2.1 Requirements for application for Re-Credit

An application for re-credit of FEE-HELP balance by AIF must be made within 12 months after the census day for the course or unit of study or within the period as extended by the provider.

AIF will review and approve a student's application for re-credit of FEE-HELP balance based on the evidence submitted by the student to substantiate the special circumstances which apply to the student's case.

It is the student's responsibility to provide sufficient information, independent supporting documentation or other evidence that the special circumstances exist.

2.2 Review of decision by AIF

Where a student is not satisfied with the initial decision regarding their re-credit of FEE-HELP balance application, they may apply for an independent internal review, in accordance with the AIF Complaints and Appeals Policy.

Should the student remain unsatisfied following the internal review, further options are available to the Student, as outlined in the Complaints and Appeals Policy, for an independent external review.

There are no charges for any internal review and reconsideration conducted by AIF. Reviews conducted by the Administrative Appeals Tribunal will be subject to fees and charges.

Students applying for a re-credit of FEE-HELP balances, or seeking a review or reconsideration of a decision, or using the Complaints and Appeals Policy of AIF will be treated fairly and equitably.

2.3 How FEE-HELP balances are re-credited by AIF

Where a re-credit of FEE-HELP balance is approved, AIF will notify The Department of Education, Skills and Employment and will remit to the Commonwealth any FEE-HELP assistance received on the student's behalf and the student's FEE-HELP debt for the relevant VET units of study will be removed.

3.0 Procedure for Re-Credit of FEE-HELP balances by the Secretary

3.1 Re-crediting by the Secretary

Under Section 71 of the VET Student Loans Act 2016:

A student may apply to the Secretary for the re-credit of the student's FEE-HELP balance 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 Loans; or
- the provider has failed to comply with the VET Student Loans Act 2016 or an instrument under the Act and the failure has adversely affected the student.

The Secretary may re-credit a student's FEE-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.

3.2 Application for re-credit by the Secretary

Applications for re-crediting FEE-HELP balances by the Secretary 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

Compliance:

As far as this policy imposes any obligations on AIF, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for Team Members they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are outlined in a Team Member's Employment Agreement

AIF may unilaterally introduce, vary, remove or replace this policy at any time in accordance with VSL Legislation, Act and Rules.

Team Member's who fail to comply with this policy may face disciplinary action and, depending on the severity or in the case of repeated non-adherence with the policy whether intentional or otherwise, this may include termination of employment

Where Team Members witness significant departures from the principles of this Policy by others, they are obligated to report it immediately to their Manager, HR, or an iExec Team Member. Failure to do so constitutes a breach of this Policy & the AIF Code of Conduct.

- Associated documentation:**
- VET Student Loans Act 2016
 - VET Student Loans Rules 2016
 - VET Student Loans (VSL Tuition Protection Levy) Act 2020
 - VET Student Loans (Charges) Act 2016
 - VET Student Loans Manual for Providers
 - Higher Education Support Act 2003
 - Grievance Procedure (External)
 - Grievance Policy
 - VSL Student Withdrawal Policy and Procedure
 - VET Student Loans Handbook

Supersedes: Not Applicable

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