



Re-crediting of FEE-HELP Balance (HE & VET) and Review of Decisions Procedure

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PROSA17A Re-crediting of FEE-HELP Balance (HE & VET) and Review of Decisions Procedure

The process for Re-crediting of FEE-HELP Balance and Review of Decisions comprises 5 components

1. [Withdrawal from a course - on or before the census date](#)
2. [Withdrawal from a course – after the census date](#)
3. [Application by student for re-crediting of FEE-HELP balance](#)
4. [Review of the original decision](#)
5. [Reconsideration by the Administrative Appeals Tribunal](#)

1. **Withdrawal from a course - on or before the census date** [Back to top](#)

If a student who has completed a *Request for FEE-HELP Assistance (HE)* and *VET FEE HELP Assistance Form (VET)* withdraws from a unit of study, including where the student withdraws from their course of study, on or before the census date, the student will not incur a FEE-HELP debt for that unit of study and will be refunded any tuition fees paid for that unit of study.

2. **Withdrawal from a course – after the census date** [Back to top](#)

If a student who has completed a *Request for FEE-HELP Assistance (HE)* and *VET FEE HELP Assistance Form (VET)* withdraws from a unit of study, including where the student withdraws from their course of study, after the census date the student normally will incur a FEE-HELP debt for that unit of study.

A debt is only removed after the census date if the Institute has agreed to re-credit a student's FEE-HELP balance due to special circumstances.

3. **Application by student for re-crediting of FEE-HELP balance** [Back to top](#)

A student may apply after the census date to have her/his FEE-HELP balance re-credited if the student has been unable to complete the requirements of a unit of study and the student believes that this was due to special circumstances. The

Institute is required to consider these applications and must agree to such requests if satisfied that there were special circumstances in the student's case.

The student must apply in writing, within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken. The Institute has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limit.

The student must address her/his application to the attention of the Academic Registrar, Box Hill Institute of TAFE, and either send the application to Private Bag 2014, Box Hill, Victoria 3128 or lodge the application at the Student Administration Office, Building 4, Elgar Campus.

The Institute must re-credit a person's FEE-HELP balance if the provider is satisfied that special circumstances apply to the person that are:

- Beyond the person's control
- Do not make their full impact on the person until on, or after, the census date and
- Make it impracticable for the person to complete the requirements for the unit during the period in which the person undertook, or was to undertake, the unit.

Chapter 5 of the Higher Education Support Act 2003 (HESA) Student Learning Entitlement Guidelines and Clause 48, Schedule 1A of the HESA Act specifies the circumstances in which the Institute will be satisfied that special circumstances apply to a student.

The Institute will be satisfied that a student's circumstances are beyond that student's control if a situation occurs 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. This situation must be unusual, uncommon or abnormal.

The Institute will be satisfied that a student's circumstances did not make their full impact on the student until on or after the census date for a unit of study if the student's circumstances occur:

- Before the census date, but worsen after that day, or
- Before the census date, but the full effect or magnitude does not become apparent until on or after that day, or
- On or after the census date.

Each application will be examined and determined on its merits by the Institute's Academic Registrar who will consider the student's claims, together with independent supporting documentary evidence which substantiates these claims.

The student's application will be considered by the Academic Registrar within 12 business days of being received. The student will be advised in writing by the

Academic Registrar of the outcome of her/his application and the reasons for making the decision no later than 15 business days from the date of the receipt of the application, providing all relevant data has been furnished in the application. If all relevant data has not been furnished, the student will receive a request for additional information from the Academic Registrar no later than 15 working days from the date of the receipt of the application. The Institute is required by the HESA Student Learning Entitlement Guidelines and the VET Provider Guidelines to publish these timeframes and does so on the website StudentWeb (<http://studentweb.bhtafe.edu.au/index.cfm?fa=display.webpage&PID=89710>)

In advising the student of the outcome of her/his application the Academic Registrar will advise the student of her/his rights for a review of the decision if she/he is dissatisfied with the outcome (see “4. Review of the original decision” below).

Where a request to re-credit a student’s FEE-HELP balance is granted, a student’s FEE-HELP debt relating to the unit of study in question is removed and the Institute is required to refund to the Commonwealth the amount of FEE-HELP paid to the Institute on behalf of the student.

4. Review of the original decision

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A student has the right to apply to the Institute for a review of a decision to not re-credit her/his FEE-HELP balance. The time limit for applying for a review of a decision is 28 days from the student receiving notice from the Academic Registrar of the decision, or such longer period as the reviewer allows. The student must state the reasons why he or she is applying for a review.

The Institute will acknowledge receipt of an application for review of a decision in writing and inform the applicant that, if the Review Officer has not advised the applicant of a decision within 45 days of receiving the application for review, the Review Officer is taken to have confirmed the original decision.

The Institute’s Review Officer is the Senior Executive Director, Education and Training and, in the alternative, the Chief Financial Officer. The student must address her/his application for review of the original decision to the attention of the Senior Executive Director, Teaching and Learning, Box Hill Institute of TAFE, and either send the application to Private Bag 2014, Box Hill, Victoria 3128 or lodge the application at the Office of the Senior Executive Director, Education and Training, Building 3, Directorate Office, Elgar Campus.

Each application will be examined and determined on its merits by the Review Officer who will consider the student’s claims, together with independent supporting documentary evidence which substantiates these claims. The Review Officer’s available options are to confirm the decision; vary the decision; or set the decision aside and substitute a new decision.

The student’s application will be considered by the Review Officer within 12 business days of being received. The student will be advised in writing by the Review Officer of the outcome of her/his application and the reasons for making the decision no later than 15 business days from the date of the receipt of the application, providing all relevant data has been furnished in the application. If all relevant data has not been furnished, the student will receive a request for

additional information from the Review Officer no later than 15 working days from the date of the receipt of the application.

In advising the student of the outcome of her/his application the Review Officer will advise the student of her/his right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the Review Officer's decision if the applicant is dissatisfied with the outcome; and provide the applicant with the contact details, the approximate costs of lodging an appeal with the AAT and address of the nearest AAT registry (see "5. Reconsideration by the Administrative Appeals Tribunal" below).

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A student may make an application to the AAT for a reconsideration of the Review Officer's decision to refuse to re-credit the student's FEE-HELP balance and may supply additional information to the AAT which she or he did not previously supply to the Institute (including the Institute's Review Officer).

The Secretary of DEEWR or her/his delegate will be the respondent for cases which are before the AAT. Once DEEWR has received notification from the AAT that the student 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
- Every other document or part of a document that is in the Review Officer's possession or under the Review Officer's control and is considered by the Review Officer to be relevant to the review of the decision by the Tribunal.

Upon receipt of notification from the AAT, DEEWR will notify the Institute in writing that appeals have been lodged. Following such notification, the Institute must within a further 5 business days provide DEEWR with all the original documents it holds relevant to the appeal. These documents should be sent to DEEWR by courier or Express Post and the Institute should keep copies of the documents for its own records.

Under section 209-5(2)(b) of the AAT Act, the Institute may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise DEEWR if a decision is made to re-credit the person's FEE-HELP balance. However, until a student withdraws her or his AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DEEWR is still required to comply with the section 37 AAT Act requirement to lodge a statement and relevant documents with the AAT. Therefore, the Institute must still forward all relevant documents to DEEWR within the 5 business day timeframe noted above - unless advised not to do so by DEEWR.

If you believe the outcome of your complaint with BHI is unreasonable, you may choose to pursue the matter with an external body.

Issue	External agency	Telephone
Grievances about sexual harassment or illegal discrimination	Equal Opportunity Commission Victoria Level 3, 380 Lonsdale Street Melbourne 3000 Human Rights and Equal Opportunity Commission, HREOC (Federal) GPO Box 5218, Sydney 2001 newcomplaints@humanrights.gov.au	1800 134 142 1300 656 419
Grievances about internal policies or procedures	Ombudsman Victoria Level 3, 459 Collins Street Melbourne 3000	1800 806 314
International student grievances in relation to the ESOS Act	Department of Education, Science and Training (DEST) (ESOS Helpline)	+61 2 6240 5069
Grievances in relation to VET FEE-HELP assistance for TAFE students (From 1 July 2010 the fee to lodge an application with the AAT for the review of a decision is \$777.)	Administrative Appeals Tribunal (AAT) Level 16 HWT Tower Southgate 40 City Road Southbank Vic 3006 Melbourne.Registry@aat.gov.au	+61 3 9282 8444 (metro areas) 1300 366 700 (country areas)

Forms

NIL



Re-crediting of HECS-HELP and SLE Balances and Review of Decisions Procedure

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PROSA17 B Re-crediting of HECS-HELP and SLE Balances and Review of Decisions Procedure

The process for Re-crediting of HECS-HELP and SLE Balances and Review of Decisions comprises 4 components

1. [Withdrawal from a course – after the census date](#)
2. [Application by student for re-crediting of SLE balance](#)
3. [Review of the original decision](#)
4. [Reconsideration by the Administrative Appeals Tribunal](#)

Students who enrol in a unit of study, but subsequently withdraw on or before the census date, are not liable to pay their student contribution amount. If the student has made up front payments in relation to that unit of study, the Institute will repay those amounts to the student, and, if the student has requested a HECS-HELP loan, the student cannot incur a debt for that unit.

1. **Withdrawal from a course – after the census date**

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If a student who has requested a HECS-HELP loan withdraws from a unit of study, including where the student withdraws from their course of study, after the census date the student normally will consume Student Learning Entitlement (SLE) and incur a HECS-HELP debt for that unit of study.

The student's SLE balance will only be re-credited and HECS-HELP debt removed after the census date if the Institute has agreed to do so due to special circumstances.

2. **Application by student for re-crediting of SLE balance**

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A student may apply after the census date to have her/his SLE balance re-credited if the student has been unable to complete the requirements of a unit of study and the student believes that this was due to special circumstances. Where a request to re-credit a person's SLE balance is granted, a student's HECS-HELP debt is removed.

The Institute is required to consider these applications and must agree to such requests if satisfied that there were special circumstances in the student's case.

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 unit was, or was to be, undertaken. The Institute has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limit.

The student must address her/his application to the attention of the Academic Registrar, Box Hill Institute of TAFE, and either send the application to Private Bag 2014, Box Hill, Victoria 3128 or lodge the application at the Student Administration Office, Building 4, Elgar Campus.

The Institute must re-credit a person's FEE-HELP balance if the provider is satisfied that special circumstances apply to the person that are:

- Beyond the person's control
- Do not make their full impact on the person until on, or after, the census date and
- Make it impracticable for the person to complete the requirements for the unit during the period in which the person undertook, or was to undertake, the unit.

Chapter 5 of the Higher Education Support Act 2003 (HESA) Student Learning Entitlement Guidelines specifies the circumstances in which the Institute will be satisfied that special circumstances apply to a student.

The Institute will be satisfied that a student's circumstances are beyond that student's control if a situation occurs 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. This situation must be unusual, uncommon or abnormal.

The Institute will be satisfied that a student's circumstances did not make their full impact on the student until on or after the census date for a unit of study if the student's circumstances occur:

- Before the census date, but worsen after that day, or
- Before the census date, but the full effect or magnitude does not become apparent until on or after that day, or
- On or after the census date.

Each application will be examined and determined on its merits by the Institute's Registrar who will consider the student's claims, together with independent supporting documentary evidence which substantiates these claims.

The student's application will be considered by the Academic Registrar within 12 business days of being received. The student will be advised in writing by the Registrar of the outcome of her/his application and the reasons for making the

decision no later than 15 business days from the date of the receipt of the application, providing all relevant data has been furnished in the application. If all relevant data has not been furnished, the student will receive a request for additional information from the Academic Registrar no later than 15 working days from the date of the receipt of the application. The Institute is required by the HESA Student Learning Entitlement Guidelines to publish these timeframes and does so on the website StudentWeb (<http://studentweb.bhtafe.edu.au/index.cfm?fa=display.webpage&pid=75425>)

In advising the student of the outcome of her/his application the Academic Registrar will advise the student of her/his rights for a review of the decision if she/he is dissatisfied with the outcome (see “D. Review of the original decision” below).

Where a student’s request to re-credit an SLE balance is granted, the student’s SLE will be re-credited with an amount equal to the EFTSL value of the unit of study. Students who have their SLE re-credited will also have any up front payments of their student contribution amount refunded, and/or their HECS-HELP debt remitted. In these circumstances the Institute is required to refund to the Commonwealth the amount of HECS-HELP paid to the Institute on behalf of the student.

3. Review of the original decision

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A student has the right to apply to the Institute for a review of a decision to not re-credit her/his SLE or student contribution amount. The time limit for applying for a review of a decision is 28 days from the student receiving notice from the Academic Registrar of the decision, or such longer period as the reviewer allows. The student must state the reasons why he or she is applying for a review.

The Institute will acknowledge receipt of an application for review of a decision in writing and inform the applicant that, if the Review Officer has not advised the applicant of a decision within 45 days of receiving the application for review, the Review Officer is taken to have confirmed the original decision.

The Institute’s Review Officer is the Senior Executive Director, Teaching and Learning and, in the alternative, the Chief Financial Officer. The student must address her/his application for review of the original decision to the attention of the Senior Executive Director, Teaching and Learning, Box Hill Institute of TAFE, and either send the application to Private Bag 2014, Box Hill, Victoria 3128 or lodge the application at the Office of the Senior Executive Director, Education and Training Building 3, Directorate Office, Elgar Campus.

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4. Reconsideration by the Administrative Appeals Tribunal [Back to top](#)

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Grievances about internal policies or procedures	Ombudsman Victoria Level 3, 459 Collins Street Melbourne 3000	1800 806 314
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