

## VET STUDENT LOANS STUDENT REVIEW PROCEDURES

Under the *VET Student Loans Act 2016*, students who withdraw from a Unit of Study/Part of a Course after census day are able to apply to have their VETSL debt re-credited under special circumstances\* (see below). Students must apply by completing the [VET Student Loan Application to re-credit a HELP balance form](#). The application must be submitted within 12 months of the census day of the Unit of Study/Part of a Course.

If you have been informed that your application to have your HELP balance re-credited is unsuccessful, you have the right to request a review of the decision. This does not apply to students who have self-paid their Unit of Study/Part of a Course as they have not taken a loan and the *VET Student Loans Act 2016* does not apply.

If your VETSL balance for a Unit of Study/Part of a Course is re-credited, any HELP debt you have incurred for that unit will also be removed including any indexation which may have been applied.

If you have successfully completed a Unit of Study/Part of a Course, you are **not** eligible, under any circumstances, to have your HELP balance re-credited, or the VETSL debt removed for that Unit of Study/Part of a Course.

### Procedures

If you are requesting a review of a decision not to re-credit a HELP balance, you need to follow the Student Review Procedures:

1. When you are notified that your re-credit application is not successful, an ***Application to review a decision not to re-credit a HELP balance*** form will be sent to you. This will outline what you need to do, including advising whether further evidence of your special circumstances is required.
2. Complete your application, and submit along with supporting documentation to the TAFE NSW Review Officer for your delivery location, as advised to you in your letter. Requirements for submitting a valid request are:
  - a. you must apply for a review of a decision within **28 days** from the day you first received notice of the original decision not to re-credit your HELP balance
  - b. you must provide reasons as to why you are applying for a review
  - c. you should submit original or certified copies of documentation supporting your claim.
3. Your application will be acknowledged in writing and you will receive a response **within 45 days** of submitting the application for review.
4. The TAFE NSW Review Officer will reconsider the decision according to the following available options:
  - a. confirm the decision
  - b. vary the decision, or
  - c. set the decision aside and substitute a new decision.
5. You will be notified in writing of the outcome of the review process and will be provided with the reasons for making the decision.
6. You have the right to make an appeal to the **Administrative Review Tribunal (ART)** of an unsuccessful Review (this does not apply to students who have self-paid their Unit of Study/Part of Course). A fee for this service applies. Applications to the ART must be made within 28 days from the date of letter that TAFE NSW provides you which advises that your review has been unsuccessful. You can [contact the ART](#) online, by email, phone, via a contact form or visit an ART office in person.

For more information see below:

**Administrative Review Tribunal (ART)**

<https://www.art.gov.au>

Phone: 1800 228 333

**NSW Sydney Registry**

Administrative Review Tribunal (ART) Level 6

83 Clarence Street

SYDNEY NSW 2000

**In relation to consideration of appeals by the ART, TAFE NSW will:**

1. Provide to the Commonwealth government, **within 5 business days** of being requested, copies of all the documents it holds that are relevant to your appeal.
2. Keep any originals and copies of the documents relevant to your appeal in accordance with normal record management procedures.
3. Further information can be found on the [StudyAssist](#) website.

**Applications to the Commonwealth Secretary**

Students may also apply to the [Commonwealth] Secretary for their HELP balance to be re-credited in the event of unacceptable conduct by a provider. More information is available on the [StudyAssist](#) website.

The [Commonwealth] Secretary may re-credit a student's HELP balance if satisfied that the course provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for a loan, or the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.

Applications for re-credit under unacceptable conduct must be made within 5 years after the census day for the course, or part of the course concerned or within that period as extended by the Secretary. The [Commonwealth] Secretary may re-credit a student's 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.

If TAFE NSW ceases to deliver a course and a suitable replacement course is not available, TAFE NSW will re-credit the loan amount or refund any upfront payment made for any affected UoS that has not been completed.

For more information, go to the [VET Student Loans](#) of the TAFE NSW website.

**\* Special Circumstances**

1. **Beyond the student's control** - Circumstances could be considered beyond the student's control if a situation occurs 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. This situation would generally be expected to be unusual, uncommon or abnormal. **and**
2. **Do not make full impact until on or after the census day** - Circumstances could be considered not to make their full impact on the student until on or *after* the census day for the course or the part of the course if the student's circumstances occurred:
  - before the census day, but worsen after that day
  - before the census day, but the full effect or magnitude does not become apparent until after that day; or
  - on or after the census day **and**

**3. Impracticable for the student to complete the requirements for the course, or the part of the course during the student's enrolment** - Circumstances that make it impracticable for the student to complete the requirements for their course or part of the course may include:

- medical circumstances, for example, where a student's medical condition has changed to such an extent that he or she is unable to continue studying.
- family/student circumstances, for example, 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.
- employment related circumstances, for example, where a student's employment status or arrangements have changed so the student is unable to continue their studies, and this change is beyond the student's control; or
- course related circumstances, for example, where the provider has changed the course or parts of a course it had offered and the student is disadvantaged by either not being able to complete the course or parts of a course, or not being given credit towards other or courses or parts of a course.

A student is unable to complete the requirements for a course or part of a course, 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 to the required standard; or
- sit the required examinations and obtain a required mark; or
- complete any other course requirements because of their inability to meet the above.

**Note:**

**Pre-existing conditions** – A circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a student may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for the course or the part of the course, but that condition may worsen, or that student may suffer from an aggravation, deterioration or episode, after the census day.

Alternatively, the full implications of a student's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study are not fully realised until after the census day.