

## PROCEDURES FOR RE-CREDITING A VET STUDENT LOAN BALANCE

### Conditions for Re-crediting a VSL balance

- A student's VSL balance can be re-credited under Part 6 of the Act
- Re-crediting under Section 71 of the Act must be made within 5 years after the census date for the course, or part of the course, concerned or within that period as extended by the Secretary.

A student must withdraw from their enrolment before a request for re-crediting a VSL debt can be accepted and actioned. You cannot apply for a re-credit for a unit of study if you have successfully completed that unit of study

A Student withdraws from a Unit on or before the census date will not incur a VSL debt for the tuition fees for that Unit of Study.

Students who remains enrolled or withdraws from a unit after the published census date will incur a VET Student Loan debt for the Units in which they are enrolled

### Re-crediting under Special Circumstances

Air Gold Coast will re-credit the Student's VSL Unit of Study balance if it is satisfied that special circumstances apply where:

- These circumstances were beyond the Student's control:
  - Might include an accident or
  - The worsening of a serious illness.
- These circumstances did not make their full impact on the Student until on, or after the census date:
  - Circumstances occurred before the Census date but worsened after that date;
  - Circumstance occurred before the census date but the full impact or magnitude did not become apparent until after date.
  - Circumstances occurred on or after the census date
- Pre-existing conditions – students are required to pass a Class 1 Medical prior to enrolment which will identify any pre-existing conditions which may preclude the student from enrolling.
- These circumstances were such that it was impracticable for the Student to complete the requirements for the Unit of Study in the period during which the Student undertook or was to undertake the Unit of Study. These may include
  - Medical circumstances
  - Family or personal circumstances (i.e. death or severe medical problems within a family)
  - Unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect the student to continue to study.

### 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).

Air Gold Coast will consider the student's application and notify the student of its decision and the reasons for making the decision as soon as practical.

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The Secretary of the Department may re-credit a student's VSL 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.

A student may apply to the Secretary for the student's VSL balance to be re-credited under section 71 of the Act because:

- The provider engaged in unacceptable conduct in relation to the student's application for a VET Student Loan, or
- The provider has failed to comply with the Act or an instrument of the Act and the failure has adversely affected the student

### Re-credit of a Student's VSL Balance - The Process

Each application for re-credit of a Student's VSL Unit of Study balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

The Administration Manager is the designated officer responsible for the assessment of a Student's request for a re-credit of their VSL balance due to special circumstances and for the initial decision regarding the request.

A Student must apply in writing to the Administration Manager at Air Gold Coast, P.O. Box 116, Coolangatta, QLD 4225 within 12 months of the withdrawal date, or if the Student has not withdrawn, within 12 months of the specified completion date of the Unit of Study.

Air Gold Coast has the discretion to waive this requirement if it is satisfied that it was not possible for the application to be made within the 12 month period. Relevant supporting documentation will be required to substantiate the claim.

Where Air Gold Coast allows a student to defer completion of their course, or part thereof, the 12 month application period applies from the end of the extended period of the course.

Air Gold Coast has the discretion to refund any tuition fees the student has made in respect to the Unit(s) of Study.

The application for re-crediting a VSL balance must include details of the:

- Unit(s) of Study for which a Student is seeking to have a VSL balance re-credited and
- Special circumstances as referred to above, including supporting documentation.

Air Gold Coast will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a VSL balance in accordance with the requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within 28 days.

### Review of Decision

Where Air Gold Coast makes a decision NOT to re-credit a Student's VSL balance that decision may be subject to review.

If a Student is not satisfied with the decision made by Air Gold Coast, the Student may apply for a review of the decision.

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The application for review must:

- be made within 28 days of receipt of the original decision (applications received outside of this time will not be considered unless Air Gold Coast has extended the time under special circumstances);
- include the date of the original decision;
- state fully the reasons for applying for the review;
- include any additional relevant evidence.

Students will not be victimised or discriminated against for:

- Seeking a review or reconsideration of a decision
- Using Air Gold Coast's grievance processes
- Making an application for re-credit

Applications should be made in writing to the General Manager at Air Gold Coast, P.O. Box 116, Coolangatta, QLD 4225 as the designated Review Officer of any decisions relating to a request for re-crediting of a VSL balance. The Review Officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision to be reviewed.

The Review Officer will:

- acknowledge receipt of the application for review of a decision in writing within 10 working days;
- review the information from the original decision and then assess any new evidence provided by the Student;
- provide written notice to the Student setting out the reasons to either confirm, vary or set aside the decision and substitute a new decision within 28 working days of receipt of the application to review the original decision.
- inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).
- If the reviewer does not give the student a notice of the decision within 45 days after receiving the student's request, it is taken that the reviewer has confirmed the original decision.

There is no charge for reconsideration or review of decisions other than review by the Administrative Appeals Tribunal (AAT)

### **Reconsideration by the Administrative Appeals Tribunal**

At the time of the original decision, and at the time of the subsequent review decision, the Student will be notified of their review rights and responsibilities. The relevant officer will inform the Student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome. The application must be lodged at the AAT within 28 days of receiving written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.

Full details of the application process and fees payable are available on the AAT's website: [www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid and the amount is subject to change. Please contact the website for more information. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.

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