	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

## Policy Statement

Sarina Russo Institute (SRI) recognises the importance of ensuring a fair and equitable process for the application and review of re-crediting FEE-HELP balances.

SRI commits to work with all students enrolled with SRI in achieving just and equitable outcomes, and to conduct all proceedings in an open and transparent manner in accordance with this policy and procedure.

## Purpose

This policy and procedure outlines the process for the re-crediting of student's FEE-HELP balance in accordance with the *VET Student Loans Act 2016*, the *Vet Student Loans Rules 2016* and the *VET Student Loans Manual for Providers*. The aim of this policy is to provide a fair and equitable procedure for the application for, and review of decisions relating to, the re-crediting a student's FEE-HELP balance.

## Scope

This policy and procedure applies to all persons enrolled with SRI.

## Underpinning Legislation and Contractual Requirements

This policy and procedure is underpinned by the following:

- *VET Student Loans Act 2016* (Cth)
- *VET Student Loans Rules 2016* (Cth)
- [VET Student Loans Manual for Providers](#)

## Definition of terms

**Act** means the *VET Student Loans Act 2016*.

**Approved course** has the same meaning in s 13 of the *VET Student Loans Act 2016*

**Australian Quality Training Framework** has the same meaning as in the *Higher Education Support Act 2003*

**Census Day** has the same meaning as s 58(3) of the *VET Student Loans Act 2016*

**Course** means an Approved course and includes parts of an Approved course

**FEE-HELP balance** has the same meaning as in the *Higher Education Support Act 2003*.


**Loan amount** means all or a part of a VET student loan.

**Reconsidered Decision** means the decision made by the Review Officer

**Reviewable Decision** has the same meaning as s 74(a) of the *VET Student Loans Act 2016*

**VET Provider** has the same meaning as in the *Higher Education Support Act 2003*.

**VET student loan**: see subsection 7(2) of the *VET Student Loans Act*.

	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

## Policy

### 1. General

- 1.1. SRI may re-credit a student's FEE-HELP under Part 6 of the *VET Student Loans Act 2016*
- 1.2. Where SRI re-credits a student's FEE-HELP, the amount re-credited by SRI must be equal to the amount of the VET Student loan that has been used to pay tuition fees for the course, or the part of the course


### 2. Costs

- 2.1. There are no fees for an application to SRI for the re-crediting of FEE-HELP balances
- 2.2. There are no fees for reconsidering or reviewing a decision whether or not to re-credit FEE-HELP balances, other than a review by the AAT.

### 3. Application for Re-crediting due to special circumstances

- 3.1. Under section 68 of the Act, SRI must re-credit a student's FEE-HELP balance if:
  - a) The student applies to SRI in writing for the re-credit; and
  - b) They made the application within 12 months of the census day for the course concerned; and
  - c) SRI is satisfied that special circumstances (as defined in section 3.4 of this policy) prevented, or will prevent, the student from completing the requirements for the course, or the part of the course
- 3.2. SRI may extend the period for making an application referred to in 3.1(b).
- 3.3. For the purposes of 2.1(a), a student can apply in writing to the Program Manager for the re-credit of their FEE-HELP balance by emailing [qualityunit@sri.edu.au](mailto:qualityunit@sri.edu.au). Alternatively, the student can send their request to: GPO Box 2304, Brisbane, Qld 4001. Though SRI will review all requests for re-crediting, **we strongly recommend** the student use the re-crediting template provided at the end of this form.
- 3.4. Special circumstances include circumstances that:
  - a) Are beyond the student's control; and
  - b) Do not make their full impact on the student until on or after the census day for a course, or part of a course; and
  - c) Make it impractical for the student to complete the requirements for the course during the student's enrolment in the course, or the part of the course

Examples of circumstances that may be considered beyond a person's control and may meet the criteria might include a motor vehicle accident or the worsening of a serious illness.

	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019


- 3.5. Circumstances may be considered not to make their full impact on the person until on or after the census day for the VET unit of study if the person's circumstances occurred:
- a) before the census day, but worsened after that day; or
  - b) before the census day, but the full effect or magnitude did not become apparent until after that day; or
  - c) on or after the census day.
- 3.6. In considering whether it is impractical for the student to complete the requirements for the course during the student's enrolment SRI must consider:
- a) whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements; and
  - b) whether the student could complete any required assessable work, or demonstrate competencies required; and
  - c) whether the student could complete any other requirements arising from the student's inability to do the above
- 3.7. Upon receiving an application for the re-crediting of a student's FEE-HELP balance due to special circumstances, SRI must, as soon as practicable:
- a) Consider the application; and
  - b) Notify the student of the outcome of the application, including the reasons for the decision; and
  - c) Notify the student that the decision is reviewable and that they have 28 days after the date on which the student was notified of the decision to seek a review, or within such longer times as advised
  - d) Attach the Notice of Rights to Review

#### **4. Right to Review**

- 4.1. A decision not to re-credit a student's FEE-HELP balance is a reviewable decision and where the student does not agree with the decision they can request this be reviewed.

#### **5. Treatment of Students Seeking a Review**

- 5.1. SRI must ensure that a student who seeks a review is not victimised or discriminated against for:
- a) seeking a review or reconsideration of a decision; or
  - b) using the provider grievance processes or procedures; or
  - c) making an application for re-crediting the student's FEE-HELP balance


	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

## 6. Review Officers

- 6.1. SRI has an officer (**Review Officer**) to reconsider reviewable decisions made by SRI.
- 6.2. The Review Officer must not have been involved in the original decision and must occupy a position that is senior to the original decision maker.
- 6.3. The Review Officer responsible for reviewing decisions relating to the re-crediting of a person's FEE-HELP balance is represented by the Group CEO

## 7. Review by SRI following application for reconsideration

- 7.1. A person whose interests are affected by a reviewable decision may request that SRI reconsider the decision.
- 7.2. A request to review must be made in writing and sent to SRI within 28 days after the day on which the student was notified of the original decision, or within such longer period as SRI allows. This can be done by either:
  - a) Emailing it to [qualityunit@sri.edu.au](mailto:qualityunit@sri.edu.au); or
  - b) Sending it to GPO Box 2304, Brisbane, Qld 4001
- 7.3. The request must set out the reasons for requesting the reconsideration.
- 7.4. Where a request is received outside of the required time in 7.2, SRI will advise the student that the application has been refused on the basis that the person is out of time.
- 7.5. After receiving the request, SRI must reconsider the decision and:
  - a) Confirm the decision; or
  - b) Vary the decision; or
  - c) Set the decision aside and substitute a new decision
- 7.6. The Review Officers decision (the **reconsidered decision**) to confirm, vary or set aside the reviewable decision takes effect:
  - a) on the day specified in the reconsidered decision; or
  - b) if a day is not specified—on the day on which the reconsidered decision is made.
- 7.7. SRI must give the person written notice of the reconsidered decision.
- 7.8. The notice must:
  - a) be given within a reasonable period after the reconsidered decision is made; and
  - b) contain a statement of the reasons for the reconsidered decision; and

	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

- c) advise of the person’s right to appeal to the Administrative Appeals Tribunal for a review of the decision if the person is unsatisfied with the outcome, including any associated costs and how to commence the review.

7.9. SRI is taken to have confirmed the reviewable decision if the Review Officer does not give notice of the reconsidered decision to the person within 45 days after receiving the person’s request.

## 8. Reconsideration without application

8.1. SRI may reconsider a reviewable decision if the decision maker is satisfied that there is sufficient reason to do so.

8.2. SRI may reconsider the decision whether or not:

- a) an application for reconsideration of the decision has been made; or
- b) the decision has been reconsidered; or
- c) an application has been made for review of the reconsidered decision by the Administrative Appeals Tribunal.

8.3. After reconsidering the reviewable decision, SRI must reconsider the decision and:

- a) Confirm the decision; or
- b) Vary the decision; or
- c) Set the decision aside and substitute a new decision

8.4. The Review Officers decision (the **reconsidered decision**) to confirm, vary or set aside the reviewable decision takes effect:

- a) on the day specified in the reconsidered decision; or
- b) if a day is not specified—on the day on which the reconsidered decision is made.


8.5. SRI must give the person written notice of the reconsidered decision to the person to whom the decision relates.

8.6. The notice must:

- a) be given within a reasonable period after the reconsidered decision is made; and
- b) contain a statement of the reasons for the reconsidered decision
- c) Advise the person of their right to review by the AAT

## 9. Review by the Administrative Appeals Tribunal (AAT)

9.1. A person may apply to the AAT for a review of the Review Officers decision and may supply additional information to the AAT that they did not previously supply.


	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

## 10. Reporting the Remission to the Department

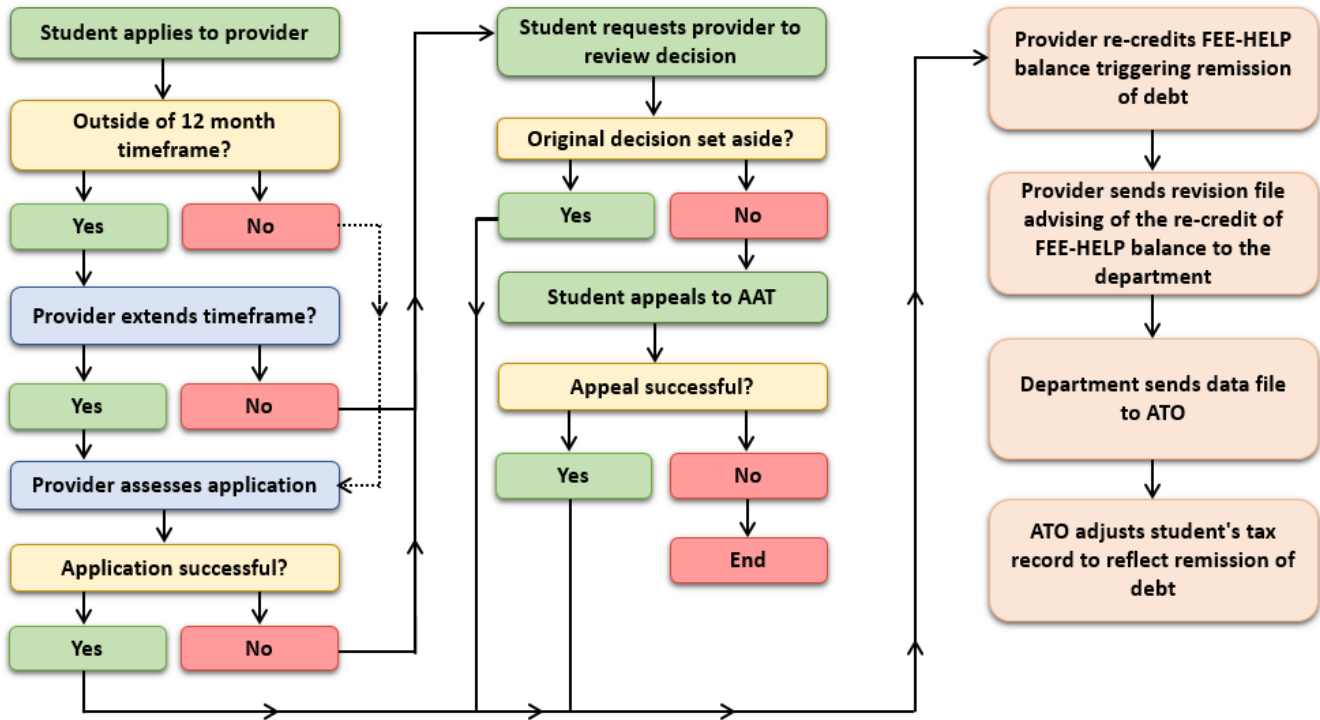
- 10.1. Where a decision results in the re-crediting of a person's FEE-HELP balance, SRI will be notified and must report this outcome via submission of a Higher Education Information Management System revision file.
- 10.2. SRI must repay to the Commonwealth any amounts of VET Student Loan received from the Commonwealth on the person's behalf through subsequent reconciliations, unless otherwise advised the by Commonwealth.

## 11. Application to Secretary for re-crediting

- 11.1. A student may apply to the Secretary of Commonwealth Department of Education (the Secretary) for the re-crediting of the student's FEE-HELP balance, under section 71 of the Act, where:
- a) SRI, or a person acting on behalf of SRI, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
  - b) SRI has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
- 11.2. Unacceptable conduct includes:
- a) unconscionable conduct (whether or not a particular individual is identified as having been disadvantaged by the conduct); or
  - b) misleading or deceptive conduct; or
  - c) the making of a representation with respect to any future matter, such as the doing of, or the refusing to do, any act, if the maker of the representation does not have reasonable grounds for making the representation; or
  - d) advertising tuition fees for the course where there are reasonable grounds for believing that SRI will not be able to provide the course for those fees; or
  - e) use of physical force, or harassment or coercion, in connection with the application or enrolment in the course
- 11.3. An application to the Secretary for re-crediting must be made in writing and be within 5 years of the census day of the course, or within that period as extended by the Secretary
- 11.4. The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if SRI:
- a) is unable to act or is being wound up or has been dissolved; or
  - b) has failed to act and the Secretary is satisfied that the failure is unreasonable.

	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
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**Overview Flowchart:**




**Contact Details:**

Email: [qualityunit@sri.edu.au](mailto:qualityunit@sri.edu.au)  
 Phone: 1800 078 776  
 Address: Level 10, 100 Eagle Street, Brisbane City QLD 4000


**Student Application for Re-Crediting Procedure**

Step	Action
1	<p><b>Student submits an application for re-crediting to Quality Unit</b></p> <p>Student contacts SRI in writing requesting Re-Crediting of FEE-HELP balance. Quality unit conduct a preliminary assessment of the application to determine if the application is made within 12 months of the census date of the course concerned. Quality Unit will then email the Manger of Academic Operations and Standards (MAOS) and include the Census date and whether the application is within the requisite time-period.</p> <p><i>Proceed to Step 2</i></p>


	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

2	<p><b>Quality unit emails Manger of Academic Operations and Standards (MAOS) and a Quality Assurance Executive</b></p> <p>The MAOS and QA Executive will review the students application and consider:</p> <ul style="list-style-type: none"> <li>• Whether to extend the application period if the application was out of date</li> <li>• Whether special circumstances prevented (as defined in clause 3.4), or will prevent, the student from completing the requirements for the course.</li> </ul> <p>In considering whether it is impractical for the student to complete the requirements for the course the MAOS and QA Executive must consider everything in clause 2.6.</p> <p>The MAOS and QA Executive must <b>not</b> consult with the Group CEO or National Quality Assurance and Audit Manger about the initial decision. Where the MAOS and QA Executive require clarification or have queries, these should be directed to the Group Legal Team. If it is necessary to consult the National Quality Assurance and Audit Manger they must not be involved in the review decision.</p> <p><i>Proceed to Step 3</i></p>
3	<p><b>MAOS and QA Executive informs student of decision</b></p> <p>The MAOS and QA Executive will notify the student by their preferred method of contact (excl. non-written contact) of the outcome of the application. This will include:</p> <ul style="list-style-type: none"> <li>• The reason for the decision</li> <li>• That the Decision is a reviewable decision and that they have 28 days to review the decision in accordance with the Notice of Right to Review</li> <li>• The Notice of Rights to Review</li> </ul> <p><i>Proceed to Step 4</i></p>
4	<p><b>Student submits application for review</b></p> <p>Where the student, or another person whose interest are affected by the original decision, submits an application for review in accordance with the Right to Review Notice and clause 6, the Quality Unit will arrange for the forwarding of all information to the Review Officer.</p> <p><i>If the National Quality Assurance and Audit Manager not consulted at step 2 proceed to step 5a</i>  <i>If the National Quality Assurance and Audit Manager was consulted at step 2 proceed to step 5b</i></p>
5a	<p><b>Quality Unit forwards application for review and all relevant information to the Group CEO and the National Quality Assurance and Audit Manager</b></p> <p>The Quality Unit will forward the application for review, the original decision and any relevant information to the Group CEO and <i>National Quality Assurance and Audit Manager</i>, cc'ing the MAOS and QA Executive</p>



	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

5b	<p><b>Quality Unit forwards application for review and all relevant information to the Group CEO alone</b></p> <p>The Quality Unit will forward the application for review, the original decision and any relevant information to the Group CEO, cc'ing the <i>National Quality Assurance and Audit Manager</i>, MAOS and QA Executive. All parties who were involved in the original decision must <b>not</b> be involved in the review decision.</p>
6	<p><b>Group CEO/ National Quality Assurance and Audit Manager makes a decision and informs the student</b></p> <p>The reviewing officer will either confirm, vary or set aside the original decision. The reviewing officer will inform the student of the decision in writing and include:</p> <ul style="list-style-type: none"> <li>• Reasons for the decision</li> <li>• The date the decision will take effect</li> <li>• That the decision is reviewable by the AAT</li> </ul> <p><i>End Process</i></p>

	Re-Crediting FEE-HELP Balance (Required Procedure)
	Version: 1.1
Department: Sarina Russo Institute	Latest Amendment: 09/07/2019

**Application for Re-Crediting Template**

**Application for Re-Crediting of FEE-HELP balances**

**Applicant Information**

Full Name: \_\_\_\_\_ Date: \_\_\_\_\_  
*Last First M.I.*

Address: \_\_\_\_\_  
*Street Address Apartment/Unit #*

\_\_\_\_\_ *City State Post Code*

Phone: \_\_\_\_\_ Email \_\_\_\_\_

CHESSN: \_\_\_\_\_ SRI Student number \_\_\_\_\_ USI: \_\_\_\_\_

Course(s) for which re-crediting is requested \_\_\_\_\_

Census dates (if known) \_\_\_\_\_

**Reasons for Application**

*Please Provide reasons for your request for re-crediting here. Please include:*

- *When you first became aware of the full impact of the circumstances*
- *Why the circumstances made it impractical for you to complete the course*
  - *What steps, if any, you took to mitigate the circumstances*