

VET STUDENT LOANS DEBT REVIEW AND RE-CREDIT POLICY

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1.0 Purpose

The purpose of this policy is to define how EIT will manage a student's request to review their VET Student Loan debt following withdrawal from their approved course, or part of the course, in accordance with the [VET Student Loans Act 2016](#) and the [VET Student Loans Rules 2016](#).

2.0 Scope

This policy extends to all EIT staff engaged in the VET Student Loans program and EIT students enrolled in an approved course of study as per the current [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#).

3.0 Principles

EIT is committed to the following principles that underpin this policy by ensuring that:

- 3.1** As per our **VET Student Loans Withdrawal, Deferral and Cancellation Policy** students withdrawing from an Approved Course or part of an Approved Course on or before the census date for that unit/module, will NOT incur any additional charges imposed by EIT, nor accrue a VET Student Loans debt for the course or that unit/module of study.
- 3.2** Students withdrawing from an Approved Course or part of an Approved Course, after the census date will not incur any additional charges imposed by EIT after withdrawal, but will accrue a VET Student Loan debt for all unit/modules that they remained enrolled in past the census date.
- 3.3** All students will have the opportunity to apply to have their VET Student Loan balance re-credited in the following circumstances:

3.3.1 EIT will re-credit a VET Student Loan balance under Division 2 of Part 6 (Section 68) of the [VET Student Loans Act 2016](#), if:

- a) the student applies to EIT in writing for the re-credit; and
- b) the application is made within 12 months (EIT may extend this period) after the census day for the course, or the part of the course; and
- c) EIT is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course.

3.3.1.1 Circumstances are considered ‘special circumstances’ if they:

- are beyond the student’s control; and
- do not make their full impact on the student until on or after the census day for the course, or the part of the course; and
- make it impracticable for the student to complete the requirements for the course, or part of the course, during the student’s enrolment in the course, or part of the course.

3.3.1.2 The amount re-credited must equal the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of a course.

3.3.1.3 EIT will, as soon as practicable:

- consider an application for a student’s HELP balance to be re-credited under this section; and
- notify the student of EIT’s decision on the application and include a statement of the reasons for the decision.

3.3.1.4 The Secretary of the Department may re-credit a student’s HELP balance in accordance with this Division (Section 70 of the [VET Student Loans Act 2016](#)) if:

- EIT is unable to act under this Division or is being wound up or has been dissolved; or
- EIT has failed to act under this Division and the Secretary is satisfied that the failure is unreasonable.

3.3.2 The Secretary may re-credit a VET Student Loan balance under Division 3 of Part 6 (Section 71) of the [VET Student Loans Act 2016](#), if:

- a) The Secretary is satisfied that EIT, or a person acting on EIT’s behalf, engaged in unacceptable conduct in relation to the student’s application for the VET student loan.
 - i. Unacceptable conduct, in relation to an application for a VET Student Loan has the meaning given by the [VET Student Loans Rules 2016](#).
- b) The Secretary is satisfied of one or more of the following:
 - i. the student is not an eligible student;
 - ii. the student is not a genuine student;
 - iii. the student does not have a tax file number;
 - iv. the student does not have a student identifier.
- c) The Secretary is satisfied that:
 - i. EIT has failed to comply with the [VET Student Loans Act 2016](#); and
 - ii. the failure has adversely affected the student.

- 3.3.2.1 The amount re-credited must not exceed the amount of the VET student loan that has been used to pay tuition fees for the student for the course, or the part of the course.
- 3.3.2.2 This section applies whether or not a student applies for a re-credit.
- 3.3.2.3 A student may apply to the Secretary for recrediting under section 71 of the [VET Student Loans Act 2016](#). The application must be in writing, meet any requirements set out in the [VET Student Loans Rules 2016](#), and must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary.

3.4 Students will be informed of their right to apply for a re-credit of their VET Student Loan through publication of this policy on EIT's website.

3.5 Students will be treated fairly in accordance with EIT's **Fair Treatment and Equal Opportunities Policy** and will not be victimised or discriminated against for making an application for re-crediting of the student's VET Student Loan under Part 6 of the [VET Student Loans Act 2016](#), or seeking review or reconsideration of a decision.

3.6 There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal.

3.7 The privacy of a student's records will be dealt with in accordance with legislative requirements and EIT's **Privacy Policy**.

4.0 Process

4.1 The student must officially withdraw from the unit/module or course by following the withdrawal process detailed in the **VET Student Loans Withdrawal, Deferral and Cancellation Policy**.

4.2 When submitting a '**Course Withdrawal and Postponement Application**' form the student must indicate they are seeking a re-credit of a VET Student Loan under special circumstances.

4.3 All applications must include independent supporting documentation. All documentation must include sufficient information to demonstrate that the requirements for special circumstances have been met, if applicable.

4.4 Each application will be considered by EIT's VET Student Loans team within 28 days of the application being submitted and will be determined on its merits. EIT will consider the student's claims, together with any independent supporting documentary evidence that substantiates these claims. Further information may be sought from the VET College Manager, Learning Support Officer and/or the student if necessary.

4.5 If the application is successful, EIT will notify the student of the decision, including a statement of the reasons for the decision, and arrange the appropriate re-credit of the VET Student Loan.

4.6 If the application is unsuccessful, EIT will notify the student of the decision, including a statement of the reasons for the decision and be advised of their opportunity to appeal the decision in accordance with EIT's '**Student Complaints Grievances and Appeals Policy**' and '**Student Complaints Grievances and Appeals Procedure**'.

5.0 Definitions

Please refer to the EIT Glossary that can be found [here](#) for all definitions used in this document.

6.0 Related Documents:

- Admissions Policy.VET
- EIT06 Complaints Policy.VET
- Fair Treatment and Equal Opportunity Policy.DS
- Privacy Policy.DS
- VET Student Loans Policy.VET
- VET Student Loans Withdrawal, Deferral and Cancellation Policy.VET
- VET Student Loans Tuition Fees and Charges Policy.VET
- VET Student Loans Tuition Protection Policy.VET

7.0 Related Legislation

- [*Age Discrimination Act 2004 \(Cwth.\)*](#)
- [*Australian Human Rights Commission Act 1986 \(Cwth.\)*](#)
- [*Disability Discrimination Act 1992 \(Cwth.\)*](#)
- [*Equal Opportunity Act 1984 \(WA\)*](#)
- [*Fair Trading Act 2010 \(WA\)*](#)
- [*Privacy Act 1988 \(Cwth\)*](#)
- [*Racial Discrimination Act 1975 \(Cwth.\)*](#)
- [*Sex Discrimination Act 1984 \(Cwth.\)*](#)
- [*Standards for Registered Training Organisations \(RTOs\) 2015 \(Cwth.\)*](#)
- [*VET Student Loan Act 2016 \(Cwth.\)*](#)
- [*VET Student Loan Rules 2016 \(Cwth.\)*](#)
- [*Vocational Education and Training Act 1996 \(WA\)*](#)

8.0 Accountabilities

The Governance Board is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and EIT's community via the website and other publications.