



Booroongen Djugun College

RTO ID: 6673

ABN 79 638 718 552 ACN: 162 957 315

Student Review Requirements and Re-Crediting a STUDENT LOAN Balance

Definitions

The Act refers to the Higher Education Support Act 2003

Student: Refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET units of study, and who access VET STUDENT LOANS for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census Date: A published date, set by the provider, no earlier than 20% of the way through a VET.

Tuition Fees: Fees paid for a VET unit of study that is approved for VET STUDENT LOANS and applies to students who are, or would be entitled to VET STUDENT LOANS assistance under Clause 43 of Schedule 1A of the Act.

Unit or VET Unit of Study: A VET unit of study approved for VET STUDENT LOANS that a student may undertake with Booroongen Djugun College, for which the student may access VET STUDENT LOANS assistance to pay for all or part of their tuition fees.

The Department: Commonwealth of Australia represented by the department which has the responsibility for administering the Higher Education Support Act 2003.

Incurring a VET STUDENT LOANS Debt: A student who is, or would be, eligible for VET STUDENT LOANS and has requested VET STUDENT LOANS Assistance, who withdraws from a unit on or before close of business on the census date, will not incur a VET STUDENT LOANS debt for the tuition fees for that unit.

Students who have requested VET STUDENT LOANS Assistance who remain enrolled after the published census date will incur a VET STUDENT LOANS debt.

A student who withdraws from a unit after the published census date for that unit will incur a VET STUDENT LOANS debt for that unit.

Re-crediting a STUDENT LOAN Balance

Students who withdraw from a Unit after the published census date, or fail to complete a unit, may apply to have their STUDENT LOAN balance re-credited with respect to the unit if they believe special circumstances apply in accordance with the following procedures.

- Booroongen Djugun College will re-credit a person's STUDENT LOAN balance with an amount equal to the amounts of VET STUDENT LOAN the person received for a VET unit of study if:
 - the person has been enrolled in the VET unit of study with Booroongen Djugun College; and
 - the person has not completed the requirements for the VET unit of study in the period the person undertook, or was to undertake the VET unit of study; and
 - Booroongen Djugun College is satisfied that special circumstances apply to the person; and
 - the person applies in writing to Booroongen Djugun College for re-crediting of the STUDENT LOAN balance; and either:
 1. The application is made within 12 months of the person withdrawing from the VET unit of study or if the person has not withdrawn, within 12 months of the end of the period in which the VET unit of study was, or was to be, undertaken; or
 2. Booroongen Djugun College waives the requirement that the application be made before the end of the 12 months, on the grounds that it would not be, or was not, possible for the application to be made before the end of the 12 months.

Please note: Where a provider allows a person to defer completion of their studies regarding a course, or part of a course, the 12-month application period applies from the end of the extended period for the course.

Special Circumstances

If a student withdraws from a unit after the published census date for that unit, or has been unable to successfully complete a unit and believes this was due to special circumstances, the student may apply to have their STUDENT LOAN balance re-credited for the affected unit/s.

Booroongen Djugun College must ensure that it takes reasonable steps to ensure that they re-credit the student's STUDENT LOAN Balance if it is satisfied that special circumstances apply where:

- these circumstances are beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the census date; and
- these circumstances were such that it was impracticable for the student to complete the requirements for the unit.

For circumstances to be beyond a student's control, the situation should be that 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. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

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).

Re-credit of a student's STUDENT LOAN balance - The Process

Each application for re-credit of a student's STUDENT LOAN balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim by the student to the VET STUDENT LOAN Committee.

1. A student must apply in writing to the VET STUDENT LOAN Committee 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. Booroongen Djugun College 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.
2. The application for re-crediting a STUDENT LOAN balance must include details of the:
 - Unit(s) for which a student is seeking to have a STUDENT LOAN balance re-credited and
 - Special circumstances as referred to above, including supporting documentation.

Booroongen Djugun College will consider each application within 14 working days of receipt of the application. It will consider each request to re-credit a STUDENT LOAN balance in accordance with the requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within 21 working days.

Review of Decision

3. Where Booroongen Djugun College makes a decision NOT to re-credit a student's STUDENT LOAN balance, which decision may be subject to review.
4. If a student is not satisfied with the decision made by Booroongen Djugun College, the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
 - be made within 28 days of receipt of the original decision
 - include the date of the original decision
 - state fully the reasons for applying for the review
 - include any additional relevant evidence
5. Applications should be made in writing to the Human Resource Manager, as the designated Review Officer of any decisions relating to a request for re-crediting of a STUDENT LOAN balance.
Note: The Review Officer is not involved in making the original decision to be reviewed.
6. The Review Officer will:
 - acknowledge receipt of the application for review of a decision in writing within 10 working days; and

- inform the student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.
7. The Review Officer will then:
- review the information from the original decision and then assess any new evidence provided by the student
 - provide written notice to the student of the decision, setting out the reasons for the 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).

Reconsideration by the Administration 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 a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. 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.

NSW Administrative Appeals Tribunal
Level 6, 83 Clarence Street, Sydney NSW 2000

Note: Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid, and is subject to change.

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. The Secretary of The Department, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the department's receipt of a notification from the AAT, the department will notify Booroongen Djugun College that an appeal has been lodged. Upon receipt of this notification from the department, the Review Officer will provide the department with copies of all the documents that are relevant to the appeal within ten (10) business days.

Publication

This policy and procedure is published on the Booroongen Djugun College website www.booroongendjugun.com.au to ensure students have up to date and accurate information publicly available to them.

This procedure is also available in the Student Handbook.