



Bedford College

Review Policy for Re-crediting of FEE-HELP Debt

Overview

Bedford College is committed to ensuring that fair and equitable policies and procedures are in place regarding the return of monies paid to the organisation. Bedford College is bound by and accepts the responsibility of Commonwealth and State Legislation governing the operations of the College.

1. Purpose

The purpose of this policy is to document the process for reviewing a refusal to re-credit of FEE-HELP balances if a student withdraws from enrolment after the census date.

- a student's FEE-HELP balance can be re-credited under Part 6 of the Act (s89) (2)(a)
- a student may apply to the Bedford College for a balance to be re-credited under section 68 of the Act because of special circumstances as outlined below.
- a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - Bedford College, or a person acting on behalf of Bedford College, engaged in unacceptable conduct in relation to the student's application for the VET student loan
 - Bedford College failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student

2. The Scope

In special circumstances a student who withdraws from a VET unit of study after the census date or is unable to complete the requirements of a unit may apply to have his/her FEE-HELP balance re-credited.

Special Circumstances

Circumstances are defined as Special Circumstances if they:

- are beyond the person's control; and
- do not make their full impact on the person until on or after the census date for the VET unit of study in question; and
- make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit.

Bedford College will be satisfied that a person's circumstances are beyond the person's control if a situation occurs which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.

Bedford College will be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a VET unit of study if the person's circumstances occur:

- before the census date, but worsen after that day; or
- before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
- on or after the census date

Re-crediting by Secretary

The Secretary may re-credit a student's FEE-HELP balance in accordance with section 70 of the Vet Student Loans Act Bedford College:

- 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

Application for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or part of the course, concerned, or within that period extended by the Secretary.

3. Procedures

Application for Re-Credit of FEE-HELP balance

A person seeking to have his or her FEE-HELP balance re-credited due to such special circumstances must apply in writing to the College within 12 months after the census date, for the course, or the part of the course, concerned, or within that period as extended by the provider (s89(2)(e)).

Applications must be supported by documentary and/or other evidence (e.g. medical certificates). The Registrar's contact details are:

The Registrar
Bedford College
54 Parramatta Road
GLEBE NSW 2037
Telephone: (02) 8572 3260

The Registrar will consider an application within twenty-one days of receiving it. The Registrar will notify the applicant of the decision, and the reasons for making the decision, within thirty-five days of receiving the application.

Where a request to re-credit a person's FEE-HELP balance for a VET unit of study is granted:

- The person FEE-HELP debt for the VET unit of study will be remitted; and
- Bedford College will refund to the Commonwealth the amount of FEE-HELP paid to the College on behalf of the person for that unit.

Review of the Registrar's Decision

Where a person is not satisfied with the decision made by Bedford College, the person may apply in writing to the Principal, Bedford College for a review of the decision, stating the reasons why a review is requested. The time limit for applying for a review of a decision is 28 days from the person receiving notice of the decision.

A student wishing to appeal against a decision of the Registrar must write a letter to the Principal/RTO Manager, Bedford College. The Principal will acknowledge in writing receipt of an application for review of the Registrar' decision within 10 days of receiving the application for review. In the letter acknowledging receipt of the application the Principal/RTO Manager will include the statement, "A final determination will be made within 45 days. If after 45 days you have not received a decision on your application the original decision of the Registrar should be taken as being confirmed by me".

The contact details for the Principal/RTO Manager are:

The Principal
Bedford College
54 Parramatta Road, Glebe NSW 2037

Telephone: (02) 8572 3260

The Principal will notify the applicant, within 45 days of receiving the application, of his/her decision. The Principal will either confirm the Registrar's decision, vary the decision, or set the decision aside and substitute a new decision. If the Principal/RTO Manager has not advised the applicant of a decision within 45 days of receiving the application for review, the student may assume that the original decision has been confirmed.

A student who is dissatisfied with the outcome of a review by the Principal/RTO Manager may appeal for a review of the decision to the Administrative Appeals Tribunal.

New South Wales Branch

Administrative Appeals Tribunal

GPO Box 9955

Sydney NSW 2001

Ph: 1800 228 333 from anywhere in Australia

Website: <http://www.aat.gov.au>

Note: The approximate cost to a student for lodging an appeal with the Administrative Appeals Tribunal is \$920.00 (as at November 2018) but may be reduced in some circumstances. Details can be found at:
<http://www.aat.gov.au/FormsAndFees/Fees.htm>