This document outlines the Lennox College policy and procedures for handling the refund of paid tuition fees and/or re-credit of VET FEE-HELP balances, and the review of associated decisions. It includes information about the following:

- Informal enquiries from students concerning VET FEE-HELP;
- Formal request from students for refund of paid tuition fees and/or re-credit of VET FEE-HELP balances; and
- Formal review of decisions associated with refund of paid tuition fees and/or re-credit of VET FEE-HELP balances.

The processes and procedures described in this document are consistent with obligations prescribed in the following legislation and guidelines:

- Higher Education Support ACT 2003
- VET Guidelines 2015

**POLICY**

Where a request to re-credit a student’s VET FEE-HELP balance is granted, the student’s VET FEE-HELP debt will be removed in respect to applicable units studied. The College will consider any request and agree to re-credit if it is satisfied that the student has been unable to complete the requirements of the course or unit due to special circumstances.

The College will refund to the Commonwealth the amount of VET FEE-HELP paid to the College on behalf of the student, if the student’s application is successful. The College will notify the Department of Education through the HELP Variations File.

**25.16 VET FEE-HELP - Re-crediting and Remission**

Students incur the liability and therefore the debt for their tuition fees after the census date has passed. A student may apply after the census date to have their VET FEE-HELP balance re-credited if the student has been unable to complete the requirement of the unit of study and the student believes that this was due to special circumstances.

**25.16.1 The Re-crediting Process**

Lennox College re-credits a person’s VET FEE-HELP balance with an amount equal to the amounts of VET FEE-HELP the person received for a VET unit of study if:

- The person has been enrolled in the VET unit of study with Lennox 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
- Lennox College is satisfied that special circumstances apply to the person; AND
- The person applies in writing to Lennox College for re-crediting of the FEE-HELP balance; AND
- Either:
The application is made within 12 months of the person withdrawing from the VET unit of study or if the person has not withdrawn, within 12 months of the end of the period in which the VET unit of study was, or was to be, undertaken; OR
Lennox College waives the requirement the application be made before the end of the 12 months, on the ground that it would not be, or was not, possible for the application to be made before the end of the 12 months.

Lennox College ensures that it takes reasonable steps to ensure that people, who withdraw from a VET unit of study after the census date, are aware they may apply, in writing to Lennox College, for a re-credit of their FEE-HELP balance. Reasonable steps include:
- Relevant information in Lennox College’s student Handbook;
- Providing information on Lennox College’s website; and
- Relevant information in the material provided to students.

25.16.2 Applying for a Re-credit and Remission

A person may apply to Lennox College for a re-credit of their FEE-HELP balance if they withdraw from their VET unit of study after the census date or the person has not completed the requirements for the VET unit of study.

A person cannot apply for a re-credit or a remission if they have successfully completed the VET unit of study.

A student who receives a Not Competent/Fail grade is considered not to have successfully completed the requirements of the VET unit of study.

An application for a re-credit or a remission must be made, in writing. Where Lennox College allows a person to defer completion of their studies, the twelve-month period applies from the end of the extended period. Lennox College has the discretion to waive this requirement if it is satisfied the application could not be made within the time limits.

The person’s application should include any independent supporting documents, for example, a letter from the person’s doctor or counsellor, to support the person’s claims. Each application is examined and determined on its merits. Lennox College considers the person’s claims, together with any independent supporting documentary evidence that substantiates these claims.

25.16.3 Special Circumstances

Lennox College re-credits a person’s FEE-HELP balance if it is satisfied that special circumstances apply to the person that were:
- Beyond the person’s control; AND
- Did not make their full impact on the person until on, or after, the census date for the VET unit of study; AND
- Made it impracticable for the person to complete the requirements for the VET unit of study in the period the person undertook, or was to undertake, the VET unit of study.

Special circumstances do not include, for example:
- A lack of knowledge or understanding of requirements for VET FEE-HELP; or
- A person’s incapacity to repay a HELP debt, as repayments are income contingent and the person may apply for a deferral of a compulsory repayment in certain circumstances.

For special circumstances to apply, the circumstances must have made it impracticable for the person to complete the requirements of the VET unit of study. Special circumstances do not have to be the sole reason for not being able to complete the VET unit of study, but there must be a reason. If the student was unable to complete the VET unit of study before the circumstances arose, Lennox College may make a decision not to re-credit the related FEE-HELP balance. For example, if a student was required to obtain a pass mark for all assessment and the student failed an exam for reasons unrelated to the circumstances, the student would not be able to claim special circumstances if they fell ill after the exam.
- **Special circumstances beyond a person’s control**

Circumstances could be considered beyond a person’s control if a situation occurs that 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. This situation would generally be expected to be unusual, uncommon or abnormal. For example, a lack of knowledge of how VET FEE-HELP works or the requirements regarding census dates would not be considered beyond a person’s control.

- **Special circumstances that do not make full impact until on or after the census date**

Circumstances could be considered not to make their full impact on the person until on or after the census date for the VET unit of study if the person’s circumstances occurred:

- Before the census date, but worsen after that day;
- Before the census date, but the full effect or magnitude did not become apparent until after that day; or
- On or after the census date.

Students do not need to demonstrate they were unable to withdraw from the VET unit of study prior to the census date.

- **Special circumstances arising from pre-existing conditions**

A circumstance that first occurred before the census date may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day. For example, a person may have an illness or other underlying, pre-existing condition or incapacity prior to the census date for a VET unit of study, but that condition may worsen, or that person may suffer from an aggravation, deterioration or episode, after the census date.

Alternatively, the full implications of a person’s condition may not have been apparent until after the census date. This may be because recovery does not go to plan, or the degree of disability or incapacity for study are not fully realised until after the census date.

Lennox College considers whether the person’s circumstances changed on or after the census date and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition, that may have affected the person on or after the census date.

- **Special circumstances that made it impracticable for the person to complete the VET unit of study**

The term impracticable is defined as ‘not practicable, that which cannot be put into practice with the available means’. Lennox College keeps this definition in mind when deciding whether a student’s circumstances made it impracticable for them to complete a VET unit of study.

Circumstances that make it impracticable for the person to complete the requirements for their VET unit of study may include:

- Medical circumstances, for example where a person’s medical condition has changed to such an extent that he or she is unable to continue studying;
- Family/personal circumstances, for example death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies;
- Employment related circumstances, for example where a person’s employment status or arrangements have changed so the person is unable to continue their studies, and this change is beyond the person’s control; or
- Course related circumstances, for example, where Lennox College has changed the VET unit of study it had offered and the person is disadvantaged by either not being able to complete the VET unit of study, or not being given credit towards other VET units of study or courses.
Consideration is also given to whether at the time the person’s special circumstances emerged it was already not practicable for the student to meet the requirements of the VET unit of study.

A person is unable to complete the requirements for a VET unit of study, for example, if the person is unable to:

- Undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements to meet their compulsory course requirements; or
- Complete the required assessable work to the required standard; or
- Sit the required examinations and obtain a required mark; or
- Complete any other course requirements because of their inability to meet the above.

### 25.16.4 Requirements for Making Decisions

Lennox College considers the person’s application as soon as practicable and notifies the person of its decision and the reasons for making the decision.

Decisions regarding re-crediting a person’s FEE-HELP balance are reviewable. In addition to notifying a person of its decision and the reasons for making the decision, Lennox College also advises the person of their rights for a review of the decision if the person is unsatisfied with the outcome. The person must be advised the time limit for applying for a review of a decision is 28 days from the day the person first received notice of the decision.

### 25.16.5 Notifying the Department of the Decision

Where a decision results in the re-crediting of a person’s FEE-HELP balance, the remission of a person’s HELP debt, and/or the refund of a person’s upfront payments, Lennox College notifies the department through the Revisions File. Lennox College is required to repay to the Commonwealth any amounts of VET FEE-HELP Lennox College received from the Commonwealth on the person’s behalf.

### 25.16.6 Re-crediting a Person’s FEE-HELP Balance

Where Lennox College is satisfied that special circumstances apply, Lennox College re-credits a person’s FEE-HELP balance with an amount equal to the amount of VET FEE-HELP the person received for the VET unit of study.

Lennox College has the discretion to refund any upfront payments the person made in respect of the VET unit of study in line with its own policies, which should be accessible to the student.

Students who withdraw on or before the census date, for any reason, do not incur a VET FEE-HELP debt, and accordingly, it is not necessary for them to seek a re-credit or establish special circumstances.

### 25.16.7 Reviewable VET Decisions

Decisions regarding re-crediting a person’s FEE-HELP balance are reviewable. A review of a decision may be requested by the person affected by the original decision or without a request if Lennox College is satisfied there is sufficient reason to do so.

Lennox College has appointed the following Review Officer to undertake reviews of decisions regarding re-crediting a person’s FEE-HELP balance.

Rhett Simonds  
Chief Executive Officer  
1300 130 666  
info@lennoxinstitute.edu.au
The review officer does not review a decision they were involved in making and occupies a position that is senior to that occupied by any person involved in making the original decision.

25.16.8 Review by Review Officer

A person has the right to apply for a review of a decision to not re-credit their FEE-HELP balance. The person’s request must be made in writing and given to the review officer within 28 days from the day the person first received notice of the original decision. In the written request, the person must state the reasons why they are asking for a review.

If a full fee-paying student has paid their fees upfront, and did not request VET FEE-HELP assistance, the review procedures under HESA do not apply. In this instance, the student cannot under HESA request a review or refer the matter to the Administrative Appeals Tribunal (AAT).

The Lennox College review officer:

- Reconsiders the decision and either:
  - Confirms the decision; or
  - Varies the decision; or
  - Sets the decision aside and substitutes a new decision; and
- Notifies the person in writing of the decision and if applicable of the day the decision takes effect; and
  - The reasons for making the decision; and
  - Advises the person of their right to appeal to the AAT for a review of the reviewer’s decision if the person is unsatisfied with the outcome; and
  - Provides the applicant with the contact details and address of the nearest AAT registry and the approximate costs of lodging an appeal.

In circumstances where an application is made outside the application period the person will be advised the application has been refused on the basis the person has not satisfied one of the threshold criteria. The applicant will also be provided with written reasons why the application period was not waived.

In these circumstances, it is not necessary for Lennox College to address whether the special circumstances test has been satisfied. A decision made on this basis will be a reviewable decision under HESA and there is an obligation to inform the person of this and provide the person with the opportunity to seek reconsideration of the decision.

25.16.9 Review by the AAT

A person may apply to the Administrative Appeals Tribunal (AAT) for review of a review officer’s decision and may supply additional information to the AAT they did not previously supply to Lennox College, including the review officer.

The department will receive notification from the AAT that a person has lodged an application for a review of a review officer’s decision. The department is the respondent for cases that are before the AAT.

Once the department has received notification from the AAT the person has applied for the reconsideration under section 37 of the Administrative Appeals Tribunal Act 1975, the department must lodge the following documents with the AAT within 28 days:

- A statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- Every document or part of a document that is in the reviewer’s possession or under the reviewer’s control and is considered by the reviewer to be relevant to the review of the decision by the AAT.

The department will notify Lennox College, in writing, that an appeal has been lodged. To enable the department to meet the 28-day timeframe, Lennox College must, within a further five business days of being requested, provide the department with copies of all the documents it holds that are relevant to the appeal.
These documents should be sent by courier or express post to meet the five-business day requirement. Lennox College will keep any originals and copies of the documents in line with its normal recording keeping practices.

Once receiving the documents the department may choose to review the original decision. Lennox College’s review officer may also reconsider the decision even though an appeal has been made to the AAT at any time up until the AAT makes a final decision. If a decision is made to re-credit a person’s FEE-HELP balance Lennox College must advise the department.

However, until a person withdraws their AAT appeal or the appeal is dismissed or otherwise dealt with by the AAT, the department is still required to comply with the requirement under section 37 of the Administrative Appeals Tribunal Act 1975 to lodge the statement, and relevant documents described in the two dot points above, with the AAT. Therefore, Lennox College must still forward all relevant documents to the department within five business days, unless advised not to do so by the department. The department will deal with cases from that point and advise Lennox College of the outcome.