

**TUITION FEE REFUND AND RE-ACCREDITING
VET STUDENT LOAN DEBT
DOMESTIC STUDENTS – SPECIAL CONSIDERATION**

Policy & Procedure

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1. SCOPE

This is a statement of the JMC Academy's (JMC) policy in regard to tuition fee refunds and re-accrediting of VET STUDENT LOAN debts (VETSL Debt) for domestic students who withdraw from an JMC course after the semester's Census Date because of 'special circumstances', such as serious illness.

In such cases, students can apply to JMC to have their VETSL Debt remitted (and the VETSL Debt balance re-credited if applicable). JMC must be satisfied that 'special circumstances' applied. Each application will be considered and determined on its merits but must satisfy all three (3) of the criteria specified in the definition of special circumstances.

Notwithstanding any of the following procedures of JMC a student may apply to the Secretary for their HELP balance to be re-credited under section 71 of the VSL Act because:

- JMC, or a person acting on JMC's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
- JMC has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.

2. DEFINITIONS

All definitions are located in the *JMC Glossary*.

3. POLICY

In the manner outlined below, JMC complies with the VET Student Loans Act 2016 and Standards for Registered Training Organisations (RTOs) 2015 to manage the refund arrangement and recredit of loan balance for students enrolled in VET Student Loan debt enabled courses.

4. PROCEDURE

A student who has withdrawn from the course after the semester's Census Date may apply to:

- have their tuition fees refunded; or
- have their VET STUDENT LOAN balance re-credited, under Division 2 or 3 of Part 6 of the VSL Act; or
- have their HELP balance re-credited, under section 68 of the VSL Act, due to special circumstances.

Special circumstance are circumstances that:

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

Timeframes for special circumstances:

- Applications for re-crediting, under section 68 of the Act, must be made within twelve (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; or
- Applications for re-crediting under section 71 of the Act, must be made within five (5) years after the census date for the course, or the part of the course, concerned, or within that period if/as extended by the Secretary; or

- The Secretary may re-credit a student's HELP balance in relation to special circumstances if a course provider:
 - 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.

This application must be:

- in writing addressed to the Campus Manager;
- accompanied by independent supporting documentary evidence which substantiates the claims; and
- received within twelve (12) months of withdrawing.

Note: JMC may exercise its discretion in waiving this requirement if, in its opinion, it would not be, or was not possible for the application to be made before the end of that period.

This application must be:

- in writing addressed to the Campus Manager;
- accompanied by independent supporting documentary evidence which substantiates the claims; and
- received within twelve (12) months of withdrawing.

Note: JMC may exercise its discretion in waiving this requirement if, in its opinion, it would not be, or was not possible for the application to be made before the end of that period.

The student making the appeal or requesting re-crediting of a HELP balance will not be victimised or discriminated against at any stage of the resolution process, for:

- seeking review or reconsideration of a decision; or
- using JMC's processes or procedures about financials, refunds, or re-credit; or
- making an application for re-crediting of the student's HELP balance under Division 2 or 3 of Part 6 of the Act.

The Campus Manager will consider the application on its merits and if it satisfies all the requirements of special circumstances as outlined in the VSL Act 2016 and the VET Student loan rules 2016, will grant re-crediting of the VET STUDENT LOAN debt or refunding of the tuition fees paid up-front.

The applicant will be notified of the Campus Manager's decision and the reasons for the decision in writing within 28 days of receipt of the application.

In the event that a refund is approved, the Campus Manager will proceed with the refund, in accordance with procedures.

In the event that re-crediting is granted, the Campus Manager will ensure that the Department is informed electronically.

JMC will repay to the Commonwealth any VET STUDENT LOAN assistance received from it on the applicant's behalf, in the manner prescribed by the Commonwealth.

In the event that the applicant is not satisfied with the decision of the Campus Manager, the student may apply, within twenty-eight (28) days of receipt of the original decision, for a review of the decision. This review is undertaken by a person who was not involved in the original decision and occupies a position that is senior to that of the Campus Manager.

This application for review must be in writing to the Chief Executive Officer (CEO) and

- be made within twenty-eight (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.

JMC will within ten (10) days acknowledge in writing receipt of an application to review a reviewable decision.

This written receipt will also inform the applicant that, if the CEO has not advised the applicant of the CEO's review of the decision within forty-five (45) days of receiving the application for review, then the applicant can take the CEO to have confirmed the original decision.

The CEO will review the information from the original decision and then assess any new evidence provided by the applicant and provide written notice to the applicant of the decision, setting out the reasons for the decision.

This written notice will advise the applicant that if they are not satisfied with the decision of the CEO, that they have the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the decision. In regard to that advice, the written receipt will provide the applicant of the contact details of the Administrative Appeals Tribunal Registry:

The Tribunal has a national "local call fee only" number for the use of callers in country areas of Australia. The telephone number is **1800 228 333**. The number can be used to call the Tribunal's office in the capital city of the State in which an applicant lives, for the cost of a local call.

Sydney

Administrative Appeals Tribunal (AAT)

Level 7, City Centre Tower

55 Market Street

Sydney NSW 2000

Postal Address

GPO Box 9955

Sydney NSW 2001

Telephone (*calls are free from landline phones, but calls from mobiles may be charged*)

1800 228 333

02 9283 4881

Email: generalreviews@aat.gov.au

Web: www.aat.gov.au

AAT Application Process

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. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. If a fee is paid and the case is resolved in the applicant's favour, the AAT will refund most of the fee in most cases. Details at <http://www.aat.gov.au/applying-for-a-review/fees>.

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 JMC that an appeal has been lodged. Upon receipt of this notification from The Department, the CEO will provide The Department with copies of all the documents that are relevant to the appeal within ten (10) business days.

The original decision will be reviewed by the CEO and the applicant informed in writing of the decision and the reasons for the decision within forty-five (45) days.

The applicant then has twenty-eight (28) days to lodge an appeal with the Administrative Appeals Tribunal (AAT) if they are not satisfied with the CEO's decision. The applicant must provide written advice to the CEO that they have taken this step.

JMC will then participate in any procedures as deemed necessary by the AAT to resolve the matter.

5. RELATED DOCUMENTS

All related JMC Fee Policies are located on the JMC website, www.JMC.edu.au

- 5.1 JMC Glossary
- 5.2 Fee Schedule
- 5.3 Tuition Fee Refund Policy and Procedure (VET)
- 5.4 Fees taken in advance Policy and Procedure (VET)
- 5.5 Late Fee Payments Policy (VET)
- 5.6 Tuition Fee Refund and Removal of VSL Debt (VET)
- 5.7 Complaints and Appeals Policy and Procedure

6. RELEVANT LEGISLATION

- 7.1 Standards for Registered Training Organisations (RTOs) 2015
 - Standard 5: Each learner is properly informed and protected
- 7.2 VET Student Loan (VSL) Legislation
- 7.3 VSL Act 2016
- 7.4 VET Student Loan rules 2016

7. POSITIONS RESPONSIBLE

- 7.1. Head of Student Services and Admin
- 7.2. Student Admissions
- 7.3. Administration
- 7.4. Campus Manager
- 7.5. Director of Finance and Operations
- 7.6. Chief Executive Officer

8. APPROVAL INFORMATION

Approval Authority	Quality Education and Risk Committee (QERC)
Health Check approval authority	JMC CEO
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2.0	QERC	02/02/2022	03/02/2022	New template	
3.0	QERC	11/05/2022	12/05/2022	Updates for VSL requirements	Current