HELP LOANS – REFUNDS, RE-CREDITS and APPEALS

Note: Refund rules apply to all students enrolled in VET Student Loans and FEE-HELP eligible courses.

INTRODUCTION

The Australian Government's HELP Loans Programs (i.e. VET Student Loans & FEE-HELP for Chisholm) allows students eligible for a State Government funding subsidy and full-fee paying students to pay for all or part of their tuition fees for units of study undertaken with an approved HELP provider in a HELP eligible course. The student then pays off this loan through the Australian taxation system once their income is above the minimum threshold for compulsory repayment. The following provides the relevant information and processes for refunds and appeals for these enrolments.

REFUNDS/RE-CREDITS

Refunds/Re-credits on or before the Census Date

For a student to withdraw from a unit of study and be considered for a tuition fee refund or re-credit to their HELP balance, a student must withdraw from a unit on or before the census date. The withdrawal must be lodged through completion/signing of the relevant form which is available from Customer Service reception counters or from the Chisholm website (https://www.chisholm.edu.au/students/fees/withdrawals-and-refunds)

Where a student has withdrawn from a unit of study, the Institute must repay to or re-credit the student who is, or would be entitled, to VET Student Loans/FEE-HELP assistance, any payment of tuition fees that the student made on or before the census date for the unit of study if the student is no longer enrolled in the unit of study at the end of the census date.

Refunds/Re-credits after the Census Date

A student who is able to demonstrate special circumstances (see below) may apply for a refund or re-crediting of their HELP balance after the census date. The request must be made in writing and addressed to 'The Academic Registrar, Academic Administration, PO Box 684, Dandenong, 3175' or sent via email to HELPLoans@chisholm.edu.au.

An application for a re-credit or a remission must be made in writing within 12 months of the withdrawal date or, if a person has not withdrawn, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken.

The Academic Registrar, Academic Administration will notify the applicant of the decision and the reason for the decision within 10 working days. Each application will be examined and determined on its merits. The student will be advised that they can seek a review of the decision and appeal to the Administrative Review Tribunal if they are not satisfied with the review decision.

The Institute may waive the requirement that the application be made before the end of the application period, on the ground that it would not be, or was not, possible for the application to be made before the end of the period.

All records will be stored by Academic Administration.

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Special Circumstances

Special circumstances do not include:

- Lack of knowledge or understanding of requirements for VET Student Loans/ FEE-HELP assistance; or
- A student's incapacity to repay a VET Student Loans/ FEE-HELP debt, as repayments are income contingent and application can be made for a deferral to the Australian Taxation Office (ATO) of a compulsory repayment in certain circumstances.

Special circumstances that apply to the student and are necessary for consideration:

- Must have been beyond the student's control;
- Did not make their full impact on the student until on, or after, the census date; and
- Made it impracticable for the student to complete the requirements for the unit in the period during which the student undertook, or was to undertake, the unit.

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. The situation would generally be expected to be unusual, uncommon or abnormal.

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 unit if the person's circumstances occur:

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

Impracticable for the person to complete the unit of study requirements

Circumstances that make it impracticable for the person to complete the requirements of their unit 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 that the person is unable to continue his or her studies, and this change is beyond the person's control; or
- Course related circumstances. For example, where the provider has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

A person is unable to complete the requirements for a unit, 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 in order to meet their compulsory course requirements; or
- Complete the assessable work; or
- Sit the required examinations; or
- Complete any other course requirements because of their inability to meet the above.

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The student's application should include any independent supporting documentation, for example, a letter from the student's doctor or counsellor, to support the student's claim.

Re-crediting the HELP balance by applying to the Secretary (VET Student Loans)

A student may apply to the Secretary[1] for their HELP balance to be re-credited:

- Under Part 6 of the *VET Student Loan Act (2016)* (the Act);
- Under Section 68 of the Act because of Special Circumstances;
- By applying to the Secretary under Section 71 of the Act because :
    - Chisholm Institute or a person acting on behalf of Chisholm Institute is engaged in unacceptable conduct in relation to the student's application for the VET Student Loan; or
    - Chisholm Institute has failed to comply with the Act or an instrument under the Act and that failure has adversely affected the student.
- Applications for re-crediting under Section 71 of the Act must be made within five years after the census day for the course, or the part of the course concerned, or within that period as extended by the Secretary;
- That there will be no charge for reconsideration or review of decisions, other than review by the Administrative Review Tribunal.

That the Secretary may re-credit a student's HELP balance in relation to special circumstances if Chisholm Institute: (i) is unable to act or is being wound up or has been dissolved or (ii) has failed to act and the Secretary is satisfied that the failure is unreasonable.

Refunds where Chisholm ceases to deliver a course or unit of study

Where a student has prepaid their tuition fees for a course or units of study and the training services are yet to be delivered, the student will be refunded those fees.

Refunds where Chisholm ceases operations

Where a student has deferred payment of their tuition fees through the HELP Loan Scheme they are subject to the tuition assurance arrangements provided by the Australian Government. Where the student has prepaid their tuition fees and they have paid in excess of $1,500 they are subject to the tuition assurance arrangements. Where the student has prepaid their tuition fees and they have paid less than $1,500 Chisholm Institute or its external administrator will endeavour to refund the fees.

Appeal

The student may appeal the refund decision by following Chisholm's Student Complaints and Appeals policy (QMS306).

[1] Secretary means the Secretary of the Australian Government Department of Employment and Workplace Relations (DEWR).

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