



## ROYAL VICTORIAN AERO CLUB

# STUDENT REVIEW REQUIREMENTS & RE-CREDIT A VET FEE-HELP / VET STUDENT LOAN BALANCE Policy & Procedure

### Definitions

**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 FEE HELP / VET Student Loan 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 Unit of Study.

**Tuition Fees:** Fees paid for a VET Unit of Study that is approved for VET FEE HELP / VET Student Loan and applies to students who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

**Unit or VET Unit of Study:** A VET unit of study approved for VET FEE HELP / VET Student Loan that a student may undertake with Royal Victorian Aero Club, for which the student may access VET FEE-HELP / VET Student Loan assistance to pay for all or part of their tuition fees.

**The Act:** VET Student Loans Act 2016

**VETSL:** VET Student Loan

**The Secretary:** a person holding, occupying or performing the duties of the position of Secretary of the department, responsible for the administration of VSL

### Policy

#### Refunds

Students do not incur a financial liability for a unit until after the census date. This applies to all eligible students who have applied for VET FEE-HELP / VET Student Loan or paid upfront fees.

#### Incurring a VET FEE-HELP / VETSL Debt

A Student who is, or would be, eligible for VET FEE-HELP / VET Student Loan and has requested VET FEE-HELP Assistance, who withdraws from a Unit on or before the census date will not incur a VET FEE-HELP / VETSL debt for the tuition fees for that Unit.

Students who have requested VET FEE-HELP / VET Student Loan Assistance who remain enrolled after the published census date will incur a VET FEE-HELP / VET Student Loan debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET FEE-HELP / VETSL debt for that Unit.

#### Re-crediting a VET FEE-HELP / VET Student Loan Balance

Under Section 68 of the Act students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their VET FEE-HELP / VET Student Loan balance re-credited with respect to the Unit if they believe **special circumstances** apply in accordance with the following procedures.

### **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 VET FEE-HELP / VET Student Loan balance re-credited for the affected unit/s.

The Royal Victorian Aero Club will re-credit the Student's VET FEE-HELP / VET Student Loan Balance if it is satisfied that Special Circumstances apply to the student that were:

- 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 in the period which the student undertook or was to undertake 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.

The Secretary may re-credit a student's HELP balance in relation to special circumstances in the event RVAC is unable to act or is being wound up, dissolved, has failed to act and the Secretary is satisfied that the failure is unreasonable.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET FEE-HELP / VET Student Loan assistance; or
- a student's incapacity to repay a VET FEE-HELP / VETSL 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).

Under section 71 of the Act, a student has 5 years from the census day for the course, or part of the course concerned, where they may apply to the Secretary for their HELP balance to be re-credited in the following circumstances;

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

## **Procedure**

### **Re-credit of a Student's FEE-HELP / VET Student Loan balance - The process**

Each application for re-credit of a student's VET FEE-HELP/VET Student Loan balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

The Student Administration Manager is the designated VET FEE-HELP / VET Student Loan officer of The Royal Victorian Aero Club. The above officer is responsible for the assessment of a student's request for a re-credit of their VET FEE-HELP/VETSL balance due to special circumstances and for the initial decision regarding the request.

1. A Student must apply in writing to the Student Administration Manager at [training@rvac.com.au](mailto:training@rvac.com.au) or post 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. The Royal Victorian Aero Club 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 VET FEE-HELP/VET Student Loan balance must include details of the:
  - Unit(s) for which a Student is seeking to have a VET FEE-HELP /VET Student Loan balance re-credited and
  - special circumstances as referred to above, including supporting documentation.
3. Royal Victorian Aero Club will consider each application within 31 working days of receipt of the application. It will consider each request to re-credit a VET FEE-HELP/VETSL balance in accordance with the requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within 10 working days.

### **Review of Decision**

4. Where Royal Victorian Aero Club makes a decision NOT to re-credit a student's VET FEE-HELP / VET Student Loan balance that decision may be subject to review.
5. If a Student is not satisfied with the decision made by Royal Victorian Aero Club, 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
6. Applications should be made in writing to the Chief Executive Officer as the designated Review Officer of any decisions relating to a request for re-crediting of a VET FEE-HELP/ VET Student Loan balance. Note: The Review Officer is senior to the designated VET FEE-HELP / VET Student Loan officer responsible for the original decision and was not involved in making the original decision to be reviewed.
7. 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.
8. 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.

## AAT Details and Approximate Costs

Administrative Appeals Tribunal  
Level 16, HWT Tower, Southgate  
40 City Road  
Southbank VIC 300

Note: Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid, in the amount of \$884 (as at July 1, 2016) 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 DET or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DET's receipt of a notification from the AAT, DET will notify Royal Victorian Aero Club that an appeal has been lodged. Upon receipt of this notification from DET, the Review Officer will provide DET with copies of all the documents that are relevant to the appeal within ten (10) business days.

## Publication

This policy and the procedure is published on the [Royal Victorian Aero Club](http://www.rvac.org.au) website and in the Student Handbook to ensure Students have up to date and accurate information publicly available to them.

Version	Summary of changes	Author	Approved by	Effective date
1.0.0	Initial Approval	Brendon Burnett (BM)	John Stuart Rushton(CEO)	12/07/2011
1.0.1	Reformatted	Jeannine Kittle (RTO)	John Stuart Rushton(CEO)	01/04/2015
1.1.1	Amendment to reflect change to	C & SA) Jeannine Kittle (RTO C & SA)	John Stuart Rushton(CEO)	06/03/2017
1.2.1	VFH and VSL Act & Rules Amendment to reflect change with VSL Act & Rules	Jeannine Kittle (RTO C & SA)	John Stuart Rushton(CEO)	25/09/2017
1.3.1	Amendment to reflect reference to VETSL	Jeannine Kittle (RTO C & SA)	John Stuart Rushton(CEO)	05/06/2019
1.4.1	Email address amended	Jeannine Kittle (RTO C & SA)	John Stuart Rushton(CEO)	01/07/2021
1.5.1	Amendment made to include reference to Section 71 of the VSL Act 2016	Jeannine Kittle (RTO C & SA)	Michael Murphy (CEO)	11/11/2022

References: VET Student Loan Act No. 98 2016  
VET Student Loan Rules 2016

Attachment: Application for Remission of VETSL Debt  
Notice of Review





**Application for Remission of VET FEE-HELP / VET Student Loan Debt**

Date: \_\_\_\_\_

Course: \_\_\_\_\_

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Course Start Date: \_\_\_\_\_

Unit: \_\_\_\_\_

I wish to apply for a remission of my VET FEE-HELP / VET Student Loan Debt for the course described above and my reasons for applying are:

\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Attachment

The first rights of review notice needs to be provided after a reviewable VET decision has been made. An example of this is as follows:

***THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN  
A REVIEWABLE VET DECISION HAS BEEN MADE***

If you think this decision is wrong, you may request reconsideration by someone who was not involved in making this decision. You will need to make your request in writing and must include the following information:

- the date of this decision; and
- the reasons why you are requesting reconsideration.

You should also include any additional evidence that you think is relevant.

Send or deliver the reconsideration request to: Royal Victorian Aero Club, First Avenue, Moorabbin Airport, Mentone. Vic. 3194

Time limits apply. Your application must be made within 28 days: VET Student Loans Act 2016, section 76(2).

On receiving your request for reconsideration the CEO of RVAC will:

- review the original decision;
- consider the reasons why you are requesting a reconsideration
- assess any new evidence provided by you;
- provide you with a written notice of the decision, with a statement of reasons.

If you do not receive a response within 45 days of your request for reconsideration, the original decision is taken to be confirmed.

If, after the CEO of RVAC has reconsidered the decision, you are dissatisfied with the outcome, you may apply to the Administrative Appeals Tribunal (AAT) for a Review of Decision. The application must be lodged at the AAT within 28 days of receiving notice of the CEO of RVAC's decision. You will be provided with further information about this process at the time you are notified of that decision.

See <http://www.aat.gov.au> for further information on this process.

The second rights of review notice needs to be provided after a reviewable VET decision has been reconsidered. An example of this is as follows:

***THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN  
A REVIEWABLE VET DECISION HAS BEEN RECONSIDERED***

If you disagree with this decision, you may apply to the Administrative Appeals Tribunal for review. The application must be lodged at the Administrative Appeals Tribunal within 28 days of receiving this notice.

This time limit may be extended in limited circumstances by order of the Administrative Appeals Tribunal. The AAT's address is: Level 16 HWT Tower, 40 City Rd, Southbank VIC 3006

If you apply to the Administrative Appeals Tribunal for review of a decision, you may have to pay an application fee of \$884 (as at 1 July 2016). This fee is subject to change and you should confirm the fee before you lodge an application. Your application cannot proceed until you pay the application fee or the fee has been waived. If you want to apply to have the fee waived, you will need to make an application for fee waiver to the Administrative Appeals Tribunal.

See <http://www.aat.gov.au> for further information on this process.

RVAC will check the application filing fee on the AAT website annually as it is reviewed at least once a year.