

Student Loan Assistance - Re-crediting Fees and Review of Decisions Procedures

Associated Policy

These Procedures have been developed in conjunction with the [Student Loan Assistance - Re-crediting Fees and Review of Decisions Policy](#).

Re-crediting of Australian Government Student Loan Assistance Fees and Review of Decisions

CIT will make public or publish these review procedures on its website.

This procedure applies to students who are eligible for Australian Government student loan assistance, regardless of how they pay their tuition fees (i.e. upfront payment or defer their payment through Australian Government Student Loan Assistance).

The process for Re-crediting Australian Government Student Loan Assistance Balances and Review of Decisions comprises 5 components

1. Withdrawal from a course - on or before the census date
2. Withdrawal from a course – after the census date
3. Application by student for re-crediting of Australian Government Student Loan Assistance balance
4. Review of the original decision
5. Reconsideration by the Administrative Appeals Tribunal
6. Recommencing study after withdrawing

1. Withdrawal from a course - on or before the census date

If a student who is, or would be, entitled to Australian Government Student Loan Assistance withdraws from a VET unit of study, including where the student withdraws from their course of study, on or before the census date, the student will not incur an Australian Government Student Loan Assistance debt for that VET unit of study and will be refunded their VET tuition fee paid.

2. Withdrawal from a course – after the census date

If a student who has completed a Request for Australian Government Student Loan Assistance withdraws from a VET unit of study, including where the student withdraws from their course of study, after the census date the student normally will incur an Australian Government Student Loan Assistance debt for that VET unit of study.

A debt is only removed after the census date if CIT has agreed to re-credit a student's Australian Government Student Loan Assistance balance due to special circumstances.

3. Application by student for re-crediting of Australian Government Student Loan Assistance balance

A student may apply after the census date to have their Australian Government Student Loan Assistance balance re-credited if the student has been unable to complete the requirements of a VET unit of study and the student believes that this was due to special circumstances. CIT is required to consider these applications and must agree to such requests if satisfied that there were special circumstances in the student's case.

The student must apply in writing, within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken. CIT has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limit.

The student must address their application to the attention of the Australian Government Student Loan Assistance Officer, Canberra Institute of Technology, and either send the application to GPO Box 826, Canberra, ACT 2601 or lodge the application at the Student Service Hub on any CIT campus.

It is a requirement of CLAUSE 48 OF Schedule 1A of the Higher Education Support Act 2003 (HESA) that CIT must re-credit a person's Australian Government Student Loan Assistance balance if the Australian Government Student Loan Assistance Officer is satisfied that special circumstances apply to the person that are:

- Beyond the person's control; and
- Do not make their full impact on the person until on, or after, the census date; and
- Make it impracticable for the person to complete the requirements for the unit during the period in which the person undertook, or was to undertake, the unit.

CIT will be satisfied that a student's circumstances are beyond that student's control if a situation occurs 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. This situation must be unusual, uncommon or abnormal.

CIT will be satisfied that a student's circumstances did not make their full impact on the student until on or after the census date for a VET unit of study if the student'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.

Each application will be examined and determined on its merits by CIT's Australian Government Student Loan Assistance Officer (CIT Chief Operating Officer) who will consider the student's claims, together with independent supporting documentary evidence which substantiates these claims.

The student will be advised in writing by the CIT Australian Government Student Loan Assistance Officer of the outcome of their application and the reasons for making the decision no later than 15 business

days from the date of the receipt of the application, providing all relevant data has been furnished in the application.

If all relevant data has not been furnished, the student will receive a request for additional information from the CIT Australian Government Student Loan Assistance Officer no later than 15 working days from the date of the receipt of the application.

In advising the student of the outcome of their application the CIT Australian Government Student Loan Assistance Officer will advise the student of their rights for a review of the decision if they are dissatisfied with the outcome (see “Review of the original decision” below).

Where a request to re-credit a student’s Australian Government Student Loan Assistance fee is granted, a student’s Australian Government Student Loan Assistance debt relating to the unit of study in question is removed and CIT is required to refund to the Commonwealth the amount of Australian Government Student Loan Assistance paid to CIT on behalf of the student.

4. Review of the original decision

A student has the right to apply for a review of a decision to not re-credit their Australian Government Student Loan Assistance fee. The time limit for applying for a review of a decision is 28 days from the student receiving notice from the CIT Australian Government Student Loan Assistance Officer of the decision, or such longer period as CIT allows. The student must apply in writing stating the reasons why he or she is applying for a review.

CIT’s Review Officer is the Chief Operating Officer. This position is senior to the original decision maker and must not be party to the original action. The student must address their application for review of the original decision to the attention of the Review Officer, Canberra Institute of Technology, and either send the application to GPO Box 826, Canberra, ACT 2601 or lodge the application at the Office of the Chief Operating Officer, Building A, Reid Campus.

CIT will acknowledge receipt of an application for review of a decision in writing and inform the applicant that, if the Review Officer has not advised the applicant of a decision within 45 days of receiving the application for review, the Review Officer is taken to have confirmed the original decision. At this time the Review Officer will inform the student of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the Review Officer’s decision if the applicant is dissatisfied with the outcome; and provide the applicant with the approximate cost and contact details of the nearest AAT registry (see “Reconsideration by the Administrative Appeals Tribunal” below).

Each application will be examined and determined on its merits by the Review Officer who will consider the student’s claims, together with independent supporting documentary evidence which substantiates these claims. The Review Officer’s available options are to confirm the decision; vary the decision; or set the decision aside and substitute a new decision.

The student’s application will be considered by the Review Officer within 12 business days of being received. The student will be advised in writing by the Review Officer of the outcome of their application and the reasons for making the decision no later than 15 business days from the date of the receipt of the application, providing all relevant data has been furnished in the application. If all relevant data has not been furnished, the student will receive a request for additional information from the Review Officer no later than 15 working days from the date of the receipt of the application.

In advising the student of the outcome of their application the Review Officer will outline reasons for the decision in relation to the student's particular circumstances. The Review Officer will again advise the student of their right to appeal to the (AAT) for a review of the Review Officer's decision if the applicant is dissatisfied with the outcome; and provide the applicant with the approximate cost and contact details of the nearest AAT registry.

5. Reconsideration by the Administrative Appeals Tribunal

A student may make an application to the AAT for a reconsideration of the Review Officer's decision to refuse to re-credit the student's Australian Government Student Loan Assistance fee and may supply additional information to the AAT which they did not previously supply to CIT (including CIT's Review Officer).

If a student applies to the Administrative Appeals Tribunal for review of a decision, they may have to pay an application fee. Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. The nearest AAT Registry is 4th Floor, Canberra House, 40 Marcus Clarke Street, Canberra City, ACT, 2600. Telephone (02) 6243 4611, Fax (02) 6243 4600.

The Secretary of the Australian Government Department of Education and Training (DET) or their delegate will be the respondent for cases which are before the AAT. Once DET has received notification from the AAT that the student has applied for the reconsideration, under section 37 of the Administrative Appeals Tribunal Act 1975 (AAT Act), the Secretary 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 other document or part of a document that is in the Review Officer's possession or under the Review Officer's control and is considered by the Review Officer to be relevant to the review of the decision by the Tribunal.

Upon receipt of notification from the AAT, DET will notify CIT in writing that appeals have been lodged. Following such notification, CIT must within a further 5 business days provide DET with all the original documents it holds relevant to the appeal. These documents should be sent to DET by courier or Express Post and CIT should keep copies of the documents for its own records.

Under section 209-5(2)(b) of the AAT Act, CIT may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise DET if a decision is made to re-credit the person's Australian Government Student Loan Assistance balance. However, until a student withdraws her or his AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DET is still required to comply with the section 37 AAT Act requirements to lodge a statement and relevant documents with the AAT. Therefore, CIT must still forward all relevant documents to DET within the 5 business day timeframe noted above - unless advised not to do so by DET.

6. A student who has previously withdrawn from an Australian Government student loan assistance eligible unit of study is able to re-enrol by following the standard enrolment processes at CIT. If the student wishes to access the VET Student Loan scheme to cover the cost of the tuition fees, they will need to complete an Engagement and Progression form to inform the Commonwealth Government of the intention to recommence study. To request a new Engagement and Progression form students should contact CIT Student Services.

Forms

NIL