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Re-Crediting of HELP Balance and Review of Decisions Procedure - Version 2.1

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1 Document Control

Version	Date	Amended by	Changes Made
1.0	01/01/2005	Registrar	Initial document
1.1	18/02/2009	Learning & Academic Services Manager	Updated to reflect VET FEE-HELP Requirements
1.2	01/01/2011	Learning & Academic Services Manager	Minor changes to adjust web references
1.3	30/10/2012	Registrar	Update to new template
2.0	04/01/2022	Registrar	Update to new template, incorporate VSL Act, collapse 2 HELP re-credit procedures into this 1 procedure document.
2.1	28/04/2022	Registrar	Update to include relevant legislation and Box Hill Institute initiated cancellation and other minor updates.

2 Purpose

To ensure the procedure which applies to the review of Commonwealth entitlement decisions comply with relevant legislation and guidelines, and Box Hill Institute (BHI) requirements.

3 Scope

Applies to students enrolling into Box Hill Institute courses for which HELP Loans are available.

4 Definitions

Term	Definition
AAT	Administrative Appeals Tribunal
BQS	Box Hill Quality Management System
Course	One or more units comprising a course of study, which has a title, and a code in the Student Management System maintained by the Registrar and leads to an award.
CSP	Commonwealth Supported Place
DET	Department of Education and Training (Commonwealth)
FEE-HELP	FEE-HELP assistance via a commonwealth loan for domestic eligible Higher Education students for tuition fees. Governed by the Higher Education Support Act (HESA Act, 2003).
HE	Higher Education (includes Higher Education Diploma courses, and all degree level courses as follows: Undergraduate Certificate, Associate Degree, Bachelor Degree, Graduate Certificate, Graduate Diploma, Masters)
HECS-HELP	The loan scheme that helps eligible Commonwealth supported students pay their student contributions. Before 2005, this was known as HECS.
HELP	Higher Education Loan Program. Australian Government loans to help students pay their student contributions (HECS-HELP), tuition fees (FEE-HELP or VET Student Loans/ VET FEE-HELP [closed]).
HELP Balance	The balance between a student's applicable HELP Loan Limit (amount set annually by the commonwealth) and the sum of their combined HELP Debts incurred in their lifetime, including FEE-HELP, VET FEE-HELP, VET Student Loan and HECs HELP (HECs-HELP from 1 January 2020 only), less any repayments made.
HELP Debt	A sum of all HELP Debts a student has incurred in their lifetime, including under FEE-HELP, VET FEE-HELP, VET Student Loan and HECs HELP loan schemes.
SLE	Student Learning Entitlement – applies to Commonwealth supported places (CSP) and the amount of study a student can undertake in CSP in a lifetime.
Special Circumstances	Specific requirements that a student must meet for their HELP balance to be re-credited, or for their HECS-HELP debt to be removed, after unit census date has passed.
Unit	Any area of study, which is part of a course, has a title and code number in the subject register on the Student Management System maintained by the Registrar. Includes subjects, modules, units of study, units of competency.
VET	Vocational Education and Training (Course in..., Certificates I-IV, Diploma, Advanced Diploma, Vocational Graduate Certificate and Vocational Graduate Diploma courses). Includes individual accredited courses approved by the government for national recognition, and Training Package qualifications approved in a group as part of a broader industry training package under a government framework for national recognition.
VET FEE-HELP	VET FEE-HELP assistance via a commonwealth loan for domestic eligible Vocational Education and Training students for courses that commenced prior to 1 January 2017, and with unit census dates prior to 31 December 2017. The VET FEE-

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	HELP loan scheme ended in December 2017. Governed by the Higher Education Support Act (HESA Act, 2003).
VET Student Loan	VET Student Loan assistance via a commonwealth loan for domestic eligible Vocational Education and Training students enrolling in courses approved for VET Student Loan, where course commenced from 1 January 2017 onwards. Governed by the VET Student Loans Act (VSL Act, 2016).

5 Procedure

Procedure	Responsibility
<p>5.1 Withdrawal from a course – on or before the census date (student initiated)</p> <p>If a student who has requested a HELP Loan via FEE-HELP (HE), HECS-HELP (HE CSP) or VET Student Loan (VET) formally withdraws from a unit of study, including where the student withdraws from the course of study, on or before the census date, the student will not incur a HELP debt for that unit of study and will be refunded any tuition fees or student contribution paid upfront for that unit of study.</p> <ul style="list-style-type: none">a) Student completes Course Exit or Unit Withdrawal form and submits to their relevant Faculty Teaching Manager for approval, on or prior to census date.b) Faculty Teaching Manager (or delegate) authorises form.c) Course Exit or Unit Withdrawal form is forwarded to Student Administration for processingd) A full refund for any tuition fees paid upfront for that unit of study is arranged, or the HELP application cancelled for that unit of study.	<p>Student</p> <p>Faculty Teaching Manager</p> <p>Student Administration</p>
<p>5.2 Withdrawal from a course – after the census date (student initiated)</p> <p>If a student who has requested a HELP Loan via FEE-HELP (HE), VET Student Loan or VET FEE-HELP formally withdraws from a unit of study, including where the student withdraws from their course of study, after the census date the student normally will incur a HELP debt for that unit of study.</p> <p>If a student who has requested a HELP Loan via HECS-HELP (HE CSP) withdraws from a unit of study, including where the student withdraws from their course of study, after the census date the student normally will consume Student Learning Entitlement (SLE) and incur a HECS-HELP debt for that unit of study.</p> <p>A HELP debt is only removed after the census date (and SLE balance re-credited for HE CSP students) if Box Hill Institute has agreed to re-credit a student's HELP balance due to special circumstances, refer Section 5.4.</p> <ul style="list-style-type: none">a) Student completes Course Exit or Unit Withdrawal form and submits to their relevant Faculty Teaching Manager for approval.b) Faculty Teaching Manager (or delegate) authorises form.c) Course Exit or Unit Withdrawal form is forwarded to Student Administration for processing.d) Student Administration update the student's status to withdrawn.	<p>Student</p> <p>Faculty Teaching Manager</p> <p>Student Administration</p>

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<p>5.3 Cancellation/withdrawal from a course and/or unit – (Box Hill Institute initiated)</p> <p>Where Box Hill Institute requires to cancel/withdraw a student’s enrolment in a unit and/or course, HELP Loan reversal and re-crediting of HELP Loan balances and/or SLE balances will be in line with Box Hill Institute’s Commonwealth Entitlements Review of Decisions Policy, and Refunds for Domestic Students Policy.</p> <ul style="list-style-type: none">a) Faculty Teaching Manager (or delegate) completes Course Exit or Unit Withdrawal form.b) Course Exit or Unit Withdrawal form is forwarded to Student Administration for processing.c) Student Administration update the student’s status to withdrawn. <p>Where HELP Loans are to be reversed and HELP balances re-credited,</p> <ul style="list-style-type: none">d) Updates the student’s HELP Loan status within the student management system as appropriate.e) Reports the HELP Loan reversal to the Commonwealth via standard revisions reporting processes.	<p>Faculty Teaching Manager</p> <p>Student Administration</p> <p>Student Administration</p>
<p>5.4 Application by student for re-crediting of HELP balance in special circumstances</p> <p>A student may apply after the census date to have her/his HELP balance re-credited if the student has been unable to complete the requirements of a unit of study and the student believes that this was due to special circumstances. Box Hill Institute will consider these applications to determine whether there were special circumstances in the student’s case.</p> <p>For Higher Education units of study, a student’s HELP balance can be re-credited under the HESA Act 2003 due to special circumstances (FEE-HELP - Part 3-3 Division 104-30 of the HESA Act 2003; HECS-HELP - Part 3-2 Division 97-30 of the HESA Act 2003; and HECS-HELP SLE balance re-credits - Part 3-1 Division 79 of the HESA Act 2003.</p> <p>For Higher Education units of study Box Hill Institute will re-credit a person’s HELP balance if satisfied that special circumstances applied to the person that were:</p> <ul style="list-style-type: none">• beyond the person’s control; and• did not make their full impact on the person until on, or after, the unit census date; and• make/made 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. <p>Additionally, Box Hill Institute 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 unit of study if the student’s circumstances occur:</p> <ul style="list-style-type: none">• 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.	

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<p>For VET Diploma and higher level VET qualifications, a student's HELP balance can be re-credited under Division 2 of Part 6 of the VET Student Loans Act 2016. Students can apply to Box Hill Institute to have their HELP balance re-credited under section 68 of the VET Student loans Act 2016.</p> <p>For VET Diploma and higher level VET qualifications, Box Hill Institute will re-credit a person's HELP balance if satisfied that special circumstances applied to the person that were:</p> <ul style="list-style-type: none">• beyond the person's control; and• did not make their full impact on the person on or after the census day for a course or part of a course (unit); and• make/made it impracticable for the person to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course (unit). <p>Additionally, Box Hill Institute 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 unit of study if the student's circumstances occur:</p> <ul style="list-style-type: none">• 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. <p>The student must:</p> <ol style="list-style-type: none">a) 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. Box Hill Institute has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limit.b) Address her/his application to the attention of the Registrar, and either post the application to Box Hill Institute or lodge the application at the relevant Student Administration Office.c) Each application will be examined and determined on its merits by Box Hill Institute's Registrar who will consider the student's claims, together with independent supporting documentary evidence which substantiates these claims.d) The student's application will be considered by the Registrar within 20 business days (4 weeks) of being received.e) The student will be advised in writing by the Registrar of the outcome of her/his application and the reasons for making the decision no later than 10 business days from the date of the decision, providing all relevant data has been furnished in the application.f) If all relevant data has not been furnished, the student will receive a request for additional information from the Registrar no later than 30 business days from the date of the receipt of the application.g) NB – Box Hill Institute is required to publish these timeframes and does so via publishing this procedure on the Box Hill Institute website.h) In advising the student of the outcome of her/his application the Registrar will advise the student of her/his rights for a review of the decision if she/he is dissatisfied with the outcome (Refer Section 5.4).i) Where a request to re-credit a student's HELP balance is granted, a student's HELP debt relating to the unit of study in question is removed. For HECS-HELP this includes having her/his SLE balance re-credited. Box Hill Institute will subsequently refund to the Commonwealth the amount of HELP	<p>Student</p> <p>Registrar</p> <p>Student Administration</p>

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<p>paid to Box Hill Institute on behalf of the student. This is facilitated by the revisions reporting process.</p> <p>j) For HECS-HELP, students who have their SLE re-credited will also have any upfront payments of their student contribution amount refunded, and/or their HECS-HELP debt remitted. In these circumstances Box Hill Institute will refund to the Commonwealth the amount of HECS-HELP paid to Box Hill Institute on behalf of the student. This is facilitated by the revisions reporting process.</p> <p>k) Where a request to re-credit a student's SLE balance is granted, the student's SLE will be re-credited with an amount equal to the EFTSL value of the unit of study.</p> <p>5.5 Application by student for re-crediting of HELP balance by the Secretary (VET Diploma and higher level VET courses) under Section 71 of the VET Student Loans Act 2016</p> <p>A student's HELP balance can be re-credited under Division 3 of Part 6 of the VET Student Loans Act 2016. Under Section 71 of the VET Student Loans Act 2016, a HELP debt may be removed and remitted after the census date where the Secretary is satisfied that:</p> <ul style="list-style-type: none">• Box Hill Institute, or a person acting on Box Hill Institute's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or• Box Hill Institute has failed to comply with the VET Student Loans Act 2016, or an instrument under the VET Student Loans Act 2016 and the failure has adversely affected the student. <p>The student must:</p> <p>a) Apply in writing directly to the Secretary of the department responsible for the administration of VET Student Loans, Commonwealth Department of Education, Skills and Employment.</p> <p>b) Applications must be made within 5 years after the census day for the course, or the part of the course, concerned, or within the period as extended by the Secretary.</p> <p>5.6 Review of original decision</p> <p>a) A student has the right to apply to Box Hill Institute for a review of a decision to not re-credit her/his HELP balance. The time limit for applying for a review of a decision is 28 days from the date of the notice from the Registrar of the decision, or such longer period as the reviewer allows. The student must state the reasons why he or she is applying for a review.</p> <p>b) The student must address her/his application for review of the original decision to the attention of the Executive Director Strategy and Corporate Services, Box Hill Institute, and either post the application to Box Hill Institute or lodge the application at the Student Administration Office. (Box Hill Institute's Review Officer is the Executive Director Strategy and Corporate Services, and, in the alternative, the Chief Financial Officer).</p> <p>c) There is no charge for reconsideration or review of decisions by Box Hill Institute.</p> <p>d) Box Hill Institute 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</p>	<p></p> <p>Student</p> <p>Student</p> <p>Review Officer</p>

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<p>application for review, the Review Officer is taken to have confirmed the original decision.</p> <ul style="list-style-type: none">e) 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.f) The student's application will be considered by the Review Officer within 20 business days of being received.g) The student will be advised in writing by the Review Officer of the outcome of her/his application and the reasons for making the decision no later than 10 business days from the date of the decision, providing all relevant data has been furnished in the application.h) If all relevant data has not been furnished, the student will receive a request for additional information from the Review Officer no later than 30 working days from the date of the receipt of the application.i) In advising the student of the outcome of her/his application the Review Officer will advise the student of her/his 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 contact details, the approximate costs of lodging an appeal with the AAT and address of the nearest AAT registry (Refer Section 5.6).	
<p>5.7 Reconsideration by the Administrative Appeals Tribunal (AAT)</p>	
<ul style="list-style-type: none">a) 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 HELP balance and may supply additional information to the AAT which she or he did not previously supply to Box Hill Institute (including Box Hill Institute's Review Officer).	Student
<ul style="list-style-type: none">b) There may be AAT charges incurred by a student for an application to the AAT for a reconsideration of the Review Officer's decision.	DESE
<ul style="list-style-type: none">c) The Secretary of DESE or her/his delegate will be the respondent for cases which are before the AAT. Once DESE 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.	
<ul style="list-style-type: none">d) Upon receipt of notification from the AAT, DESE will notify the Box Hill Institute in writing that appeals have been lodged.	
<ul style="list-style-type: none">e) Following such notification, Box Hill Institute must within a further 5 business days provide DESE with all the original documents it holds relevant to the appeal. These documents should be sent to DESE by courier or Express Post and the Institute should keep copies of the documents for its own records.	Box Hill Institute Delegate
<ul style="list-style-type: none">f) Under section 209-5(2)(b) of the AAT Act, Box Hill Institute 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 DESE if a decision is made to re-credit the person's HELP balance. However, until a student withdraws her or	

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his AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DESE is still required to comply with the section 37 AAT Act requirements to lodge a statement and relevant documents with the AAT. Therefore, Box Hill Institute must still forward all relevant documents to DESE within the 5 business day timeframe noted above - unless advised not to do so by DESE.	

6 Related Documents

Student Enrolment Policy
 Refunds for Domestic Students Policy and Procedure
 BHI Welcome Booklet

6.1 Documents

Term	Definition
nil	nil

6.2 Risk/Opportunity Assessment

Opportunity	Likelihood	Severity	Assessment Method (if applicable)	Mitigation
Increased compliance	Likely			

7 Related Forms

- Application for Refund of Paid Tuition Fees and/or Re-Credit of HELP Balance In Special Circumstances (Degree courses)
- Application For Refund of Paid Tuition Fees and/or Re-Credit of VET FEE-HELP/VET Student Loan HELP Balance in Extenuating Circumstances (VET courses)
- Course Exit Form
- Unit Withdrawal Form

8 Procedure Owner

The Executive Director Student Experience is the owner of this procedure.

Executive Director Signature	Date Endorsed	Name/Title
		Alison Scobie Executive Director, Student Experience (Acting)

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Author	Name
Registrar	Carolyn Luscombe

9 Approval Body

The CEO is the approval body.

Signature	Date	Name/Title
		Laura MacPherson Interim CEO & Managing Director