

# Re-crediting HELP Balances Policy

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# 1. Policy statement

This policy applies where a student has deferred an amount to a VET student loan which has been used to pay tuition fees for a course, or a part of a course.

## 1.1 Scope and context

This policy applies to students who find they have to withdraw from or are unable to complete their studies after the census day whereby a student can apply for their HELP balance to be re-credited under Part 6 of the Act.

A student may apply to the provider for the student's HELP balance to be re-credited under section 68 of the Act because of special circumstances.

A student may apply to the Secretary for the student's HELP balance to be re-credited under section 71 of the Act because:

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

## 2. Principles

The following set of principles describes the objectives and outcomes of the policy:

### 2.1 Principle one: Incurring a VETSL debt

A student incurs a debt to the Commonwealth if the student uses a loan amount covered by the VET student loan to pay tuition fees for a course.

VET student loans are for use by eligible students enrolling in approved courses to pay some or all of their tuition fees.

When a student uses a VET student loan to pay their tuition fees the student incurs a VETSL debt to the Government which is generally repayable through the tax system.

### 2.2 Principle two: Re-crediting a HELP Balance

A student may apply to the provider for the student's HELP balance to be re-credited under section 68 of the Act because of special circumstances. A student may apply to the Secretary for the student's HELP balance to be re-credited under section 71 of the Act because:

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

Applications under section 71 must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary.



## 2.3 Principle three: Special Circumstances

Special circumstances are circumstances that:

- are beyond the student's control;
- do not make their full impact on the student until on or after the census day 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

The Secretary may re-credit a student's FEE-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.

### Special circumstances beyond a person's control

Examples of circumstances that may be considered beyond a person's control and may meet the criteria, might include a motor vehicle accident or the worsening of a serious illness.

Special circumstances that 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 day for the VET unit of study if the person's circumstances occurred:

- before the census day, but worsen after that day
- before the census day, but the full effect or magnitude did not become apparent until after that day, or
- on or after the census day.

Students do not need to demonstrate they were unable to withdraw from the course prior to the census day.

### Special circumstances arising from pre-existing conditions

A circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a person may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for a course, but the condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.

Alternatively, the full implications of a person's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study is not fully realised until after the census day.

Mater Education will consider whether the student's circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition which may have affected the student on or after the census day.

### Circumstances that made it impracticable to complete a course

The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means'. In considering whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment, Mater Education will consider:



- whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements
- whether the student could complete any required assessable work, or demonstrate competencies required, and
- whether the student could complete any other requirements arising from the student's inability to do the above.

Circumstances which make it impracticable for the person to complete the requirements for their course may include (among other things):

- 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 or personal circumstances – for example death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies, or
- the student's employment related circumstances – for example where a person's employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person's control

## 2.4 Principle four: Re-credit of a student's HELP balance - The process

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

The Head of Quality and Compliance is the designated VET Student Loan officer of MEL. The Head of Quality and Compliance is responsible for the assessment of a student's request for a re-credit of their HELP balance due to special circumstances and for the initial decision regarding the request.

A student must apply in writing to the Head of Quality and Compliance, Mater Education, sending the application to [mel@mater.org.au](mailto:mel@mater.org.au) within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by MEL. MEL 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.

The application for re-crediting a HELP balance must include details of the:

- unit(s) for which a student is seeking to have a HELP balance re-credited and
- special circumstances as referred to in this procedure, including supporting documentation

MEL will consider each application within ten (10) working days of receipt of the application. It will consider each request to re-credit a HELP balance in accordance with the requirements under section 68 of the VET Student Loans Act. Applicants will be notified in writing of the decision within twenty (20) working days.

## 2.5 Principle five: Review of Decision

Where MEL makes a decision NOT to re-credit a student's HELP balance, the decision may be subject to review.

If a student is not satisfied with the decision made by MEL, 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

Review applications should be made in writing to the General Manager Education and Training Mater Education Limited be sent to mel@mater.org.au as the designated Review Officer of any decisions relating to a request for re crediting of a HELP balance.

Note: The Review Officer is senior to the designated VET Student Loans officer responsible for the original decision and was not involved in making the original decision to be reviewed.

The Review Officer will:

- reconsider the decision and either:
  - confirm the decision; or
  - vary the decision; or
  - set the decision aside and substitute a new decision; and
- notify the student in writing within 28 days of receipt of the application and advise of the decision and, if applicable, of the day the decision takes effect; and
- the reasons for making the decision;
- advise the person of their right to appeal to the AAT for a review of the reviewer's decision if the person is unsatisfied with the outcome; and
- provide the applicant with the contact details and address of the nearest AAT registry and the approximate costs of lodging an appeal.

If the reviewer does not give the person a notice of the decision within 45 days after receiving the person's request, it is taken that the reviewer has confirmed the original decision.

## 2.6 Principle five: Review by the Administrative Appeals Tribunal

A student may apply to the AAT for review of a review officer's decision and may supply additional information to the AAT they did not previously supply to Mater Education, including the review officer.

Mater Education will ensure a student is not victimised or discriminated against for:

- seeking a review or reconsideration of a decision
- using the provider grievance processes or procedures or
- making an application for re-crediting the student's HELP balance

## 3. Compliance

### 3.1 Legislative compliance

1. [VET Student Loans Act 2016](#)

### 3.2 Industry standards

- a. Standards for RTOs



## 4. Definitions

Term	Definition
VET	Vocational Education and Training
VET Student Loan (VETSL)	is an income contingent loan program to assist eligible vocational education and training (VET) students to pay their tuition fees for selected courses at the Diploma level and above.
Census Day	A date by which enrolment may be cancelled without incurring tuition fees for the course or the part of the course.
HELP balance	A person's HELP limit minus any VET Student Loans; loans they have used.
Tuition Fees	The total fees for the course (including the fees deferred to a VET Student Loan plus any gap fee).
Gap fees	The difference between the covered fees and the total tuition fee for a course
Unit or VET Unit of Study	A VET unit of study approved for a VET Student Loan that a student may undertake with Mater Education Limited, for which the student may access a VET Student Loan to pay for all or part of their tuition fees.
Administrative Appeals Tribunal (AAT)	Provides independent review of a wide range of administrative decisions made by the Australian Government and some non-government bodies.

## 5. Related documents

### Mater documents

- MPPL-03615 Student Entry Procedure for Diploma Programs

### External documents

- VET Student Loans Act 2016 (VSL act)
- VET Student Loans Rules 2016



## 6. Document information

### 6.1 Earlier revisions

Revision #	Published date	Comment
1.	10 Apr 2017	First version (Document ID: PY-MEL-040014)
2.	17 Jun 2020	Revised, review due in Jun 2023
2.1	30 Mar 2022	administrative update: transferred to new template and removal of old metadata with contact information update
2.2	28 Nov 2022	Content update in section 2.2, 2.3 and 2.4

### 6.2 Key contacts

Author	Head of Quality and Compliance
Owner	General Manager Education and Training
Subject area	Review, re-credit, re-crediting, VET student loans, VSL, MEL, education
Committee	n/a

#### Affirmation

This governance document is consistent with [Mater's Mission](#).  
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