RE-CREDITING AND STUDENT REVIEW

Purpose	The purpose of this procedure is to outline how MIMT will deal with applications by students to review and re-credit their FEE-HELP balance and remove their VET Student Loan debt if they have withdrawn from their enrolment after the census date or have been unable to complete a VET unit of study due to special circumstances.
Responsibility for implementation	The Campus Manager is responsible for implementation of this policy and ensuring that staff and students are made aware of its application.
When	As required
Process **Re-crediting – applying to MIMT**	A student's FEE-HELP balance can be re-credited under Part 6 of the VET Student Loans Act 2016. **Special Circumstances** A student may apply to MIMT for their FEE-HELP balance to be re-credited because of special circumstances. If a student withdraws from a Unit after the published census date, or has been unable to successfully complete a Unit, and believes this was due to special circumstances, the student may apply to have their FEE-HELP balance re-credited for the affected unit/s. Circumstances are ***special circumstances*** if they: (a) are beyond the student's control; and (b) do not make their full impact on the student until on or after the census day for the course, or the part of the course; and (c) 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. MIMT will re-credit the student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where: (d) these circumstances are beyond their control, and (e) these circumstances did not make their full impact on the student until on, or after the census date; and (f) these circumstances were such that it was impracticable for the Student to complete the requirements for 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. Special circumstances do not include: (g) lack of knowledge or understanding of requirements for a VET Student

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	Loan; or (h) a Student's incapacity to repay a 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). Applications for re-crediting under section 68 of the Act must be made within 12 months after the census date for the course, or the part of the course, concerned, or within that period as extended by the MIMT
Re-credit of a Student's FEE-HELP balance - The process	Each application for re-credit of a student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim. The Campus Manager is responsible for the assessment of a student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request. A student must apply in writing to the Campus Manager within 12 months after the census day for the course, or the part of course. MIMT 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 FEE-HELP balance must include details of the: • Unit(s) of Study for which a student is seeking to have their FEE-HELP balance re-credited and • special circumstances as referred to above, including supporting documentation. In determining whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements for the course, or part of the course, MIMT will have regard to the following: (a) whether the student could do enough of the following to meet course requirements: • private study • attending training sessions and other activities • engaging online (b) whether the student could complete any assessments, or demonstrate any competencies, required; (c) whether the student could complete any other requirements arising because of the student's inability to do things described in paragraphs (a) and (b) (d) Medical circumstances (e) Circumstances that relate to the student personally or to the student's family (f) Circumstances relating to the student's employment The Campus Manager will consider each application within 10 working days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the Act. Applicants will be notified in writing of the decision within 20 working days. Students will also be

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	notified of their review rights. Where MIMT is satisfied that "special circumstances" prevented, or will prevent, the student from completing the requirements of the course or the part of the course a re-credit will be applied.
Re-crediting – applying to the Secretary	A student may apply to the Secretary for their FEE-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 to the Secretary for re-crediting must be made within 5 years after the census date for the course, or the part of the course, concerned, or within that period as extended by the Secretary. The application must include the following to the extent that they are known to the applicant: • Details of the course to which the application relates • Details of the provider of that course • The loan amount that is to be re-credited • The applicants student identifier (if any) • Any documents supporting the application The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if MIMT: • 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
Review of Decision	Where MIMT makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review. If a student is not satisfied with the initial decision made by MIMT, 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: • include the date of the original decision • fully set out the reasons for requesting the reconsideration • include any additional relevant evidence Applications should be made in writing to the Director as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. There is no charge for reconsideration of review of decisions other than review by the Administrative Appeals Tribunal (refer to the information provided below). Note: The Review Officer is senior to the designated officer responsible for the

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	original decision and was not involved in making the original decision to be reviewed. The Director will: • acknowledge receipt of the application for review of a decision in writing within 10 working days; and • inform the Student that a decision will be made within 45 days of receipt of the application for review The Director will then: review the information from the original decision, then assess any new evidence provided by the student and either (a) confirm the decision, (b) vary the decision or (c) set the decision aside and substitute a new decision Written notice will be provided to the student with the decision and setting out the reasons for the decision. The letter will also 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 the 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 (AAT) Level 16, HWT Tower, Southgate 40 City Road, Southbank VIC 3006 Ph: 1300 366 700 Fax: 03 9282 8480 If you apply to the AAT for a review of a decision, you may have to pay an application fee of $816. Note: Full details of the application process and fees payable are available on the AAT website: www.aat.gov.au. Fees are subject to change – refer to the AAT website for up-to-date fee information. 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 the Department, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the Department's receipt of a notification from the AAT, the Department will notify MIMT that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide the Department with copies of all the documents that are relevant to the appeal within ten (10) business days.

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Treatment of students seeking review	MIMT will ensure that a student is not victimised or discriminated against for: • seeking review or reconsideration of a decision; or • using the providers processes or procedures about dealing with grievances; or • making an application for re-crediting of the student's FEE-HELP balance under Part 6 of the Act MIMT will not victimise or discriminate students seeking review. MIMT is committed to treating all students fairly.
Publication	This policy and the procedure is published on MIMT's website to ensure Students have up to date and accurate information publicly available to them.

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