

Student Review

1. Definitions

The Act refers to the *VET Student Loans Act 2016*

Census Date: A published date set by the Provider, no earlier than 20% of the way through a VET Unit of Study. Its close of business is the deadline for various requirements such as making an upfront payment of part or all of the tuition fees, applying for a VET Student Loan [VSL], or formally withdrawing enrolment in order to not incur a debt.

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 enrol within VET Student Loans approved qualifications with Australian Online Music Institute.

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

The Department: The Australian Government Department of Education and Training.

Unit or VET Unit of Study: A VET Unit of Study approved for VET Student Loans that a Student may undertake with Australian Online Music Institute, and for which the Student may access VET Student Loans assistance to pay for all or part of their tuition fees.

2. Incurring a VET Student Loans Debt

A Student who withdraws from a Unit on or before the census date will not incur a VET Student Loans debt for the tuition fees for that Unit.

Students who have requested VET Student Loans assistance who remain enrolled after the published census date will incur a VET Student Loans debt.

Any Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loans debt for that Unit.

Revision	By Whom	Date
Reviewed, and Standards updated	G Bottrill	31 Jul 20
Reviewed, no changes	G Bottrill	20 Sep 20
Reviewed, minor changes to reflect Section 90 of the VSL rules	A Palmer	10 Apr 22

3. Re-Crediting a VSL Balance

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their VSL balance re-credited with respect to the Unit if they believe **special circumstances** apply in accordance with the following procedures.

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

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

That applications for re-crediting under section 71 of the Act 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;

The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if AOMI:

- 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.

Students making application for the re-crediting of their VSL debt will not be victimised or discriminated against.

4. Special circumstances

A Student, who withdraws from a Unit after the census date for that Unit or who has been unable to successfully complete a Unit and believes this was due to special circumstances, may apply to have their VSL balance re-credited for the affected unit/s.

Australian Online Music Institute will re-credit the Student's VSL Balance if satisfied that special circumstances apply where:

- these circumstances were beyond the Student's 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.

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:

- lack of knowledge or understanding of requirements VET Student Loans assistance; or
- a Student's incapacity to repay a VET Student Loans 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).

5. Re-Credit of a Student's VSL Balance – The Process

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

The VET Student Loans Officer, or his/her nominee, is responsible for the assessment of a Student's request for a re-credit of their VSL balance due to special circumstances, and for the decision regarding the initial request.

a) A Student must apply in writing to the VET Student Loans Officer of the applicable division 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. (AOMI 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.

b) The application for re-crediting a VSL balance must include details of the:

- Unit(s) for which a Student is seeking to have a VSL balance re-credited; and
- special circumstances as referred to above, including supporting documentation.

c) AOMI will consider each application within 10 working days of its being received. Each request to re-credit a VSL balance will be considered in accordance with the requirements of Schedule 1A to the Act. Applicants will be notified in writing of the decision within 20 working days.

6. Review of Decision

Where AOMI makes a decision NOT to re-credit a Student's VSL balance, that decision may be subject to review.

If a Student is not satisfied with the decision made by AOMI, he/she may apply for a review of that 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; and
- include any additional relevant evidence.

The application should be made in writing to the General Manager, who will:

- acknowledge receipt of the application for review of a decision in writing within 10 working days;
- 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; and
- refer the application to the Chief Executive Officer (or delegate) who is the designated Review Officer for AOMI.

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, advising of the day the decision takes effect, if applicable; and
- set out the reasons for the decision; and
- inform the Student of their right to an external appeal; and
- if the Student had requested VET Student Loans assistance, provide the contact details, the address of the nearest Administrative Appeals Tribunal registry, and the approximate costs of lodging an appeal.

7. Reconsideration through external appeal

At the time of the original decision, and at the time of the subsequent Internal Review Decision, the Student will be notified of their review rights and responsibilities.

If a Student who has chosen to defer any payment of their tuition fees through VET Student Loans scheme (a 'VSL Student'), remains dissatisfied with the decision of the College's Internal Review processes to not re-credit their VSL balance, he/she can refer the matter to the Administrative Appeals Tribunal. (Further information about the Administrative Appeals Tribunal, including the required application forms and current costs, can be obtained from their website at:

<http://www.aat.gov.au/AboutTheAAT/IntroductionToTheAAT.htm>)

However, if the Student has paid their tuition fees upfront and did not request VET Student Loans assistance, the External Review procedures under the *Higher Education Support Act 2003* do not apply. In this instance, the Student **cannot** request a review or refer the matter to the Administrative Appeals Tribunal. Instead, the Student may apply for an external review through the LEADR Student Mediation Scheme. Application details can be obtained on the link: <http://www.leadr.info/membership-information/student-mediation-scheme> .

Alternatively, he/she may contact the National Training Complaints Hotline, which is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email at skilling@education.gov.au.

This Policy will be reviewed every two years.



William Palmer
CEO
11th April 2022