

Remission of Debt Policy

Section 1 - Background and Purpose

(1) This Policy establishes the framework within which the University receives, reviews and responds to applications for remission of debt for:

- a. domestic Commonwealth Supported students; and
- b. upfront fee-paying students including international students.

Section 2 - Scope

(2) Applies to:

- a. all campuses
- b. all programs
- c. all students

Section 3 - Policy Statement

(3) Students who:

- a. withdraw from a course or subject after the published Census Date(s) due to Special Circumstances; or
- b. have been prevented from completing or withdrawing from a course due to Special Circumstances.

(4) may apply to:

- a. have their FEE-HELP balance re-credited; or
- b. as applicable, have either or both their HECS-HELP debt remitted; and/or
- c. upfront payment of a student contribution amount repaid;
- d. International students who wish to apply for re-credit or refund or fees after Census.

(5) SA-HELP debt cannot be remitted under any circumstances. Appropriate written supporting documentation is required to substantiate the Special Circumstances.

(6) Detailed conditions for applying for remission of debt are prescribed in the supporting procedures and are in accordance with [Higher Education Support Act 2003](#) for students covered by this Act and the [Education Services for Overseas Students Act 2000](#) and National Code 2007 for International Students.

(7) Each application will be examined and determined on its merits, on the basis of criteria set out in the procedures. The assessment process will involve consideration of both the application and the supporting documentation substantiating the special circumstances.

Section 4 - Procedure

Preamble

(8) These Procedures provide a fair, equitable and transparent process for applying for and assessing applications for remission of HECS-HELP and FEE-HELP debts for domestic students in accordance with the Higher Education Support Act 2003 and its associated administrative guidelines.

(9) International Students may apply for remission of fee liability for in compelling and compassionate circumstances in accordance with the ESOS Act and National Code 2007.

General

(10) All students are entitled to apply for a remission of debt where demonstrable and verifiable special circumstances prevent the completion of a subject or course.

Part A - Application Process

(11) Students seeking remission of debt or fee liability (including international students), must submit an Application for Remission of Debt Form with all required supporting documentation.

(12) The details for appropriate supporting documentation are in Part E.

Part B - Special Provisions for International Students

(13) International students may apply for remission of fee liability under the same criteria as domestic students. International students who are approved for remission of fee liability due to Special Circumstances have two options outlined in Part J.

Part C - Advising Students of the Process

(14) A student who withdraws from a subject after census date due to Special Circumstances may apply using an Application for Remission of Debt Form for a remission or refund. Special Circumstances are defined in part E and F.

Part D - When a Student can apply for a Remission

(15) A student may apply for a remission of debt if the student withdraws from their subject after the census date and has not completed the subject requirements.

(16) A student cannot apply for a remission if the subject has been successfully completed (See Part H).

Part E - When the University must Remit

(17) An application is considered by the Senior Coordinator Fees, Financial Aid and Government Reporting or nominated officer on the basis of Special Circumstances that apply to the student and are demonstrated to:

- a. be beyond the applicant's control;
- b. not have made their full impact on the applicant until on, or after, the census date; and
- c. have made it impracticable for the applicant to complete the requirements for the unit in the period during which the applicant undertook, or was to undertake, the subject.

(18) The applicant's statement of the Special Circumstances must include supporting documentation from an

independent source or authority that clearly:

- a. identifies the special circumstances;
- b. dates the occurrence of the special circumstances;
- c. states the duration of the special circumstances; and
- d. describes the level of impact of the Special Circumstances on the student's capacity to complete the subject or withdraw by the Census Date.

(19) For example, supporting documentation may include detailed:

- a. Medical Statement completed by a Medical Professional that describes at a minimum;
- b. the date of the consultation with Medical Professional;
- c. an indication of whether a diagnosis is based on an examination by the practitioner or a self-report by the student;
- d. the severity of the impact of the condition upon the student's ability to complete the subject or withdraw by the Census date;
- e. the dates/duration of the impact (a standard medical certificate is not sufficient);
- f. statement from a minister of religion;
- g. statement from a counsellor;
- h. statement from a police officer;
- i. statement from an employer regarding significant changes in employment circumstances;
- j. copy of death certificate or death notice of a close family member and proof of relationship to the deceased;
- k. letter from a lecturer, head of school or relevant University staff familiar with the student's circumstances.

(20) If a student is unable to supply documentation from an independent source a statutory declaration may be submitted that describes:

- a. why a fee remission is being sought;
- b. what supporting documentation has been sought;
- c. when it was sought and why it cannot be provided.

(21) Students should be aware that it may be difficult to make a positive decision on the basis of a statutory declaration alone.

(22) The University considers the applicant's claims on its individual merits, together with any independent supporting documentary evidence that substantiates these claims.

Part F - Special Circumstances

Special Circumstances are determined against the following criteria:

Impracticable for the person to complete the unit of study requirements

(23) Special Circumstances that make it impracticable for the applicant to complete the requirements for their unit may include:

- a. medical circumstances (for example, where an applicant's medical condition has changed to such an extent that he or she is unfit and unable to continue studying);
- b. family/personal circumstances (for example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect an applicant to continue studies);

- c. compelling or compassionate circumstances such as natural disaster;
- d. employment related circumstances (for example, where an applicant's employment status or arrangements have changed so that the applicant is unable to continue his or her studies, and this change is beyond the applicant's control. This option is not available for International Students with student visas that specify restrictions on employment); or
- e. course related circumstances (for example, where the University has changed the subject it had offered and the applicant is disadvantaged by either not being able to complete the subject, or not being given credit towards other subjects or courses).

Beyond a Person's Control

(24) Circumstances that are beyond an applicant's control if a situation occurs that a reasonable person would consider is not due to the applicant's action or inaction, either direct or indirect, and for which the applicant is not responsible. This situation must be unusual, uncommon or abnormal.

Do Not Make Full Impact Until On or After the Census Date

(25) Circumstances that do not make their full impact on the applicant until on or after the census date for the unit if the applicant's circumstances occur:

- a. before the census date, but worsen after that day;
- b. before the census date, but the full effect or magnitude does not become apparent until after that day; or
- c. on or after the census date.

(26) An applicant is unable to complete the requirements for a subject, for example, if the applicant is unable to:

- a. attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory subject requirements; or
- b. complete the required assessable work; or
- c. sit the required examinations; or
- d. complete any other subject requirements because of their inability to meet the above.

(27) The University will consider whether at the time the applicant's Special Circumstances emerged, it was already apparent the student would not meet the requirements of the subject due to the Special Circumstances. For example, this situation may arise where an applicant has not met progressive requirements relating to compulsory assessment and/or attendance at classes for the subject.

(28) If an applicant has not met the ongoing compulsory requirements of the subject, their failure to sit the final examination (and/or the special examination) does not of itself make it impracticable for them to complete the subject. In this case the University may make a decision not to remit or re-credit.

(29) Note: These requirements for continuous assessment and attendance would need to be stated explicitly in the University's rules prior to the commencement of the subject (and substantiated if the need arises).

Part G - Exceptions to Special Circumstances

(30) Special Circumstances do not include, for example:

- a. lack of knowledge or understanding of requirements under these guidelines; or
- b. an applicant's incapacity to repay a HELP debt, as repayments are income contingent and the applicant can apply for a deferral of a compulsory repayment in certain circumstances.

Part H - Timeframe for Making Decisions

(31) An application for a remission or a re credit must be made, in writing:

- a. within 12 months of the withdrawal date; or,
- b. if the person has not withdrawn, within 12 months of the end of the period of study in which the subject was, or was to be, undertaken.

(32) Where a student has deferred, the 12 month period applies from the end of the period of deferment. The University has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limits. The University considers an application within 14 calendar days of receipt.

Part I - Notifying Students of the Decision

(33) The University will notify the applicant by email and post of its decision and the reasons for making the decision within 28 calendar days of receipt of application.

(34) The University will advise the applicant by email and post of their rights for a review of the decision if the applicant is unsatisfied with the outcome and that the time limit for applying for a review of a decision is 28 days from the day the applicant first received notice of the decision.

(35) The applicant is taken to have received notice of the decision 1 day after the date on the notice of decision and the 28 days timeframe begins on this day. For example:

- a. Notice of decision dated 1 September;
- b. Applicant taken to have received notice of decision by 2 September;
- c. The 28 days count begins on 2 September;
- d. A request for a review of the decision must be received by close of business on 29 September.

Part J - Impact of Decision on Academic Grade

(36) The University considers that Special Circumstances which warrant remission also warrant reconsideration of any fail grades incurred as a result of those Special Circumstances (see Part F). Thus where the University approves an application for a remission:

- a. for domestic students a fail grade will convert to NRA (No Result Available) for any subject for which the criteria for the remission have been satisfied. Subjects with an NRA do not count towards completion of a course and are not included in the calculation of Weighted Average Mark (WAM);
- b. for international students there are two possible options:
 - i. a withdrawal grade (Withdrawn) may be entered for the subject(s) on the Academic Record. Subjects with a withdrawn grade do not count towards completion of a course and are not included in the calculation of Weighted Average Mark (WAM). In this case, an international student would not be refunded the fee for that subject;
 - ii. the relevant subject(s) will be deleted from the Academic Record and Leave of Absence or Discontinuation of Enrolment will be assessed and processed where relevant and reported accordingly. The student may be refunded some or all of their fee (see La Trobe University Refund Policy).

Part K - Reporting of the Decision

(37) The University will notify the Department of Education and Training (DET) of decisions to remit through the

(38) The University is required to report outcomes for International Student Visa Holders applications to the [Department of Home Affairs \(DHA\)](#) where applicable.

Part L - Review of Decision/Appeal

(39) The time limit for applying for a reconsideration of a decision is 28 calendar days from the day the applicant first received notice of the decision. The applicant must state in writing the reasons why they are applying for a reconsideration of a decision.

(40) The reviewer will be an officer who was not involved in the original decision and senior to the officer who made the original decision. On receipt of the request for a reconsideration, the reviewer will acknowledge receipt in writing within 14 calendar days. The acknowledgement will include:

- a. a unique reference number;
- b. a statement of the time frame within which a decision will be made;
- c. notification of the student's right to appeal and avenues for appeal.

(41) All applications for a review of a decision must be directed to:

Deputy Director, Student Administration
La Trobe University
Bundoora VIC 3086

(42) On making a decision, the reviewer will notify the applicant by email (where possible) and post of:

- a. the reviewer's decision and the reviewer's reasons for making the decision (the reviewer may confirm the decision, vary the decision, or set the decision aside and substitute a new decision);
- b. avenues for further consideration outlined below for domestic students and International Student Visa holders

(43) Domestic Students: the applicant's right to appeal to the AAT if not satisfied with the review decision, the contact details of the nearest AAT registry and the approximate cost of an appeal to the AAT.

(44) If an original decision has been confirmed, varied or set aside, a Commonwealth Supported (domestic) applicant has the right to apply to the Administrative Appeals Tribunal (AAT) for a reconsideration of the University's decision not to remit or re-fund. The application must generally be made within 28 days from the date that they receive the reviewed decision. Refer to <http://www.aat.gov.au/>.

(45) All International Student (any visa subclass) Visa Holders: International Student Visa holders make an appeal in writing to the University Ombudsman. There is no cost. The contact details are:

Ombudsman
La Trobe University
Room 136, Level 1, Peribolos East
Bundoora, Victoria 3086
Ph: 03 9479 1897
Fax: 03 9479 3897
Email: ombudsman@latrobe.edu.au
Web: <https://www.latrobe.edu.au/about/management/organisation/ombudsman>

(46) If the complaint or grievance is not resolved through the University Ombudsman students may lodge a complaint with the Victorian Ombudsman. There is no cost.

(47) Students who have not followed the steps laid down in the relevant University procedures may be asked to do so by the Victorian Ombudsman before a complaint is accepted for consideration. The contact details are:

Victorian Ombudsman Office
Level 2, 570 Bourke Street
Melbourne Victoria 3000
Ph: 03 9613 6222
Email: ombudvic@ombudsman.vic.gov.au
Web: <https://www.ombudsman.vic.gov.au>

Part M - Provision of False or Misleading Information by a Student

(48) If the University knows or believes that a student has provided false or misleading information in their application for remission of debt, the University will notify the student immediately and will not take any further action with regards to the application.

(49) The University will notify the DET of any suspected offences and will provide a copy of the student's application and any other relevant information or material as requested by DET.

(50) [Department of Home Affairs \(DHA\)](#) will be notified as appropriate.

Part N - Refund Process

(51) The University reserves the right to credit any overpayment in fees against current and future semester enrolment liabilities with the University, except where otherwise defined by the Act, or where the student specifically requests the refund of such overpayments.

Section 5 - Definitions

(52) For the purpose of this Policy and Procedure:

- a. Census date: the date when a student becomes financially liable for as subject they are enrolled in;
- b. Debt: Debt incurred as a result of deferred or up-front fees or tuition fees;
- c. Remission of fee liability: cancellation of a debt owed by a student to the University, including tuition fees or student contribution charges which are incurred at the Census date;
- d. Special Circumstances:
 - i. are beyond the person's control; and
 - ii. do not make their full impact on the person until on or after the census date for the unit of study in question; and
 - iii. make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit. (Chapter 3 Special Circumstances, Higher Education Support Act 22003 (Administrative Guidelines 2012)).
- iv. Special Circumstances do not include:
 - lack of knowledge or understanding of requirements; or
 - a student's incapacity to repay a Higher Education Loan Program (HELP) debt, as repayments are

income contingent and the student can apply for a deferral of a compulsory repayment in certain circumstances.

Section 6 - Stakeholders

Responsibility for implementation – Manager, Business Systems and Solutions.

Responsibility for monitoring implementation and compliance – Executive Director, Student Services and Administration.

Status and Details

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