



**Marjorie Milner College**  
Excellence in Education Since 1946

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## Table of Contents

Policy Overview.....	1
Legislative Rationale .....	1
Definitions .....	2
Fair Treatment and Equal Benefits and Opportunity.....	2
Student Selection .....	2
Application of Merit.....	2
Statement of VET Tuition Assurance .....	3
Refund Policy for the Purposes of the VET Student Loans Program.....	4
Student Review Requirements and Re-Crediting a FEE-HELP Balance .....	5
Incurring a VET Student Loan Debt (or HELP Debt under the Higher Education Support Act 2003) .....	5
Re-crediting a FEE-HELP Balance .....	5
Special Circumstances.....	5
Re-crediting of a Student’s FEE-HELP Balance – The process .....	6
Review of Decision.....	6
Reconsideration by the Administration appeals Tribunal .....	7
Procedures Relating to Personal Information.....	7
Collection of information.....	7
Storage and security of personal information .....	8
Disclosure.....	8
Commonwealth Assistance Notice (CAN) .....	9
Publication .....	9

## Policy Overview

This policy focuses on all required compliance information specifically required for registration as a VET Student Loans Provider.

### Legislative Rationale

This policy addresses the requirements specified for all Higher Education Providers.

## Definitions

**The Act** refers to the VET Student Loans Act 2016 as at [www.legislation.gov.au/details/C2016A00098](http://www.legislation.gov.au/details/C2016A00098)

**Student/s** refers to all persons who are Australian citizens, permanent humanitarian visa holders who will be residents in Australia for the duration of their VET Units of study, qualifying New Zealand citizens who hold special category visas as per *Pt 2, Div 2, subsection 11 (2) of the VET Student Loans Act 2016* and those who meet the eligibility requirements as stipulated in the VET Students Loans Act 2016. Student/s also refers to any prospective students as per the sect 6 of the before mentioned act.

**Census Date:** A published date by which enrolment may be cancelled without incurring tuition fees for the course or a part of the course that is set by the provider, no earlier than 20% of the way through a VET Unit of Study, and is in full accordance with the *VET Students Loans Act 2016 Div 4, subsection 58*.

**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 receive a VET Student Loan under *Div 2* of the of the Act.

**Unit or VET Unit of Study:** A VET unit of study approved for VET Student Loan that a student may undertake with Marjorie Milner College, for which the student may access a VET Student Loan to pay for all or part of their tuition fees as set out in the *VET Student Loans Act 2016 Pt 3, Div 1*

**The Department:** The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education.

## Fair Treatment and Equal Benefits and Opportunity

Marjorie Milner College supports the concept of equal opportunity and is committed to providing all staff, students and potential students with a working and learning environment which values diversity, respects differences and provides an environment that is safe, healthy, positive, supportive and free from all forms of harassment, bullying and discrimination.

Marjorie Milner College will treat fairly all Students and Potential Students.

## Student Selection

Marjorie Milner College has open, fair and transparent procedures, based on merit for making decisions about:

- a. the selection, from among Potential Students; and
- b. The treatment of Students.

Potential Students seeking to enrol in a VET unit of study with Marjorie Milner College, regardless of their background, circumstances or eligibility for funding, will be assessed for entry to study through the same published entry requirements and through the same process.

## Application of Merit

Each application is considered on a case by case basis. Marjorie Milner College policies and procedures are used to help determine the potential student's eligibility but does not prevent applicants from being considered. Marjorie Milner College will treat fairly all applicants seeking to enrol for any course.

Potential students are interviewed for approximately an hour session, where they meet a head of department and discuss the reasons why they want to study their chosen field. Marjorie Milner College takes into consideration the reasons why the applicant wants to study, how the applicant would fit in to

their chosen industry and their potential to successfully complete their studies.

The above paragraph does not prevent Marjorie Milner College taking into account, in making decisions mentioned above, educational disadvantages that a particular Student or Potential Student has experienced or the fact that the student or Potential Student may be enrolled via a VET restricted access arrangement.

## Statement of VET Tuition Assurance

Under the provisions of Schedule 1A to the *Higher Education Support Act 2003* (the Act) and chapter 3 of the *VET Guidelines* **Marjorie Milner College** ABN: **99083570772** ACN: **083570772** (the **First Provider**) must comply with the VET Tuition Assurance requirements. This is to protect VET students in the event the First Provider ceases to provide a VET course of study in which a VET student is enrolled. The meaning of 'ceasing to provide a VET course of study' is set out in the *VET Guidelines*. A copy of this is available from: <http://www.comlaw.gov.au/Series/F2012L02569>

In the event the First Provider ceases to provide a VET course of study in which a VET student is enrolled the VET student is entitled to a choice of:

- a) an offer of a place in a similar VET course of study with a Second Provider without any requirement to pay the Second Provider any VET tuition fee for any replacement VET units (this is known as the "VET Course Assurance Option");

**OR**

- b) a refund of their up-front VET tuition fee payments and/or a re-crediting of any FEE-HELP balance for any VET unit of study that the VET student was enrolled or commences but does not complete because Marjorie Milner College (First Provider) ceases to provide the VET course of study of which the unit forms part (this is known as the "VET Tuition Fee Repayment Option")

Marjorie Milner College has met the VET tuition assurance requirements as specified in the VET Provider Guidelines through its current membership of TAFE Directors Australia (TDA).

Contact details for TDA are:

### **TAFE Directors Australia**

Sydney Institute of TAFE NSW, Turner Hall (Building B) – Ultimo College

Cnr Mary Ann and Harris Streets Ultimo NSW 2007

PO BOX 707, Broadway, NSW, 2007

Ph: (02) 9217 3180 Fax: (02) 9281 7335

Email: [memberservices@tda.edu.au](mailto:memberservices@tda.edu.au)

Web: <http://www.tda.edu.au/index.php>

If Marjorie Milner College ceases to provide a VET course of study, James Milner will send a student enrolled in the VET course of study a written VET Tuition Assurance Offer (the Offer) advising the student of the options available under the VET tuition assurance requirements. The Offer will include directions that the student must follow in order to notify TAFE Directors Australia (TDA) of the choice they have made for each affected VET unit. TDA will provide this Offer within twenty *Business Days* after it knows, or should know by reasonable enquiries that Marjorie Milner College has ceased to provide the VET course of study.

For the purposes of VET Student Loans, all courses offered by Marjorie Milner College in accordance

with the course requirements of clause 45 of Schedule 1A to the Act are covered by TAFE Directors Australia (TDA) as part of Marjorie Milner College's membership of the Scheme.

A student may choose either:

### **The VET Course Assurance Option:**

Under the VET course assurance option, a student will be offered a place in a similar VET course of study by the TDA Administrator. If the student accepts this option, the TDA Administrator will make all necessary arrangements to ensure a student is able to enrol with the Second Provider in the similar VET course of study. This offered VET course will lead to the same or a comparable qualification without any requirement on the part of the student to pay the Second Provider any VET tuition fee for any replacement VET units (that is, units that the student had commenced but not completed because the VET course ceased to be offered). A student will receive full credit from the Second Provider for any VET units of study successfully completed at Marjorie Milner College.

The Second Provider nominated by the TDA Administrator may have different VET tuition fees to the fees the student would have paid for VET units of study which were part of the VET course of study Marjorie Milner College ceased to provide but which the student had not yet started studying.

A student is not obliged to enrol in a VET course of study with a Second Provider offered by the TDA Administrator under the VET Course Assurance Option. However, if he/she enrolls with any other VET provider there is no obligation on that VET provider to offer full credit transfer for the VET units of study completed with Marjorie Milner College or to offer replacement VET unit/s free of charge.

**OR**

### **The VET Tuition Fee Repayment Option**

Under the VET Tuition Fee Repayment Option, TDA undertakes to pay the student the total of any up-front VET payments already paid by the student for any VET units of study the student has commenced but not completed because the VET course ceased to be offered. Students selecting this option will also have their FEE-HELP balance re-credited for the uncompleted VET units.

## Refund Policy for the Purposes of the VET Student Loans Program

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This refund policy applies to all students who are entitled to access the VET Student Loans Program, even if they choose not to access it. See *Pt 6, Div 2 of the VET Student Loans Act 2016*.

To be entitled to a VET Student Loan a person must be an Australian citizen, hold a permanent humanitarian visa who will be resident in Australia for the duration of their VET Units of study, a qualifying New Zealand citizen who holds a special category visa as per *Pt 2, Div 2, subsection 11 (2)* of the VET Student Loans Act 2016 and further those who meet the eligibility requirements as stipulated in the VET Students Loans Act 2016.

Marjorie Milner College will repay to a student who is, or would be, entitled to the VET Student Loans Program any VET tuition fees that he or she may have paid for a VET Unit of study if the student withdraws from that unit on or before the relevant census date.

This does not apply where VET tuition assurance arrangements have been activated and the student has elected the VET course assurance option for that unit.

Where a student withdraws from a VET unit of study after the relevant census date, any refund of



VET tuition fees is at the discretion of Marjorie Milner College.

For students not eligible for a VET Student Loan please see the policy on refunds (2.6 Refund).

## Student Review Requirements and Re-Crediting a FEE-HELP Balance

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### Incurring a VET Student Loan Debt (or HELP Debt under the Higher Education Support Act 2003)

A Student who is, or would be, eligible for a VET Student Loan and has requested a VET Student Loan, who withdraws from a Unit on or before the census date will not incur a FEE-HELP debt for the tuition fees for that Unit.

Students who have requested a VET Student Loan who remain enrolled after the published census date will incur a FEE-HELP debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a FEE-HELP debt for that Unit under the *Higher Education Support Act 2003 Pt 4.1 Div 137-10*.

### Re-crediting a FEE-HELP Balance

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

### Special Circumstances

If a Student withdraws from a Unit after the published census date for that Unit, 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 as per *Pt 6, Div 2 Subsection 68 of the VET Student Loans Act 2016*.

Marjorie Milner College will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where:

- these circumstances are beyond their 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 for the VET Student Loan Program or
- a Student's incapacity to repay a FEE-HELP 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)

## Re-crediting 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.

James Milner, the student services manager, is the designated VET Student Loan officer of Marjorie Milner College. The above officer 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 James Milner, the Student Services Manager, 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. Marjorie Milner College 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) for which a Student is seeking to have a FEE-HELP balance re-credited and
- special circumstances as referred to above, including supporting documentation

Marjorie Milner College will consider each application within five (5) 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 Pt 6, Div 2 of the VET Student Loans Act 2016. Applicants will be notified in writing of the decision within five (5) working days.

## Review of Decision

Where Marjorie Milner College 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 decision made by Marjorie Milner College, 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

Applications should be made in writing to the CEO/Principal, Gregory Milner, as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-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:

- acknowledge receipt of the application for review of a decision in writing within 10 working days; and
- 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.

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, setting out the reasons for the decision
- 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 a 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

Address of closest AAT registry

Administrative Appeals Tribunal Level 16, HWT Tower, Southgate 40 City Road Southbank VIC 3006  
(03) 9282 8444 (metropolitan area) 1300 366 700 (country areas)

[Melbourne.Registry@aat.gov.au](mailto:Melbourne.Registry@aat.gov.au)

Approximate costs for lodging an appeal are as follows:

- Full application fee is \$777. In some circumstances, this may be lowered to \$100.
- Other circumstances may mean that there is no application cost
- A successful lodgement will be fully reimbursed.

Note: Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://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 Marjorie Milner College 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.

## Procedures Relating to Personal Information

Marjorie Milner College complies with the requirements Pt 5, Div 2 subsection 51-54 of the VET Student Loans Act 2016 and the Australian Privacy Principles set out in the Privacy Act 1988 in relation to the collection of information relating to all students.

Marjorie Milner College will allow a Student to apply for and receive a copy of the personal information that the provider holds in relation to that Student.

## Collection of information

Personal information will not be collected unless:

- The information is collected for a purpose directly related to Students; and

- The collection of the information is necessary for or directly related to that purpose.

Personal information will not be collected by unlawful or unfair means.

Where personal information is collected for inclusion in a record or in a generally available publication, Marjorie Milner College will take reasonable steps to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the Student concerned is generally aware of:

- The purpose for which the information is being collected;
- If the collection of the information is authorised or required by or under law the fact that the collection of the information is so authorised or required; and
- With whom the information may be shared (such as the Australian Government or Tuition Assurance Scheme).

Where Marjorie Milner College solicits and collects personal information for inclusion in a record or in a generally available publication it will take reasonable steps to ensure that:

- The information collected is relevant to that purpose and is up to date and complete; and
- The collection of the information does not intrude to an unreasonable extent upon the personal affairs of the Student.

## Storage and security of personal information

Marjorie Milner College will ensure:

- That the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- That if it is necessary for the record to be given to a person in connection with the provision of a service to MMC, everything reasonably within the power of Marjorie Milner College will be done to prevent unauthorised use or disclosure of information contained in the record.

Marjorie Milner College will maintain a record setting out:

- The nature of the records of personal information kept by or on behalf of the record-keeper;
- The purpose for which each type of record is kept;
- The classes of individuals about whom records are kept;
- The period for which each type of record is kept;
- The persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- The steps that should be taken by persons wishing to obtain access to that information.

Marjorie Milner College will not use the information without taking reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete. Marjorie Milner College will not use the information except for a purpose to which the information is relevant.

## Disclosure

Marjorie Milner College will not disclose the information to a person, body or agency (other than the individual concerned) unless:

- The individual concerned is reasonably likely to have been aware that information of that kind is usually passed to that person, body or agency;



- The individual concerned has consented to the disclosure;
- The disclosure is required or authorised by or under law; or
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.

A person, body or agency to whom personal information is disclosed will not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

## Commonwealth Assistance Notice (CAN)

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The Commonwealth Assistance Notice (CAN) is given to VET Student Loan Students after the census date. It includes information about enrolment, HELP debts incurred, student contribution amounts paid and any loan fee incurred. For those undertaking their study and have obtained access to the VET Student Loans Program the following information is included:

- Tuition fees for units of study
- The units VET Student Loan has been received
- Up-front payments made
- Any VET Student loan fee incurred

If there are any errors on a CAN, the student must submit a written request for correction within 14 days specifying the details of the error.

MMC generates CAN notices using the Student Management System (SMS). A template CAN is available as Appendix 1.21.

## Publication

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This policy will be made available to students and potential students through publication on the website under the 'Useful Links and Relevant Policies' page to ensure students have up-to-date and accurate information public available to them.