This form is designed to:

- Assist all decision makers involved in the assessment of student applications for a re-credit of their FEE-HELP balance; and
- Document the outcomes and authorisations around such applications.

Please follow the checks provided and provide notation regarding the applicant’s evidence and their ability to meet criteria.

What Part of the Act?

The following table sets out the provision of HESA that applies in making a decision about whether a person’s FEE-HELP balance should be re-credited or debt remitted:

<table>
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<tr>
<th>If person seeks re-credit/remission of his or her:</th>
<th>Refer to section:</th>
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<tbody>
<tr>
<td>FEE-HELP – Higher Education Providers</td>
<td>Subsection 104-25(1)</td>
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<tr>
<td>VET FEE-HELP</td>
<td>Schedule 1A 46(2)</td>
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**Special Circumstances Test**

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<td>Schedule 1A 48</td>
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Regardless of which provision of HESA applies, when deciding whether a person is entitled to have their FEE-HELP balance re-credited or debt remitted, a delegate must consider the following:

- Have the threshold criteria been met? (see Step One)  
  AND
- Do special circumstances apply? (see Step Two)

**Step One: Have the threshold criteria been met?**

- For a person to have their FEE-HELP balance re-credited, they must satisfy ALL of the criteria provided in the Act. Before determining whether ‘special circumstances’ apply to the person, the decision maker needs to satisfy themselves that all of the ‘threshold’ criteria have been met.
- Determining whether the person satisfies the ‘threshold criteria’ is a relatively simple factual analysis of the person’s application and records.
- If a person does not satisfy any elements of the ‘threshold criteria’, the decision maker needs to write a statement of reasons and refuse the person’s application. The ‘threshold criteria’ can be assessed in any order. Once it has been determined that a person does not meet one of these criteria, the analysis can stop as the failure to satisfy all criteria is fatal to the application.
- If a person meets the ‘threshold criteria’, then the decision maker needs to turn their mind to whether they are satisfied that special circumstances applied to the person.
The threshold criteria are as follows:

- the person has been enrolled in the unit with the provider; and
  - a. the person has not completed the requirements for the unit during the period during which the person undertook, or was to undertake, the unit; and
  - b. the person applies in writing to the provider for recrediting of their FEE-HELP balance;
  - c. either:
    - i. the application is made before the end of the application period; or
    - ii. the provider waives the requirement that the application be made before the end of that period, on the ground that it would not be, or was not, possible for the application to be made before the end of that period.

A VET provider must, on the Secretary's behalf, re-credit a person's FEE-HELP balance with the amounts of VET FEE-HELP assistance that the person has received for a unit of study if:

- a. the threshold criteria are met; and
- b. the provider is satisfied that special circumstances apply to the person.

**Step Two: Do special circumstances apply?**

The test has three requirements, and all of those requirements must be satisfied (and supported with evidence) for Special Circumstances to be established. Reference to the specific area of the Act must be provided in documentation and communication.

For the purposes of paragraph 791(1)(c), special circumstances apply to the person if and only if the higher education provider receiving the application is satisfied that circumstances apply to the person that:

- a. are beyond the person's control
- b. do not make their full impact on the person until on or after the census date for the unit of study in question
- c. 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

**Step 2.1 What are the relevant circumstances?**

1. The Decision Maker needs to identify what the relevant circumstances are.
2. To do this, the Decision Maker will need to consider what information and evidence the person has provided in their Application and any further information available from the student's records.

**Step 2.2 Are the circumstances beyond the person's control?**

The Decision Maker must then decide whether the circumstances identified at Step 2.1 are beyond the person's control.

**Step 2.3 Did the circumstances make their full impact on the person on or after the census date for the unit in question?**

The Decision Maker needs to:

- a. Identify the relevant census date for the unit; then
- b. Determine when the circumstances identified in Step 2.1 made their full impact on the student.
Step 2.4 Did the circumstances make it impracticable for the person to complete the requirements of the unit?

1. After deciding that Steps 2.1 to 2.3 have been satisfied, the Decision Maker must be satisfied that the circumstances identified in Step 2.1 made it impracticable for the person to complete the unit.

2. The Macquarie Dictionary defines ‘impracticable’ as, “not practicable; that cannot be put into practice with the available means”. A decision maker should keep this definition in mind when deciding if a student's circumstances made it impracticable for him or her to complete a unit of study.

3. Consideration should also be given to whether at the time the person’s special circumstances emerged, it was already not practicable for the student to meet the requirements of the unit. This situation may arise where a student has not met progressive requirements relating to compulsory assessment and/or attendance at classes for the unit of study.

4. For example, a student may have failed to sit the final examination and/or a special/supplementary examination on the basis of a special circumstance that applied at the time of the examination. However if that student has not met the ongoing compulsory requirements of the unit of study, their failure to sit the final examination (and/or the special examination) does not of itself make it impracticable for them to complete the unit of study. The relevant circumstance that made it impracticable for them to complete the unit of study would then be that the student did not meet the ongoing compulsory requirements of the unit of study. In this example the provider may make a decision not to re credit the person’s FEE HELP balance.
VET FEE-HELP Coordinator (in assessing - Applications to Re-credit FEE-HELP Balance Form)

Does the applicant meet the threshold criteria?
☐ Yes  ☐ No

Do special circumstances apply in the applicant’s case?
☐ Yes  ☐ No

Is the application for a re-credit approved?
☐ Yes  ☐ No

Name: _______________________________  Name: _______________________________

Position: VET FEE-HELP Coordinator  Position: Portfolio Manager

Signed: ________________________________  Signed: ________________________________

Date: ________________________________  Date: ________________________________

Review Panel (in assessing – Application to Review Re-credit FEE-HELP Balance Form)

Does the applicant meet the threshold criteria?
☐ Yes  ☐ No

Do special circumstances apply in the applicant’s case?
☐ Yes  ☐ No

Is the application for a re-credit approved?
☐ Yes  ☐ No
### Signatories:

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<tr>
<th>Name:</th>
<th>Position: Director Finance and Performance</th>
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