

# STUDENT REVIEW PROCEDURES FOR RE-CREDITING A FEE-HELP BALANCE

## 1. DEFINITIONS

**The Act** refers to the *Higher Education Support Act 2003*

**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 access VET FEE-HELP for payment of their tuition fees in respect of the VET Unit of Study in which they are enrolled.

**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 FEE-HELP loan, or formally withdrawing enrolment in order to not incur a debt.

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

**Unit or VET Unit of Study:** A VET Unit of Study approved for VET FEE-HELP that a student may undertake with Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd* and *Ivy Institute Pty Ltd*, for which the student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.

**The Department:** The Australian Government Department of Education.

## 2. INCURRING A VET FEE-HELP DEBT

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

Students who have requested VET FEE-HELP Assistance who remain enrolled after the published census date will incur a VET FEE-HELP debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET FEE-HELP debt for that Unit.

## 3. 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.

## 4. SPECIAL CIRCUMSTANCES

If a Student withdraws from a Unit after the 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.

Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd*, and *Ivy Institute Pty Ltd*, will re-credit the Student's FEE-HELP Balance if it is 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 for VET FEE-HELP assistance; or
- a Student's incapacity to repay a VET 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).

## 5. 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 Head of College of the applicable division is the designated VET FEE-HELP officer of Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd*, and *Ivy Institute Pty Ltd*. 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. A Student must apply in writing to the Head of College 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. Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd*, and *Ivy Institute Pty Ltd*, 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 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.
- c. Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd*, and *Ivy Institute Pty Ltd*, 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 Schedule 1A to the Act. Applicants will be notified in writing of the decision within 20 working days.

## 6. REVIEW OF DECISION

Where Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd*, and *Ivy Institute Pty Ltd* 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 the Study Group Australia Pty Limited (trading as *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*), and its partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd*, and *Ivy Institute Pty Ltd*, the Student may apply 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; and
- include any additional relevant evidence.

Applications should be made in writing to the SGA Compliance Manager VET Australasia 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 FEE-HELP 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).

## **7. RECONSIDERATION THROUGH EXTERNAL APPEAL**

**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 an external appeal should he/she remain dissatisfied with the outcome, and refer the Student to the Complaints Policy and Procedure for details on the process.

## **8. PUBLICATION**

This policy and the procedure is published on the web sites of *Martin College*, the *Australian Institute of Applied Sciences*, and *ACPE Academy*, and the partner organisations, *Aspire College of Education Pty Ltd*, *Australian Indigenous College Pty Ltd* and *Ivy Institute Pty Ltd* to ensure Students have up-to-date and accurate information publicly available to them.