

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

Study Group Australia Pty Limited, trading as the Australian Institute of Applied Sciences (“the Institute”) will conduct this procedure in compliance with Schedule 1A of the Higher Education Support Act 2003 and the VET Provider Guidelines.

For the purposes of this procedure, a student is an Australian citizen or an Australian resident permanent humanitarian visa holder enrolled in a VET FEE-HELP enabled course with the Institute.

The Institute will ensure that all students are informed of the census dates for each VET unit of study by the prescribed dates and the procedures for the re-crediting of a FEE-HELP balance.

If a student who has requested VET FEE-HELP assistance withdraws from a VET unit of study on or before the census date for that VET unit of study, the student will not incur a VET FEE-HELP debt for that VET unit of study.

If a student who has requested VET FEE-HELP assistance withdraws from a VET unit of study after the census date for that VET unit of study, the student will incur a VET FEE-HELP debt for that VET unit of study.

## 1 SPECIAL CIRCUMSTANCES

If a student withdraws from a VET unit of study on or after the census date for that VET unit of study, or has been unable to successfully complete a VET unit of study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected VET units of study.

The Institute will re-credit the student’s FEE-HELP balance if it is satisfied that special circumstances apply that:

- i) are beyond the student’s control; and
- ii) did not make their full impact on the student until on or after the census date for the VET unit of study in question; and
- iii) make it impractical for the student to complete the requirements for that VET unit of study.

The Institute will be satisfied that a student’s circumstances are beyond the student’s control if a situation occurs that a reasonable person would consider is not due to the person’s action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.

Each application will be examined and determined on its merits by considering a student’s claim together with independent supporting documentation substantiating the claim.

Initial applications for the re-crediting of a student’s FEE-HELP balance are to be made, in writing, to the VET FEE-HELP Administrator of the campus at which the student is enrolled.

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- i) when a student withdraws from a VET unit of study, the Institute shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- ii) when a student fails to meet the requirements of a VET unit of study, the Institute shall confirm the failure by giving notice to the student in writing of the final result for that VET unit of study at the end of the VET unit of study;
- iii) the student must apply in writing to the VET FEE-HELP Administrator within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the VET unit of study. The Institute may exercise its discretion to waive

this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period;

- iv) the VET FEE-HELP Administrator shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- v) the VET FEE-HELP Administrator shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The VET FEE-HELP Administrator will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If a decision is made to re-credit the student's FEE-HELP balance, the Institute will notify DEEWR and will repay to the Commonwealth any VET FEE-HELP assistance received on the student's behalf and the student's VET FEE-HELP debt for those VET units of study will be removed.

## **2 REVIEW OF A DECISION**

If a student is not satisfied with the decision made by the VET FEE-HELP Administrator in relation to re-crediting their FEE-HELP balance, they may request a review of the decision.

The review shall be carried out by the Review Officer who is the Institute Director and is senior to the original decision maker.

Any such request must be submitted to the Review Officer in writing and:

- i) must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- ii) must specify the reasons for making the request; and
- iii) sent to the Administration Manager at the campus in which the student is enrolled.

The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

The Review Officer shall:

- i) seek all relevant information from the person who made the original decision;
- ii) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- i) confirm the decision;
- ii) vary the decision; or
- iii) set the decision aside and substitute a new decision.

The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised of the right to apply to the Administrative Appeals Tribunal for a review of the decision; and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal (refer Section 2.1 below).

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of the Institute's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to the Institute either in the original application or the request for review.

## 2.1 Administrative Appeals Tribunal

Students who apply to the Administrative Appeals Tribunal (AAT) for review of a decision may have to pay an application fee; it depends on the circumstances. The application cannot proceed until the application fee has either been paid or waived. The application fee is refunded when the review is completed if the AAT decides that it is finalised in the student's favour. (For the purposes of providing a guide, the application fee as of 1 July 2010 is \$777.)

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>.

LOCATION AND CONTACT DETAILS OF THE ADMINISTRATIVE APPEALS TRIBUNAL OFFICES	
<b>Queensland</b>	
<b>Street Address</b> Level 4, Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000  <b>Postal Address</b> Administrative Appeals Tribunal GPO Box 9955 Brisbane QLD 4001	<b>DX Address</b> DX 253 Brisbane  <b>Telephone</b> (07) 3361 3000 (metropolitan area) 1300 366 700 (country areas)  <b>Fax</b> (07) 3361 3001  <b>Email</b> <a href="mailto:Brisbane.Registry@aat.gov.au">Brisbane.Registry@aat.gov.au</a>
<b>New South Wales</b>	
<b>Street Address</b> Level 7, City Centre Tower 55 Market Street Sydney NSW 2000  <b>Postal Address</b> Administrative Appeals Tribunal GPO Box 9955 Sydney NSW 2001	<b>DX Address</b> DX 10200 Sydney Stock Exchange  <b>Telephone</b> (02) 9391 2400 (metropolitan area) 1300 366 700 (country areas)  <b>Fax</b> (02) 9283 4881
<b>Victoria</b>	
<b>Street Address</b> Administrative Appeals Tribunal Level 16, HWT Tower, Southgate 40 City Road Southbank VIC 3006  <b>Postal Address</b> Administrative Appeals Tribunal GPO Box 9955 Melbourne VIC 3001	<b>DX Address</b> DX 108 Melbourne  <b>Telephone</b> (03) 9282 8444 (metropolitan area) 1300 366 700 (country areas)  <b>Fax</b> (03) 9282 8480

## 3 PUBLICATION

These Student Review Procedures for Re-crediting a FEE-HELP Balance will be published on the Institute's website at [www.aias.com.au](http://www.aias.com.au).

### 3.1 Version Information

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