

Student Review Procedures for Re-Crediting a FEE-HELP Balance

Version No: 3.0 Date: January 2022 Revised and Approved by: QIS Manager

Introduction:

Academia International will conduct this procedure in compliance with Division 2 or 3 of Part 6 of the Higher Education Support Act 2003 (the Act) and the VET Student Loan Rules 2016. For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder enrolled in a Vet Student Loan (VSL) enabled course with Academia International.

Academia International will:

- set a census date for each VET unit of study that is no earlier than 20% of the way through the VET unit of study;
- ensure that all students are informed of the census date for each VET unit of study in the manner and by the date prescribed in the VET Student Loan Rules;
- ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

A student who withdraws from a VET unit of study on or before the published census date for that VET unit of study will not incur a VET FEE-HELP debt for that VET unit of study. A student who withdraws from a VET unit of study after the published census date for that VET unit of study will incur a VET FEE-HELP debt for that VET unit of study.

A student who has incurred a VET FEE-HELP debt for a VET unit of study may apply to have their FEE-HELP balance re-credited for the affected VET units of study in accordance with the following procedure.

Other considerations:

- A student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct
 - in relation to the student's application for the VET student loan; or
 - the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student. S89 (2)(C) of the VSL Rules
 - *Applications re-crediting in these circumstances must be made within 5 years after the census day for the course, or part of the course concerned, or within that period as extended by the Secretary of the Department of Education and Training*
- The Secretary of the Department of Education and Training may re-credit a student's FEE-HELP balance in relation to special circumstances if Academia International is unable to act or is being wound up or has been dissolved; or has failed to act and the Secretary of the Department of Education and Training is satisfied that the failure is unreasonable.
- This process ensures that Academia International does not victimise or discriminate against a student for
 - seeking a review or reconsideration of a decision,
 - using Academia International's grievance processes or procedures, or
 - making an application for re-crediting the student's FEE-HELP balance.

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.

- Academia International will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:
- are beyond the student's control; and

- did not make their full impact on the student until on or after the census date for the VET unit(s) of study in question; and
- make it impractical for the student to complete the requirements for the VET unit(s) of study in question.

Academia International 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 Student Accounts Associate

399 Lonsdale St, Melbourne, VIC, 3000.

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

- when a student withdraws from a VET unit of study, Academia International shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- when a student fails to meet the requirements of a VET unit of study, Academia International shall confirm the failure by giving notice to the student in writing of the final result for that VET unit of study after results for the VET unit of study have been properly approved; Student Review Procedures for Re-crediting a FEE-HELP Balance
- the student must apply in writing to the Student Accounts Associate 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. Academia International 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;
- The Student Accounts Associate 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 the application is successful, Academia International will re-credit the student's FEE-HELP balance with an amount equal to the amounts of VET FEE-HELP assistance that the student has received for the affected VET units of study and the student's VET FEE-HELP debt for those VET units of study will be removed;
- The Student Accounts Associate shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- The Student Accounts Associate shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

Review of a decision:

If a student is not satisfied with the decision made by the Student Accounts Associate 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 Finance Manager and is senior to the original decision maker.

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

- must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- must specify the reasons for making the request; and
- sent to: 399 Lonadale St, Melbourne, VIC, 3000.

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:

- (a) seek all relevant information from the person who made the original decision;
- (b) 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:

- (a) confirm the decision;
- (b) vary the decision; or
- (c) 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 in the decision 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 as follows:

If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT). The current fee to lodge an application with the AAT for the review of a decision is \$777 (GST exempt). The contact details for the AAT are:

Street Address:

Administrative Appeals Tribunal

Level 16, HWT Tower, Southgate

40 City Road

Southbank VIC 3006 Student Review Procedures for Re-crediting a FEE-HELP Balance

Postal Address:

Administrative Appeals Tribunal

GPO Box 9955

Melbourne VIC 3001

Telephone:

(03) 9282 8444 (metropolitan area)

1300 366 700 (country areas)

Fax:

(03) 9282 8480

Opening Hours:

Monday to Friday 8.30 a.m. to 5.00 p.m.

Website:

www.aat.gov.au/ContactUs/VIC.htm

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of Academia International'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 Academia International either in the original application or the request for review.

The Secretary of DE [Department of Education], or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DE's receipt of a notification from the AAT, DE will notify Academia International that

an appeal has been lodged. Upon receipt of this notification from DE, the Review Officer will provide DE with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

Publication:

These *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be published in the *Student Information Handbook* and on Academia International's website (www.academia21.com).