

## Re-Crediting a FEE-HELP Balance

### 1. Definitions

**The Act** refers to the *VET Student Loans Act 2016*

**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 Student Loans 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.

**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 VET Student Loans assistance under clause 43 of Schedule 1A of the Act.

**Unit or VET Unit of Study:** A VET unit of study approved for VET Student Loans that a student may undertake with the Australian Institute of Creative Design Pty Ltd, for which the student may access VET Student Loans assistance to pay for all or part of their tuition fees.

**DET:** The Department of Education and Training (Australian Government).

**Secretary:** refers to refers to the Secretarial official for the Department for Education and Training.

### 2. Incurring a VET FEE-HELP Debt

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

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

### 3. Circumstances for Re-crediting a FEE-HELP Balance

A student's FEE-HELP balance can be re-credited under Part 6 of the Act. This allows for the following situations:

1. Special circumstances beyond the student's control;
2. The institute ceases to provide a course covered by an approved Tuition Assurance Scheme or ceases operations;
3. There is no replacement course with another provider that the student could transfer to;
4. The Institute or a person acting on its behalf is engaged in unacceptable conduct in relation to the student's application for the VET Student Loan or failed to comply with the Act or an instrument under the Act and this has adversely affected the student.

**Note:** In regard to Points 2 & 3 above the Institute is covered by an approved Tuition Assurance Scheme which is explained in the Ceasing to Provide a Course (Tuition Assurance) Policy and Procedures.

In Point 4 above, the student may apply to the Secretary and has 5 years after the census date for the course, or part of the course, or within that period as extended by the Secretary or the Secretary may act in place of the Institute if the Institute has been wound up or the Institute has failed to act under this Division and the Secretary is satisfied that this failure is unreasonable.

### Special Circumstances

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to the Institute 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. This is in accordance with Part 6 of the Act. They have to 12 months to apply for re-crediting due to special circumstances and there is no charge for reconsiderations or review of decisions, other than review by the Administrative Appeals Tribunal.

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.

The Australian Institute of Creative Design Pty Ltd will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply to the student that were:

- 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 made it impracticable for the Student to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course.

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 Student Loan assistance; or
- a Student's incapacity to repay a VET Student Loan 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).

### Treatment of students seeking review

The Institute ensures that all students seeking review are not victimised or discriminated against for:

- Seeking a review of reconsideration of any decision relating to this policy and procedure; or
- Using the Institute's grievances processes and procedures; or
- Making an application for re-crediting of the student's FEE-HELP balance under Part 6 of the Act.

## 4. Re-credit of a Student's FEE-HELP balance - The process

Each application to the Institute 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 RTO Manager is the designated VET Student Loan officer of the Australian Institute of Creative Design 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.

1. A Student must apply in writing to the RTO Manager, 14/475 Scottsdale Drive, Varsity lakes, 4227 QLD, 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. The Australian Institute of Creative Design 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.
2. 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.
3. The Australian Institute of Creative Design Pty Ltd will consider each application within seven (7) business days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of Section 68 of the Act. Applicants will be notified in writing of the decision within 14 business days.

### Review of Decision

4. Where the Australian Institute of Creative Design Pty Ltd makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review.
5. If a Student is not satisfied with the decision made by the Australian Institute of Creative Design Pty Ltd, the Student may apply, within 20 business days of the receipt of the original decision, for a review of the decision. The application for review must:
  - be made within 20 business 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
6. Applications should be made in writing to The Chief Executive Officer, 14/475 Scottsdale Drive, Varsity lakes, 4227 QLD, 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.*

7. The Review Officer will:
  - acknowledge receipt of the application for review of a decision in writing within seven (7) business days; and
  - inform the Student that if the Review Officer has not advised them of a decision within 20 business days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.
8. 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 20 business 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

Telephone: (07) 3361 3000 or 1800 228 333

Email: [generalreviews@aat.gov.au](mailto:generalreviews@aat.gov.au)

Administrative Appeals Tribunal  
 Level 4, Harry Gibbs Building  
 Commonwealth Law Courts  
 119 North Quay  
 Brisbane QLD 4000

Administrative Appeals Tribunal  
 GPO Box 9955  
 Brisbane QLD 4001

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).

The Secretary of DET, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DET's receipt of a notification from the AAT, DET will notify the Australian Institute of Creative Design Pty Ltd that an appeal has been lodged. Upon receipt of this notification from DET, the Review Officer will provide DET with copies of all the documents that are relevant to the appeal within ten (10) business days.

## 5. Publication

This policy and the procedure is published on the Australian Institute of Fashion Design Pty Ltd's website ([www.aicd.edu.au](http://www.aicd.edu.au)) to ensure students have up to date and accurate information publicly available to them and is also available in the Student Handbook.

## 6. Version control, Approval and Review

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