

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

### Overview

This policy relates to the process Higher Education Leadership Institute (“the Institute”) will follow to re-credit a Student’s FEE-HELP balance when a Student withdraws from a Unit of Study after Census Date, or has been unable to successfully complete a Unit of Study, and special circumstances apply.

### Definitions

**The Act:** Refers to the *Higher Education Support Act 2003*

**Unit or Unit of Study:** A subject that a Student may undertake with the Institute for which the Student may access FEE-HELP assistance to pay for all or part of their tuition fees.

**Student:** Refers to students, who are Australian citizens, New Zealand citizens that meet the long-term residency requirements<sup>1</sup> or permanent humanitarian visa holders who will be resident in Australia for the duration of their Units of Study, and who access FEE-HELP assistance for payment of all or part of their tuition fees in respect of the Units of Study in which they are enrolled.

**Census Date:** A published date set by the Institute, no earlier than 20% of the way through a Unit of Study.

**Tuition Fees:** Fees paid for a Unit of Study that is approved for FEE-HELP assistance and applies to Students who are, or would be entitled to FEE-HELP assistance under the Act.

**The Department:** The Commonwealth of Australia represented by the department which has the responsibility for administering the Act.

### 1.0 Incurring a FEE-HELP Debt

- 1.1 A Student who is, or would be, eligible for a HELP loan and has requested FEE-HELP assistance, who withdraws from a Unit of Study on or before the Census Date for that Unit will not incur a FEE-HELP debt for the Tuition Fees for that Unit.
- 1.2 Students who have requested FEE-HELP assistance who remain enrolled after the published Census Date will incur a FEE-HELP debt for the Units in which they are enrolled. A Student who withdraws from a Unit after the published Census Date for that Unit will incur a FEE-HELP debt for that Unit.

### 2.0 Re-crediting a FEE-HELP Balance

- 2.1 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.

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<sup>1</sup> New Zealand citizens who are Special Category Visa holders (as defined by section 32 of the Migration Act 1958) who first entered Australia as a dependent minor; and at least 10 years before applying for FEE-HELP assistance have been physically present in Australia for at least eight of the previous 10 years at the time of application for FEE-HELP assistance; and have been physically present in Australia for at least 18 months out of the last two years at the time of application for FEE-HELP assistance.

### **3.0 Special Circumstances**

- 3.1 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.
- 3.2 The Institute 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 in the period during which the Student undertook or was to undertake the Unit.
- 3.3 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.
- 3.4 Special circumstances do not include:
- lack of knowledge or understanding of requirements for FEE-HELP assistance; or
  - a Student's incapacity to repay a 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).

### **4.0 Re-credit of a Student's FEE-HELP Balance - The Process**

- 4.1 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.
- 4.2 The Operations Manager is the designated officer 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.
- 4.3 A Student must apply in writing to the Operations Manager by email to [admin@heli.edu.au](mailto:admin@heli.edu.au) 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.
- 4.4 The Institute 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.
- 4.5 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.
- 4.6 The Institute will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the Act. Applicants will be notified in writing of the decision within 28 days.

## **5.0 Review of Decision**

- 5.1 Where the Institute decides NOT to re-credit a Student's FEE-HELP balance that decision may be subject to review.
- 5.2 If a Student is not satisfied with the decision made by the Institute, the Student may apply, within 28 days of the receipt of the original decision, 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;
  - include any additional relevant evidence.
- 5.3 Applications should be made in writing to the CEO by email to [ceo@heli.edu.au](mailto:ceo@heli.edu.au) as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. The Review Officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision to be reviewed.
- 5.4 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.
- 5.5 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).

## **6.0 Reconsideration by the Administrative Appeals Tribunal**

- 6.1 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 28 days of receiving written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.
- 6.2 Full details of the application process and fees payable are available on the AAT's website: [www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid in the amount of \$932 (from 1 July 2019) and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details. Contact details of the closest AAT office can also be found on the AAT website: <https://www.aat.gov.au/contact-us> and are shown in Appendix 1 of this policy.

6.3 The Secretary of the Department, or the Secretary’s delegate, will be the respondent for cases that are brought before the AAT. Upon the Department’s receipt of a notification from the AAT, the Department will notify the Institute that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide the Department with copies of all the documents that are relevant to the appeal within five business days.

**7.0 Publication**

7.1 These procedures are published on the Institute’s website: [www.heli.edu.au](http://www.heli.edu.au) to ensure Students have up to date and accurate information publicly available to them.

**8.0. Version history**

| Version | Approved by                    | Approval Date    | Details   |
|---------|--------------------------------|------------------|---|
| 1.0     | Executive Management Committee | 16 February 2018 | Document creation and initial approval                            |
| 1.1     | Finance Manager                | 20 December 2018 | Update to AAT review fee  |
| 1.2     | Finance Manager                | 8 February 2019  | Update Appendix 1 – AAT contact details                           |
| 1.3     | Operations Manager             | 4 November 2020  | Minor updates including updated email; address and document owner |

Document owner: Operations Manager

## APPENDIX 1 - AAT CONTACT DETAILS

| STATE OR TERRITORY                      | PHYSICAL LOCATION   | POSTAL DETAILS                     | FAX NUMBER   |
|---|---|------------------------------------|--------------|
| ACT                                     | Level 8<br>14 Moore St<br>Canberra ACT 2601   | GPO Box 9955<br>Canberra ACT 2601  | 02 6243 4600 |
| New South Wales                         | Level 6<br>83 Clarence St<br>Sydney NSW 2000  | GPO Box 9955<br>Sydney NSW 2001    | 02 9276 5599 |
| Queensland                              | Level 6<br>295 Ann St<br>Brisbane QLD 4000  | GPO Box 9955<br>Brisbane QLD 4001  | 07 3052 3001 |
| South Australia &<br>Northern Territory | Level 2<br>1 King William St<br>Adelaide SA 5000  | GPO Box 9955<br>Adelaide SA 5001   | 08 8128 8099 |
| Tasmania                                | Edward Braddon<br>Building<br>Commonwealth Law<br>Courts<br>39–41 Davey St<br>Hobart TAS 7000 | GPO Box 9955<br>Hobart TAS 7001    | 03 9276 5597 |
| Victoria                                | Level 4<br>15 William St<br>Melbourne VIC 3000  | GPO Box 9955<br>Melbourne Vic 3001 | 03 9454 6998 |
| Western Australia                       | Level 13<br>111 St Georges Terrace<br>Perth WA 6000   | GPO Box 9955<br>Perth WA 6001      | 08 6222 7299 |