

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

1. DEFINITIONS

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

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.

Approved Partner Organisations: any organisation that provides services on behalf of Emmaus Bible School.Australia Limited (trading as Emmaus Bible College), including training, assessment, related educational and support services, and/or any activities related to the recruitment of prospective learners. As the Registered Training Organisation, Emmaus Bible College is responsible for ensuring all such services provided to Students are in accordance with statutory obligations.

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 enrol within VET FEE-HELP approved qualifications with Emmaus Bible School.Australia Limited, or its Approved Partner Organisations.

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.

The Department: The Australian Government Department of Education and Training.

Unit or VET Unit of Study: A VET Unit of Study approved for VET FEE-HELP that a Student may undertake Emmaus Bible School.Australia Limited, or its Approved Partner Organisations, and for which the Student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.

2. INCURRING A VET FEE-HELP DEBT

A Student 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.

Any 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

A Student, who withdraws from a Unit after the census date for that Unit or who has been unable to successfully complete a Unit and believes this was due to special circumstances, may apply to have their FEE-HELP balance re-credited for the affected unit/s.

Emmaus Bible School.Australia Limited and its Approved Partner Organisations will re-credit the Student's FEE-HELP Balance if 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 Principal of the College is the designated VET FEE-HELP Officer of Emmaus Bible College. For its Approved Partner Organisations, the designated VET FEE-HELP Officer is the respective Principal or General Manager, or otherwise named equivalent role.

The VET FEE-HELP Officer, or his/her nominee, 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 decision regarding the initial request.

a. A Student must apply in writing to the VET FEE-HELP Officer 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, Emmaus Bible School.Australia Limited 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. Emmaus Bible School.Australia Limited and its Approved Partner Organisations will consider each application within 10 working days of its being received. Each request to re-credit a FEE-HELP balance will be considered 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 Emmaus Bible School.Australia Limited and its Approved Partner Organisations 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 Emmaus Bible School.Australia Limited and its Approved Partner Organisations, he/she may apply for a review of that 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.

The application should be made in writing to the Dean of Students, (chris.haeusler@emmaus.edu.au) who will:

- acknowledge receipt of the application for review of a decision in writing within 10 working days;
- 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; and
- refer the application to the Principal, Dr Leonard Smith (or delegate) who is the designated Review Officer for Emmaus Bible College.

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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, advising of the day the decision takes effect, if applicable; and
- set out the reasons for the decision; and
- inform the Student of their right to an external appeal; and
- if the Student had requested VET FEE-HELP assistance, provide the contact details, the address of the nearest Administrative Appeals Tribunal registry, and the approximate costs of lodging an appeal.

7. RECONSIDERATION THROUGH EXTERNAL APPEAL

At the time of the original decision, and at the time of the subsequent Internal Review Decision, the Student will be notified of their review rights and responsibilities.

If a Student who has chosen to defer any payment of their tuition fees through the VET FEE-HELP loan scheme (a 'VET-FEE-HELP Student'), remains dissatisfied with the decision of the College's Internal Review processes to not re-credit their FEE-HELP balance, he/she can refer the matter to the Administrative Appeals Tribunal. (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>>

However, if the Student has paid their tuition fees upfront and did not request VET FEE-HELP assistance, the External Review procedures under the *Higher Education Support Act 2003* do not apply. In this instance, the Student **cannot** request a review or refer the matter to the Administrative Appeals Tribunal. Instead, the Student may apply for an external review through the LEADR Student Mediation Scheme. Application details can be obtained on the link: <http://www.leadr.info/membership-information/student-mediation-scheme>.

Alternatively, he/she may contact the National Training Complaints Hotline, which is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email at skilling@education.gov.au.

8. PUBLICATION

This policy will be made available to Students and prospective Students by publication on the College website.