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

Overview
This policy relates to the process Conwal and Associates Pty Ltd t/as Conwal Institute will follow to re-credit a Student’s FEE-HELP balance when a Student withdraws from a VET Unit of Study after Census Date, or has been unable to successfully complete a VET Unit of Study, and special circumstances apply.

Definitions

The Act: Refers to the Higher Education Support Act 2003

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

Census Date: A published date set by Conwal Institute, 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 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.

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

The Department: The Commonwealth of Australia represented by the department which has the responsibility for administering the Higher Education Support Act 2003.

1.0 Incurring a VET FEE-HELP Debt

1.1 A Student who is, or would be, eligible for VET FEE-HELP and has requested VET FEE-HELP Assistance, 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.

1.2 Students who have requested VET FEE-HELP Assistance who remain enrolled after the published census date will incur a VET 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 VET FEE-HELP debt for that Unit.

1 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 VET FEE-HELP have been physically present in Australia for at least eight of the previous 10 years at the time of application for VET FEE-HELP; and have been physically present in Australia for at least 18 months out of the last two years at the time of application for VET FEE-HELP.
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.

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 Conwal 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 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).

4.0 Re-credit of a Student’s FEE-HELP Balance - The Procedure

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 Head of Delivery 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 Head of Delivery at Conwal Institute, PO Box 630, Fortitude Valley, QLD 4006 or by email to support@conwalassociates.com.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 Conwal 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 Conwal 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 Schedule 1A of the Act. Applicants will be notified in writing of the decision within 28 days.

5.0 Review of Decision

5.1 Where Conwal Institute makes a decision 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 Conwal 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 Head of Delivery at Conwal Institute, PO Box 630, Fortitude Valley, QLD 4006 or by email to support@conwalassociates.com.au. The Head of Delivery is 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 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. An application fee may have to be paid in the amount of $861 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. Details of the closest AAT office can also be found on the AAT website: www.aat.gov.au/ContactUs.htm 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 Conwal 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 Remission of a VET FEE-HELP Debt under other circumstances

7.1 A person may apply to the Department for a remission of their VET FEE-HELP debt under expanded circumstances relating to inappropriate behaviour by a provider or its agent or associate that occurs from 1 January 2016. This is a separate from the ‘special circumstances’ outlined above. More information is available from www.studyassist.gov.au.

8.0 Publication

8.1 These policies and procedures are published on the Conwal Institute website: www.conwalinstitute.edu.au To ensure Students have up to date and accurate information publicly available to them.
## APPENDIX 1

### LOCATION OF AAT OFFICES

<table>
<thead>
<tr>
<th>STATE OR TERRITORY</th>
<th>PHYSICAL LOCATION</th>
<th>POSTAL DETAILS</th>
<th>FAX NUMBER</th>
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| ACT                              | Level 8  
14 Moore St  
Canberra ACT 2601                                      | GPO Box 9955  
Canberra ACT 2601                                  | 02 6243 4600 |
| New South Wales                  | Level 7  
55 Market St  
Sydney NSW 2000                                          | GPO Box 9955  
Sydney NSW 2001                                    | 02 9283 4881 |
| Queensland & Northern Territory  | Level 4  
Harry Gibbs Building  
Commonwealth Law Courts  
119 North Quay  
Brisbane QLD 4000                                      | GPO Box 9955  
Brisbane QLD 4001                                   | 07 3361 3001 |
| South Australia                  | 11th Floor Chesser House  
91 Grenfell St  
Adelaide SA 5000                                        | GPO Box 9955  
Adelaide SA 5001                                   | 08 8201 0610 |
| Tasmania                         | Edward Braddon Building  
Commonwealth Law Courts  
39–41 Davey St  
Hobart TAS 7000                                        | GPO Box 9955  
Hobart TAS 7001                                   | 03 6232 1601 |
| Victoria                         | Level 16 HWT Tower  
40 City Rd  
Southbank VIC 3006                                      | GPO Box 9955  
Melbourne Vic 3001                                  | 03 9282 8480 |
| Western Australia                | Level 5  
111 St Georges Terrace  
Perth WA 6000                                          | GPO Box 9955  
Perth WA 6001                                       | 08 9327 7299 |