



## **Student Review Requirements for Re-crediting a FEE-HELP balance and Remission of VET FEE-HELP debt**

### **1. Definitions**

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

**Student:** Refers to a student, who is an Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who accesses VET FEE-HELP 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 International Screen Academy (ISA), no earlier than 20% of the way through a VET Unit of Study.

**FEE-HELP balance:** includes both VET FEE-HELP and FEE-HELP debts.

**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 ISA, for which the student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.

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

### **2. Incurring a VET FEE-HELP debt**

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.

A students who has requested VET FEE-HELP Assistance who remain enrolled after the published census date will incur a VET FEE-HELP debt. 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.

### **3. Re-crediting a FEE-HELP balance and remission of VET FEE-HELP debt**

A student who withdraws from a Unit after the published census date, or does not successfully complete the unit due to special circumstances, may apply for a re-credit of their FEE-HELP balance and remission of their VET FEE-HELP debt in relation to the unit. The student may apply for a remission or re-credit if he or she believes that special circumstances apply in accordance with the following procedures.

#### **3.1 Special circumstances**

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 and remission of their VET FEE-HELP debt in relation to the that unit.

ISA will re-credit the student's FEE-HELP Balance and the debt the student incurred for that unit is remitted if it is satisfied that special circumstances apply where:

- these circumstances are beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the census date for the Unit in question; 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 person undertook, or was to undertake, the unit

For circumstances to be beyond a student's control, the situation should be such that 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).

### **3.2 The process for re-credit of a FEE-HELP balance**

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.

1. A student must apply in writing to Irene Leung, Manager Finance by email at [irene@isasydney.com.au](mailto:irene@isasydney.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. ISA 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. ISA will consider each application within 10 working 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 10 working days.
4. Where ISA makes a decision NOT to re-credit a student's FEE-HELP balance, that decision may be subject to review.

#### **Review of Decision**

5. If a student is not satisfied with the decision made by ISA, the student may apply, in writing to the Managing Director at [Bernadette@isasydney.com.au](mailto:Bernadette@isasydney.com.au) (who is the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance), 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

6. 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.

7. 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, and
- 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).

### 3.3 Appeal to 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 Review 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.

#### AAT Details and Approximate Costs

Administrative Appeals Tribunal (AAT)

**Tel:** (02) 9391 2400 or 1300 366 700

**Address:** Level 7, City Centre Tower, 55 Market St, Sydney NSW 2000

The cost of appealing to the AAT is available on the ATT website at <http://www.aat.gov.au/FormsAndFees/Fees.htm>

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 ISA 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 ten (10) business days.

## 4. Publication and Version Control

Staff and students are advised of this policy and procedure through publication on the ISA's website.

Version	Amendments	Approval	Date Approved
2	Amended 'DIICCSRTE' to read 'The department' and the definition to read 'Commonwealth of Australia represented by the department which has the responsibility for administering the <i>Higher Education Support Act 2003</i> '	Managing Director	15/5/14