



Procedure for Re-crediting FEE-HELP Balances

The Australian Careers Business College (ACBC) will conduct this procedure in compliance with Part 6 of the Act.

For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder or a qualifying New Zealand citizen enrolled in a Vet Student Loans approved course with ACBC.

ACBC will ensure that all students are informed of the census dates for each VET unit of study by the prescribed dates and the procedures for the re-crediting of a FEE-HELP balance.

If a student who has requested VSL assistance withdraws from a VET unit of study on or before the census date for that VET unit of study, the student will not incur a VSL debt for that VET unit of study.

If a student who has requested VSL assistance withdraws from a VET unit of study after the census date for that VET unit of study, the student will incur a VSL debt for that VET unit of study.

Re-crediting a student's FEE-HELP balance

If 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 believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected units

- a) a student's FEE-HELP balance can be re-credited under Part 6 of the Act;
- b) a student may apply to the provider for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances;
- c) a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - (i) the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
 - (ii) (he provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;
- d) that special circumstances are circumstances that:
 - (i) are beyond the student's control; and
 - (ii) do not make their full impact on the student until on or after the census day for a course, or the part of a course; and
 - (iii) make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course;



- e) applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;
- f) applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary;
- g) the processes available to students in relation to reconsideration and review of decisions whether or not to re-credit FEE-HELP balances;
- h) there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT);
- i) the Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:
 - (i) is unable to act or is being wound up or has been dissolved; or
 - (ii) has failed to act and the Secretary is satisfied that the failure is unreasonable.

Re-crediting by provider for special circumstances

ACBC will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for the VET unit of study in question; and
- make it impractical for the student to complete the requirements for that VET unit of study.

ACBC will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible.

The situation must be unusual, uncommon or abnormal.

ACBC will, on the Secretary's behalf, re-credit a student's FEE-HELP balance if:

- the student applies in writing for the re-credit, and
- the application is made:
 - within 12 months after the census day for the course, or the part of the course,
- ACBC is satisfied that "special circumstances" prevented, or will prevent, the student from completing the requirements of the course or the part of the course.

Where ACBC allows a person to defer completion of their studies regarding a course, or part of a course, the 12-month application period applies from the end of the extended period for the course.

ACBC has the discretion to refund any other payments the person made in respect of the course in line with its own policies, which are accessible to the student.



Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.

Meaning of 'special circumstances'

Circumstances are special circumstances under the Act, if a student can demonstrate to the satisfaction of the provider that the circumstances were:

- beyond the student's control and
- did not make their full impact on the student until on, or after, the census day for the course, or the part of the course, and
- made it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment.

Special circumstances beyond a person's control

Examples of circumstances that may be considered beyond a person's control might include a motor vehicle accident or the worsening of a serious illness may meet the criteria.

Special circumstances that do not make full impact until on or after the census date

Circumstances could be considered not to make their full impact on the person until on or after the census day for the VET unit of study if the person's circumstances occurred:

- before the census day, but worsen after that day
- before the census day, but the full effect or magnitude did not become apparent until after that day; or
- on or after the census day.

Students do not need to demonstrate they were unable to withdraw from the course prior to the census day.

Special circumstances arising from pre-existing conditions

A circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a person may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for a course, but that condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.

Alternatively, the full implications of a person's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study is not fully realised until after the census day.



The provider must consider whether the person's circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition that may have affected the person on or after the census day.

Circumstances that made it impracticable to complete a course

The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means'. The provider should keep this definition in mind when deciding whether a student's circumstances made it impracticable for them to complete a course, or part of a course. In considering whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment, the provider must consider:

- whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements
- whether the student could complete any required assessable work, or demonstrate competencies required, and
- whether the student could complete any other requirements arising from the student's inability to do the above.

Circumstances that make it impracticable for the person to complete the requirements for their course may include (among other things):

- medical circumstances – for example where a person's medical condition has changed to such an extent that he or she is unable to continue studying
- family or personal circumstances – for example death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies, or
- the student's employment related circumstances – for example where a person's employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person's control.

Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to the VET Student Loans Administrator and sent to:

28 Memorial Avenue
Liverpool, NSW 2170

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- a) when a student withdraws from a VET unit of study, they must inform the Campus Manager in writing by email or regular mail. The following information must be provided:
 - Student name;
 - The date the course started (or was due to start);



- The reason for withdrawing from the course; and
- Date of withdrawal.
- b) ACBC shall confirm the withdrawal by entering the student's withdrawal details into the aXcelerate Student management System;
- c) the student must apply in writing to VSL Administrator within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the VET unit of study. ACBC may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period;
- d) The VSL Administrator shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- e) The VSL Administrator shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The VSL Administrator will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If a decision is made to re-credit the student's FEE-HELP balance, ACBC will notify the Department of Education and Training and will repay to the Commonwealth any VSL assistance received on the student's behalf and the student's VSL debt for those VET units of study will be removed.

Review of a decision

If a student is not satisfied with the decision made by the VSL Administrator in relation to re-crediting their FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the CEO who is senior to the original decision maker.

Any such request must be submitted to the CEO in writing and:

- (a) must be lodged within 28 days of receiving notice of the original decision, unless the CEO allows a longer period; and
- (b) must specify the reasons for making the request.

Contact details of CEO:

CEO
28 Memorial Avenue
Liverpool, NSW 2170

The CEO shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the CEO has not advised the applicant of a decision within 45 days of having received the application for review, the CEO is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to



apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

The CEO shall:

- a) seek all relevant information from the person who made the original decision;
- b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The CEO may:

- a) confirm the decision;
- b) vary the decision; or
- c) set the decision aside and substitute a new decision;

The CEO will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal for a review of the decision; and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of ACBC's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to ACBC either in the original application or the request for review.

Publication

These *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be published on ACBC's website (www.acbc.nsw.edu.au).