

## **FEE-HELP REVIEW POLICY - Higher Education Courses**

### **Introduction**

FEE-HELP is a loan scheme provided by the Australian Government available students who are Australian citizens (and some others) to pay tuition fees. It is available to students undertaking an approved course of study with an approved provider.

The underlying principle on which HELP is based is that it removes the major financial barrier to entry to higher education allowing students to defer the majority of costs of further study (their tuition fees) through a loan that is offered on favourable terms compared to commercial loan arrangements. A HELP debt is repaid through the tax system once a person reaches the minimum income threshold level for repayment.

Each student enrolled in a course at Australian College of Christian Studies (ACCS) which has been approved by the Department of Education (DET) as an approved course of study may apply for FEE-HELP assistance subject to the entitlement conditions of relevant legislation.

Students requesting FEE-HELP assistance shall be given a *"Request for FEE-HELP Assistance"* form and the FEE-HELP information booklet when they are enrolling in an eligible course of study for the first time or whenever they request one. The form enables eligible students to request a loan from the Commonwealth to pay up to the full amount of their tuition fees. Eligible students also have the option to pay part of their tuition fees up front to their provider and obtain a FEE-HELP loan for the balance.

All students who have completed a *"Request for FEE-HELP Assistance"* form shall be provided with a Commonwealth Assistance Notice within 28 days of the census date for each unit of study in which they have a FEE-HELP debt. This notice sets out a range of information in respect of a students' enrolment for a census date, including the amount of the FEE-HELP debt incurred for units of study with that census date. Students who have completed the form but who pay their fees directly to the College and do not incur a debt on that census date will also receive a Commonwealth Assistance Notice.

Where a student believes their notice is incorrect, they have 14 days to provide written advice to the College, asking for the notice to be corrected.

### **Withdrawals from a unit of study or course of study - on or before the Census Date**

If a student who has completed a *Request for FEE-HELP assistance* withdraws from a unit of study, including where the student withdraws from their course of study, on or before the Census Date, the student will not incur a FEE-HELP debt for that unit of study. However a Withdrawal Penalty (fee) may apply for units of study withdrawals which occur after Enrolment Week but before Census Date – see Fees Schedule.

**Withdrawals from a unit of study or course of study – after the census date**

If a student who has completed a *Request for FEE-HELP assistance* withdraws from a unit of study, including where the student withdraws from their course of study, after the census date the student will incur a FEE-HELP debt for that unit of study.

A FEE-HELP debt is only removed after the census date if the College has agreed to re-credit a student's FEE-HELP balance due to special circumstances (see the following section for Policies on *Re-crediting of FEE-HELP balance* for more detailed information).

**Policies on re-crediting FEE-HELP balance and review process**

This policy applies only when all of the following conditions are satisfied:

1. a student is enrolled in a unit of study within an accredited course of the College;
2. the student has completed a Request for FEE-HELP Assistance for the unit of study;
3. the census date for the unit of study has passed;
4. the student has been unable to complete the requirements of the unit of study;
5. and the student believes that this inability to complete the unit was due to special circumstances.

**Policy**

1. Where all of the foregoing conditions are satisfied, a student may apply in writing for re-crediting of the applicant's FEE-HELP balance.
2. Applications for the re-crediting of FEE-HELP balance must be made in writing to the General Manager of the College.
3. Applications for the re-crediting FEE-HELP balance must be accompanied by independent documentary evidence, provided by a competent person, which substantiates the claim that one of the following special circumstances exist or existed:
  - a. medical circumstances; or
  - b. family circumstances; or
  - c. personal circumstances; or
  - d. employment related circumstances; or
  - e. course related circumstances.
4. Applications for re-crediting of FEE-HELP balance must be submitted within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the end of the semester in which the unit was, or was to be, undertaken. If the College is satisfied that the application could not be submitted within this timeframe due to circumstances beyond the control of the student, the College may at its discretion waive this requirement.

5. General Manager must consider each application for re-crediting of FEE-HELP balance on its merit. In order to approve an application, the General Manager must be satisfied that special circumstances (see par. 3, above) applied or apply to the applicant that are or were:
  - a. beyond the applicant's control;
  - b. did not make their full impact on the applicant until after the census date; and
  - c. made it impractical for the applicant to complete the requirements of the unit during the period in which the student undertook, or was to undertake, the unit of study.
6. The General Manager will be satisfied that the applicant's circumstances were beyond the applicant's control if:
  - a. a situation occurred which a reasonable person would consider is not due to the applicant's action or inaction, either direct or indirect, and for which the applicant is not responsible; and
  - b. the situation was unusual, uncommon or abnormal.
7. The General Manager will be satisfied that the applicant's circumstances did not make their full impact on the applicant until on or after the census date for the unit(s) of study concerned if the applicant's circumstances occurred:
  - a. before the census date, but worsened after that day; or
  - b. before the census date, but the full effect or magnitude did not become apparent until on or
  - c. after that day; or
  - d. on or after the census date.
8. The General Manager must give a written response to applications for re-crediting of FEE-HELP balance within one month of receiving them in writing. The letter shall include advice that the applicant has the right of appeal to the Administrative Appeals Tribunal (AAT), their contact details and information concerning the cost of an appeal to the AAT.
9. If the General Manager decides against re-crediting of FEE-HELP balance, or decides to re-credit only part of the balance, the written response must inform the applicant or his or her right to apply to the Principal for a review of the decision and that the time limit for such applications for review is 28 days from the time when the applicant receives the decision (or such longer period as the Reviewer may, at the Reviewer's sole discretion, allow). The letter shall also include advice that the applicant also has the right of appeal to the Administrative Appeals Tribunal (AAT), their contact details and information concerning the cost of an application to the AAT.
10. Requests for a review of a decision not to re-credit FEE-HELP balance must be made in writing to the Principal and must state the reasons why the application for

review is being made.

11. The Principal must acknowledge in writing receipt of an application for a review of a decision within fourteen days. This written acknowledgement must include advice that if the applicant has not been advised of a decision concerning the review within 45 days of the Principal receiving the request for review, the Principal is taken to have confirmed the original decision by the General Manager. A decision of the Principal shall supersede any decision made by the General Manager.
12. The General Manager will review the consistency of decisions reached by the General Manager with the College's published Review Procedures: Re-crediting of FEE-HELP Policy and will consider information contained in the written reasons for the application for review in terms of this policy.
13. The Principal has available one of the following options:
  - a. confirm the decision; or
  - b. vary the decision; or
  - c. set aside the decision and substitute a new decision.
14. The Principal must inform the applicant in writing of the decision on the review of the General Manager's decision and state the reasons for making this decision. The letter shall include advice that the applicant has the right of appeal to the Administrative Appeals Tribunal, their contact details and information concerning the cost of an application to the AAT.
15. An applicant unsatisfied with the Principal's review of a decision by the General Manager has a further right to appeal to the Board of the College. Any appeal must be in writing and state the reason why the appeal is being made.
16. The Board will review the consistency of decisions made by the Principal and the General Manager and will consider information contained in the written reasons for the application for review in terms of this policy.
17. The Board has available one of the following options:
  - a. confirm the decision; or
  - b. vary the decision; or
  - c. set aside the decision and substitute a new decision.
18. The Board, through its appointed representative, must inform the applicant in writing of the decision on the review of the General Manager's decision and state his reasons for making his decision.
19. If the applicant is still not satisfied the applicant may appeal to the Administrative Appeals Tribunal (AAT) for a review of the decision.

### **Reconsideration by the Administrative Appeals Tribunal (AAT)**

A person may make an application to the AAT for a reconsideration of the College's decision to refuse to re-credit a person's FEE-HELP balance and may supply additional information to the AAT which he or she did not previously supply to the College (including the College's reviewer).

The Secretary of the Department of Education (DET) or his delegate will be the respondent for cases which are before the AAT. Once DET has received notification from the AAT that the person has applied for the reconsideration, under section 37 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), the Secretary must lodge the following documents with the AAT within 28 days:

1. a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
2. every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the Tribunal.

The AAT may be contacted on telephone (02) 9391 2400, at <http://www.aat.gov.au> or at 55 Market Street, Sydney NSW 2000.

An application to the AAT for review of a decision may involve an application fee (refer AAT website).