

# VET FEE-HELP Special Circumstances and Review Policy

Australis College Pty Ltd

RTO Number 31518

## PURPOSE

The policy provides a broad framework, set of principles and minimum requirements for:

- Circumstances under which a student may seek remission of debt or refund of fees under special consideration or
- Other circumstances where the application of the College policies requires consideration of special circumstances.

## SCOPE

This policy applies to students who have qualified to have their tuition fees paid under the VET FEE-HELP Assistance scheme and wish to apply for a refund of these fees due to the Special Circumstances as outlined in this Policy.

## LEGISLATIVE CONTEXT

[Standards for Registered Training Organisations \(RTOs\) 2015](#)

[National Vocational Education and Training Regulator Act 2011](#)

[Higher Education Support Act 2003](#)

[Fit and Proper Person Specified Matters 2012](#)

[VET Guidelines 2013](#)

[Tax file number guidelines 2011](#)

[Privacy Act 1988](#)

[Corporations Act 2001](#)

## POLICY STATEMENT

This policy applies to cases of special circumstances whereby a student for reasons beyond their control is seeking to withdraw without penalty due to an inability to continue with their studies. This specifies the circumstances from the Higher Education Support Act 2003, in which Australis College will be satisfied that special circumstances apply to the person that:

- are beyond the person's control (paragraph 36-21 (1) a of the Act);
- do not make their full impact on the person until on or after the census date for the unit of study in question (paragraph 36-21 (1) b of the Act); and

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	1
VFH Special Circumstances and Review Policy_V3.1				

- make it impracticable for the person to complete the requirements for the unit of study during the period which the person understood, or was to undertake, the unit (paragraph 36-21 (1) (c) of the Act).

## 1. GENERAL GUIDELINES

**1.1** The College recognises that there may be times when a decision made by the College upon application of the relevant policy may require reassessment due to special circumstances.

### 1.2 INCURRING A VET FEE-HELP DEBT.

**1.2.1** A student who is, or would be, eligible for VET FEE-HELP and has requested VET FEE-HELP Assistance, who withdraws from a unit of study on or before the census date will not incur a VET FEE-HELP debt for the tuition fees for that unit of study.

**1.2.2** Students who have 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 of study after the published census date for that unit of study will incur a VET FEE-HELP debt for that unit of study.

### 1.3 RE-CREDITING A FEE-HELP BALANCE.

**1.3.1** Students who withdraw from a unit of study after the published census date (or fail to complete a unit of study) may apply to have their VET FEE-HELP balance re-credited with respect to the unit if they believe special circumstances apply in accordance with this policy.

**1.3.2** The College must be satisfied that a student's circumstances are beyond their control (i.e. if a situation occurs which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the person is not responsible).

**1.3.3** Special circumstances MAY include:

- Medical reasons.
- Family/personal reasons.
- Employment-related reasons.

**1.3.4** Special circumstances DO NOT apply to:

- A lack of knowledge or understanding of VET FEE-HELP requirements under the schemes.
- A normal change in work arrangements such as a change of shift or planned holiday.
- A person's incapacity to repay a VET FEE-HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

### 1.4 SPECIAL CIRCUMSTANCES APPLICATION FORM AND SUPPORTING DOCUMENTATION.

**1.4.1** Students must contact Student Services on [student.services@australiscollege.edu.au](mailto:student.services@australiscollege.edu.au) to request a Special Circumstances Application Form.

**1.4.2** They must complete this form, and provide supporting documentation should their special circumstances fall under the following categories:

- [Medical reasons.](#)

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	2
VFH Special Circumstances and Review Policy_V3.1				

- [Family/personal reasons.](#)
- [Employment-related reasons.](#)

**1.4.3** A student must provide original, independent documentation as part of any application due to special circumstances. The documentation must clearly indicate the following:

- The level of impact of the special circumstances.
- What the special circumstances were.
- When they occurred.
- How long they lasted.
- For applications relating to a remission/refund of debt, that the circumstances made their full impact on the student on, or after, the census date.

**1.5 MEDICAL REASONS.**

**1.5.1** Where the severity of a medical condition results in a student being unable to continue studying.

**1.5.2 SUPPORTING DOCUMENTATION**

**1.5.2.1** A statement from an appropriate health care practitioner that states:

- The date the medical condition began.
- How the condition affected the student’s ability to study.
- When it became apparent that the student could not continue their studies.

Note: The student should inform their doctor that the statement will be sent to the College in support of the application for a refund/remission/waiver under special circumstances.

**1.6 FAMILY/PERSONAL REASONS.**

**1.6.1** Due to unforeseen personal/family reasons that occur or worsen after the last date to withdraw without penalty and is ***beyond the student’s control***, resulting in the inability to continue with studies.

**1.6.2 SUPPORTING DOCUMENTATION**

**1.6.2.1** A statement from a doctor, counsellor or independent member of the community, for example a Justice of the Peace or a Minister of Religion, stating:

- The date family/personal circumstances began or changed.
- How these circumstances affected the student’s ability to study.
- When it became apparent that the student could not continue their studies.

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	3
VFH Special Circumstances and Review Policy_V3.1				

**1.7 EMPLOYMENT-RELATED REASONS.**

**1.7.1** After the last date to withdraw without penalty, the student's employment status or arrangements change unexpectedly due to circumstances ***beyond the student's control***, resulting in the inability to continue with studies.

**1.7.2 SUPPORTING DOCUMENTATION**

**1.7.2.1** A statement from the student's employer stating:

- Previous work hours and location.
- Current work hours and location.
- The reason for changed hours and location.

**1.8 COURSE-RELATED REASONS.**

**1.8.1** Where Australis College has changed the unit it has offered and the person is disadvantaged by not being able to complete the unit, or not being given credit towards other units or course.

**2. APPLICATIONS FOR REMISSION OF VET FEE-HELP DEBT/REFUND OF TUITION FEES**

**2.1** Special circumstances for the purposes of a remission of VET FEE-HELP debt or refund of tuition fees, are defined under the Higher Education Support Act (2003) and related guidelines, with strict requirements related to:

- When the circumstances occurred.
- When they affected the student.
- The timeframes in which students can apply for refund/remission of fees.

**2.2** In order for an application for the remission of VET FEE-HELP debt or refund of tuition fees to be considered, it must meet all three elements of the Special Circumstances test as defined by HESA (2003) in the policy statement above.

**3. APPLICATION PROCESS**

**3.1** The student will be required to contact Student Services by email [student.services@australiscollege.edu.au](mailto:student.services@australiscollege.edu.au) or phone on 1300 887 991 to obtain the appropriate form. This will need to be completed, together with the evidence required.

**3.2** The Student Services Manager in conjunction with the Chief Operations Officer at Australis College will assess applications for the refund of tuition fees due to special circumstances according to the quality of the independent supporting evidence provided by the student to substantiate their claim. The student will be provided with a decision in writing within twenty eight (28) calendar days of the submission of the application for assessment.

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	4
VFH Special Circumstances and Review Policy_V3.1				

## 4. REVIEW OF DECISION

- 4.1** If the student is dissatisfied with the outcome, they may request a review of the decision to not re-credit their VET FEE-HELP balance. The student appealing must email [quality@australiscollege.edu.au](mailto:quality@australiscollege.edu.au) stating the reasons why they are asking for a review of the decision.
- 4.2** Quality must forward this to the Review Officer within twenty eight (28) calendar days from the day the person first received notice of the original decision. The Quality Officer must record all documentation and add the Appeal to the Quality Notification Register.
- 4.3** The Review Officer may be the Managing Director or a delegate appointed by the Managing Director that has not previously been involved in the original application decision. The Review Officer must hold a higher position than the person who originally made the decision.
- 4.3.1** In the event that the Managing Director initially reviewed the Special Circumstances Application Form; the Review Officer will need to be externally sourced.
- 4.3.2** Learners under VET FEE-HELP may be required to pay for the cost of sourcing an external Review Officer. The College will endeavour to keep the cost to a minimum and will advise the student of any associated costs before the external Review Officer commences their review.
- 4.4** If the student requests an appeal to the decision within the twenty-eight (28) calendar days the Review Officer must:
- Reconsider the decision, and either:
    - Confirm the decision; or
    - Vary the decision, or
    - Set the decision aside and substitute a new decision.
  - Notify the outcome to the person in writing outlining the reasons for the decision, the day it takes effect.
  - Advise the student their right to appeal to the Administrative Appeals Tribunal and provide the contact details, address and approximate costs of an appeal.
- 4.5** If the student requests an appeal to the decision beyond the twenty eight (28) calendar day timeframe the Review Officer must:
- Decide whether to grant an extension to this period by reviewing any considerations received, such as an explanation as to why the appeal was not lodged within the timeframe.
  - If the Review Officer decides not to grant an extension, the student will be advised in writing of the refusal and the criteria to which this decision was made. The Review Officer in this circumstance will not need to assess the special circumstances test.
- 4.6** The Review Officer is obligated to inform the student of the opportunity to seek reconsideration by review with the Administrative Appeals Tribunal (AAT).

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	5
VFH Special Circumstances and Review Policy_V3.1				

## 5. APPEALING A DECISION

- 5.1 A student may apply to the AAT for a Review of Decision and they may supply additional information they did not supply to Australis College.

**AAT website** <http://www.aat.gov.au/contact-us>

**Fees** <http://www.aat.gov.au/FormsAndFees/Fees.htm>

## 6. COMMUNICATION, TRAINING AND RECORDKEEPING

- 6.1 *For internal use only* - refer to the Communication, Training and Recordkeeping Procedure (PRO\_SM6).

## 7. ABBREVIATIONS

- 7.1 ASQA – the Australian Skills Quality Authority.  
 7.2 AAT – Administration Appeals Tribunal.  
 7.3 VFH – VET FEE-HELP.  
 7.4 VET – Vocational Education and Training.

## 8. REFERENCES/SUPPORTING DOCUMENTS/DEFINITIONS

- 8.1 **VFH Student** (for purposes of this policy) 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 access VET FEE-HELP for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.
- 8.2 **Census date** is a published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.
- 8.3 **Tuition fees** are 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.
- 8.4 **Unit of VET Unit of Study** is a VET unit of study approved for VET FEE-HELP that a student may undertake with Australis College, for which the student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.
- 8.5 VFH Application for Special Circumstances Form.
- 8.6 [AAT Registry website](#).
- 8.7 Quality Notification Register.

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	6

## APPROVAL AND AUTHORISATION

Completion of the following signature blocks signifies who is responsible for the creation, implementation, review and approval of this policy.

	Name	Job title	Date
<b>Prepared by</b>	Sharleen Ejlertsen	Quality Assurance Officer	04/09/2014
<b>Owned by</b>	Natasha Skelly	Student Services Manager	04/09/2014
<b>Approved by</b>	Andrew Hetherington	Managing Director	04/09/2014

## SUMMARY OF REVISIONS

Australis College is committed to maintaining systematic control over its documentation. This includes the accurate recording of amendments and versions of documents through the Version Control Register SmartSheet.

This policy document will be reviewed two (2) years from its effective date or sooner as required.

Date	Name	Job Title	Version Number
04/09/2014	Sharleen Ejlertsen	Quality Assurance Officer	1.0
22/01/2015	Sharleen Ejlertsen	Quality Assurance Officer	1.1
28/09/2015	Sharleen Ejlertsen	Quality Assurance Officer	2.0
13/07/2016	Lisa Street	Quality Auditor	3.0
16/02/2017	Lisa Street	Quality Auditor	3.1

Effective date	Review by date	SOP policy number	Version	Page number
16/02/2017	16/02/2019	POL_TA_VFH1	3.1	7