



IMPORTANT: This Statement applies **only** to Domestic Students with a FEE-HELP balance.

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FEE-HELP REVIEW PROCEDURES FOR RE-CREDITING FEE-HELP BALANCES

PREAMBLE

These FEE-HELP Review Procedures for Re-crediting FEE-HELP balances only apply to Domestic Students of the College.

IMPORTANT: This Policy and the right to make complaints and seek appeals of decisions and action under various processes does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

DEFINITIONS AND ACRONYMS

In this Policy and as the context requires:

“Census Date” Census date is the date set by the College no earlier than 20% into each teaching term by which time a student needs to have their enrolment or withdrawal finalised.

“College” means Australian College of Business Intelligence.

“Course(s)” means the course listed in the Letter of Offer, or, where you have enrolled in multiple courses, each course listed in the Letter of Offer.

“Course Fees” means the Tuition Fees.

“Course Start Date” means the start date for the Course as set out in the Letter of Offer, or if you have enrolled in a Package of Courses, the start date of the first Course in the Package of Courses as set out in the Letter of Offer.

“Domestic Student” means an Australian citizen, or a qualifying New Zealand citizen as determined by the VET Student Loans scheme, or a permanent humanitarian visa holder who is usually resident in Australia; and who does not require a student visa to study in Australia.

“Fee Schedule” means the document containing VET Student Loans Census Dates and the comprehensive list of fees, which a student may be required to pay during the student's enrolment at the College. Notice will be given to students of FEE Schedule updates



“**Letter Of Offer**” means the letter offering you a place in a Course and which will set out the fees that are payable by you in respect of the Course and the terms and conditions applicable to your study at the College.

“**Package Of Courses**” means multiple Courses provided by Australian College of Business Intelligence (AB :1 158 10 5 CRICOS Provider o: 03 2 E RTO o: 0835)

“**Procedure**” means this FEE-HELP Review Procedures For Re-crediting FEE-HELP Balances.

“**Review Officer**” is the Director of Studies , VET at the College (or person designated or delegated to undertake this role).

“**Subject or Units of Study**” a VET Subject or Units of Study approved for VET Student Loans that a Student may undertake with the College, for which the Student may access VET Student Loans assistance to pay for all or part of their tuition fees.

“**Tuition Fee**” means the fees received by the College either directly or indirectly for tuition for your Course. This fee is expressly stated in the Student’s Letter of Offer.

“**You**” or “**Your**” means the student or the student’s legal guardian (where the student is under 18 years of age).

“**VET**” means vocational education and training.

“**VET Student Loans**” means the Commonwealth of Australia’s income contingent loan scheme

“**VET Students Loans Act**” means VET Students Loan Act 2016 (Cth)

1. INCURRING A VET STUDENT LOAN DEBT

- 1.1 A Student who is, or would be, eligible for VET Student Loans and has requested VET Student Loans Assistance, who withdraws from a Subject/Unit of Study on or before the census date will not incur a VET Student Loan debt for the tuition fees for that Subject/Unit of Study.
- 1.2 Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loans debt for the Subject/Unit of Study in which they are enrolled.
- 1.3 A Student who withdraws from a Subject/Unit of Study after the published census date for that Subject/Unit of Study will incur a VET Student Loans debt for that Subject/Unit of Study.



2. RE-CREDITING A FEE-HELP BALANCE

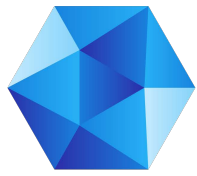
- 2.1 If you withdraw from a Subject/Unit of Study after the published census date, or fail to complete a Subject/Unit of Study, you may apply to have your FEE-HELP balance re-credited with respect to the Subject/Unit of Study if you believe special circumstances apply in accordance with the following procedures.

3. SPECIAL CIRCUMSTANCES

- 3.1 If you withdraw from a Subject/Unit of Study after the published census date for that Subject/Unit of Study, or have been unable to successfully complete a Course/Subject/Units of Study, and believe this was due to special circumstances, you may apply to have your FEE- HELP balance re-credited for the affected Course/ Subject/Units of Study under Section 68 of the Act.
- 3.2 The College will re-credit your FEE-HELP balance if it is satisfied that special circumstances apply where:
- a) these circumstances were beyond your control; and
 - b) these circumstances did not make their full impact on you until on, or after the census date for that Subject/Unit of Study; and
 - c) these circumstances were such that it was impracticable for you to complete the requirements for the Subject/Unit of Study in the period during which you undertook or was to undertake the Subject/Units of Study.
- 3.3 For circumstances beyond your control, the situation should be that which a reasonable person would consider is not due to your action or inaction, either direct or indirect, and for which you are 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 Student Loans assistance; or your incapacity to repay a VET Student Loans debt (repayments are income contingent and you can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

4. RE-CREDIT OF A STUDENT'S FEE-HELP BALANCE THE PROCESS

- 4.1 Each application for re-credit of your FEE-HELP balance will be considered on its merit together with all supporting documentation substantiating the special circumstances claim. If a student makes such an application the student will not be victimised or discriminated against for doing so by the College.
- 4.2 The Admissions officer is the designated college officer responsible for the assessment of your request for a re-credit of your FEE-HELP balance due to special circumstances and for the initial decision regarding the request.



- 4.3 You must apply in writing to the admissions officer at:
admissions@acbi.edu.au within 12 months of the withdrawal date, or if you have not withdrawn, within 12 months of the specified completion date of the Subject/Unit of Study.
- 4.4 The College 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 your claim.
- 4.5 Your application for re-crediting a FEE-HELP balance must include details of the Subject/Unit of Study for which you are seeking to have a FEE-HELP balance re-credited; and special circumstances as referred to above, including supporting documentation.
- 4.6 The College will consider each application within 28 days of receipt of the application. The College will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of Schedule 1A of the Higher Education Support ACT 2003. Applicants will be notified in writing of the decision within 28 days.

5. REVIEW OF DECISION

- 5.1 Where the College makes a decision NOT to re-credit a your FEE-HELP balance that decision may be subject to review in accordance with this Procedure.
- 5.2 If you are not satisfied with the decision made by the College you may apply, within twenty eight (28) days of the receipt of the original decision, for a review of the decision. The application for review must:
 - a) be made within twenty eight (28) days of receipt of the original decision;
 - b) include the date of the original decision;
 - c) state fully the reasons for applying for the review; and
 - d) include any additional relevant evidence.
- 5.3 Applications for review should be made in writing to the 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 will not have been involved in making the original decision to be reviewed.
- 5.4 The Review Officer will:
 - a) acknowledge receipt of the application for review of a decision in writing within ten (10) working days; and
 - b) inform you that if the Review Officer has not advised you of a decision within forty five (45) days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.



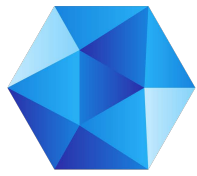
- 5.5 The Review Officer will then:
- a) review the information from the original decision and then assess any new evidence provided by you;
 - b) provide written notice to you of the decision, setting out the reasons for the decision;
 - c) inform you of your right to apply to the Administrative Appeals Tribunal if you disagree with the Review Decision, and timelines involved (see below).

6. STUDENT MAY APPLY FOR RE-CREDITING BY SECRETARY OF THE DEPARTMENT

- 6.1 You may apply to the Secretary for the Student's FEE-HELP balance to be re-credited under section 71 of the VET Students Loans Act.
- 6.2 Your application must be in writing and meet any requirements set out in the FEE-HELP re-crediting rules.
- 6.3 Your applications for re-crediting under Section 71 of the VET Students Loans Act must be made within 5 years of the census date of the Subject/Unit of Study.

7. RECONSIDERATION BY THE ADMINISTRATION APPEALS TRIBUNAL

- 7.1 At the time of the original decision, and at the time of the subsequent review decision, you will be notified of your review rights and responsibilities. The admissions officer will inform you in writing of your right to appeal to the Administrative Appeals Tribunal (AAT) if you are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. Your application must be lodged at the AAT within twenty eight (28) days of receiving written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.
- 7.2 Full details of the application process and fees payable are available on the AAT's [website: www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid. 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.
- 7.3 Details of the closest AAT office can be found on the AAT's website.
- 7.4 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 the College 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 business days.



8. Domestic students in VET Student Loan approved courses

Refunds of tuition fees or other fees will be granted on the basis of an amendment to enrolment (including deferral of offer or enrolment, leave of absence and withdrawal) on or before the term census date. This applies to all domestic students enrolled in a VSL approved course, whether the student accesses a VET Student Loan or pays tuition fees upfront.

Refunds will not be made for tuition fees or other fees paid by students who withdraw after the term census date. Students are liable for the full amount even if they subsequently withdraw during the term.

If a student has overpaid an invoice, the student can choose to credit the overpayment towards the following term's tuition fees or receive a refund of the value of the overpayment.

In special circumstances, students in a VET Student Loan approved program may have their tuition fees refunded or their VET Student Loan debt remitted (see section 5.2.1)

8.1 Refund of tuition fees under special circumstances (domestic students in VSL approved programs only)

Students affected by serious illness or special circumstances that affected their study after the census date may be eligible for a refund. Criteria are specified on the government's [Study Assist](#) website, and are outlined below.

To be eligible to apply for a refund due to special circumstances:

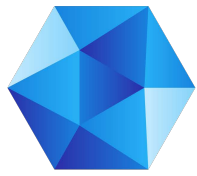
- the student must have remained enrolled in the unit(s) after the census date
- the student must not have successfully completed the requirements of the unit(s)
- the application must be submitted in writing, and
- the application must be made within twelve months from the date the student withdrew from the course or if the student did not withdraw from the course, within 12 months from the end of the term during which the unit(s) were undertaken. The deadline may be waived if the student submits documentary evidence of the special circumstances that prevented them from applying within 12 months.

Students applying for a refund due to special circumstances must demonstrate that the circumstances were:

- beyond their control, and
- did not make their full impact known until on or after the census date, and
- such that they made it impracticable to complete the requirements for the unit(s) during the relevant trimester.

Special circumstances include a serious illness that is unexpected and of a serious nature, a recurrence of a chronic illness or an accident with a serious impact on a student's health. Illnesses, disabilities or medical conditions that existed prior to the census date will not qualify as grounds for a refund unless compounded by an unexpected change, or an additional condition. Supporting documentation must:

- take the form of an original letter or report on letterhead; and
- be from a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); and
- specify that the illness is serious; and
- specify the date that the illness took effect.



Special circumstances include compassionate circumstances such as hardship or trauma including the death or serious illness of a close family member, severe disruption to domestic arrangements, being the victim of a crime or an accident. Supporting documentation must:

- take the form of an original letter or report on letterhead;
- be from:
 - a counsellor recommended by Student Services who has prior knowledge of the circumstances; or
 - a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); or
 - a person qualified to assess and support the application (e.g. clergy providing grief counselling); or
 - a funeral director (or death notice).
- **overseas students** by meeting the statutory obligations regarding tuition protection as set out in the Tuition Protection Services framework;
- **domestic students** by meeting the regulatory obligations regarding tuition protection requirements of the *Standards for Registered Training Organisations 2015*, Standard 7.3, through adequately resourced financial and tuition safeguards.

Supporting documentation will not be accepted from relatives or personal friends, or friends of the student's family.

Special circumstances such as religious observance or obligations, formal legal commitments, military service, service with a recognised emergency management service, representing the state or home nation at a significant sporting or cultural event or unforeseen and significant employment-related circumstances such as a move interstate at short notice will usually be managed through assessment modification rather than as special circumstances application for refund.

When a student applies for a refund of fees or re-crediting of VET Student Loan liability and remission of VET Student Loan debts due to special circumstances, supporting documents must be provided. Failure to provide these will result in the student's application not being assessed as privacy laws prevent the College's staff from obtaining information about the student's circumstances from a third party without the student's written consent. Documentary evidence must be original or provided as certified copies of documents.

8.2 Course cancellation (provider default)

If an ACBI course is cancelled, ACBI will mitigate disadvantage to:



If a course is cancelled, students will be notified in writing and given the option to:

- transfer their enrolment to another course offered by ACBI at no additional cost; or
- be offered a place in a similar course of study offered by another institution leading to a comparable award at no additional cost; or
- receive a refund of all unspent portion of prepaid tuition fees within two weeks of the date of course cancellation. ACBI will also give the student a statement that explains how the refund amount has been calculated.

8.3 Non-refundable fees

Administrative fees (e.g. late fees) are non-refundable.

9. Breaches

If a student or staff member is found to be in breach of this Policy, she or he may be subject to disciplinary action in accordance with the relevant *Code of Conduct* and *Misconduct Procedure*, which can be accessed from the ACBI website.

10. Appeals

Appeals concerning any decision taken in relation to this Policy should be made under the relevant *Complaints and Appeals Policy*, which can be accessed from the ACBI website. Overseas students may lodge an appeal with the Overseas Students Ombudsman.

11. PUBLICATION

This process and procedure is published on the College's websites and in the Student Handbook to ensure you have up to date and accurate information publicly available to you.

POLICY REVIEW

This Policy will be reviewed as part of the College's three (3) yearly review process or as legislation requires.

RELEVANT LEGISLATION

This document references the following legislation, regulations, codes and standards:

Relevant Legislation/codes/standards	
Commonwealth	VET Students Loan Act 2016 (Cth) Standards for Registered Training Organisations (RTOs) 2015 Higher Education Support ACT 2003