

FEE-HELP Review and Re-crediting Policy

Policy Information

| | |
|--|---|
| Policy Name: | FEE-HELP Review and Re-crediting |
| Policy Number: | 522 |
| Current Version: | 3.1 – 19/04/2012 |
| Purpose: | <p>Under the Higher Education Support Act (HESA), and the Higher Education Provider Guidelines, providers are required to have review procedures in place for reconsidering decisions relating to a person's Commonwealth assistance [HESA 19-45(1)(c)]. The review procedures must be published, publicly available and up-to-date.</p> <p>Any student eligible for a loan to assist with the cost of their tuition fees under the Higher Education Loan Program (HELP), who withdraws from a unit/s of study after the Census Date, or does not complete the requirements for a unit/s of study due to special circumstances, may apply to Southbank Institute of Technology to have their FEE-HELP balance re-credited.</p> <p>SBIT must, where satisfied that special circumstances apply, re-credit a student's FEE-HELP balance with an amount equal to the amount of FEE-HELP assistance that the student received for the unit of study <i>HESA</i> [s104-25].</p> <p>If a student's FEE-HELP balance is re-credited, any FEE-HELP debt they acquired for the unit must be remitted and SBIT must repay any amounts of FEE-HELP assistance for the unit to the Commonwealth <i>HESA</i> [s137-10(4)].</p> <p>Students also have the right to apply for a review of a decision made by SBIT not to re-credit their FEE-HELP balance.</p> <p>In accordance with the HESA, and the Higher Education Provider Guidelines SBIT has implemented the following policy for guiding the process of re-credits and reviews of decisions made by SBIT in relation to re-credits.</p> |
| Scope: | <p>This policy applies to any student undertaking study, as a non-Commonwealth funded student who has enrolled in a unit of study.</p> <p>This policy deals with 'Applications to Re-credit FEE-HELP Balances – Higher Education Students', or refunds of upfront payments; and 'Applications to Review a Re-credit Decision' made to SBIT.</p> <p>This applies where a student withdraws after the Census Date or where they have not completed the requirements for the unit of study.</p> |
| Exceptions: | <p>Students who have successfully completed a unit of study are not eligible to apply to have their FEE-HELP balance re-credited or to have their debt removed for that unit of study.</p> <p>Students who withdraw from their unit of study on or before Census Date will be repaid all upfront payments made toward tuition fees, with the relevant SBIT fine applied.</p> <p>All International students</p> |
| Policy Owner: | Institute Director and CEO |
| Policy Author: | FEE-HELP Coordinator, Rebecca Kulpa |
| Related policies and legislation: | <ul style="list-style-type: none"> ▪ Higher Education Support Act 2003 (HESA) http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/91FD9474C87B50A0CA25 |

| | |
|---|--|
| | <p>6F85000DEF57/\$file/HigherEducationSupport2003WD02.pdf</p> <ul style="list-style-type: none"> ▪ Administrative Information for Higher Education Providers: Student Support http://www.deewr.gov.au/HigherEducation/Resources/Documents/AIPFeb2010.pdf ▪ Administrative Appeals Tribunal (AAT) Act http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/6EDB26322E0CCE5ECA257479000B0705/\$file/AdminAppealsTribunal75AE.pdf ▪ Higher Education Provider Guidelines http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/46B98E0BB072499CA2573E7000797C8/\$file/HEPGuidelinesCompilation_14Jan.pdf ▪ SBIT Policy No: 524 - FEE-HELP Tuition Fee Refund |
| Internal procedures guided by this policy: | <ul style="list-style-type: none"> ▪ SBIT Procedure No. 5022 – FEE-HELP Review and Re-crediting Procedure |

Policy

1.0 Background and General Guidelines

Students who withdraw from their studies after the Census Date or who do not complete the requirements for their unit/s of study can apply in special circumstances to have their FEE-HELP balance re-credited, or upfront payments refunded. SBIT should advise the student when they withdraw from studies that they may apply, in writing, for a re-credit their FEE-HELP balance and a remission of their FEE-HELP debt. A student cannot apply if they have successfully completed the unit/s of study.

SBIT must, where it is satisfied that special circumstances apply, either;

- re-credit a student's FEE-HELP balance with an amount equal to the amount of FEE-HELP assistance that the student received for the unit/s of study,
- or refund any upfront payments made by the student prior to the Census Date.

Where applications for re-credit or refund are successful, any academic penalty previously applied against the unit of study will be removed.

If a student's FEE-HELP balance is re-credited, any FEE-HELP debt they acquired for the unit/s of study must be remitted and SBIT must repay any amounts of FEE-HELP assistance for the unit/s of study to the Commonwealth.

A student's FEE-HELP debt in relation to a unit/s of study is taken to be remitted if the person's FEE-HELP balance is re-credited.

A student's application to re-credit their FEE-HELP balance must be made, in writing, within 12 months of their withdrawal date, or, if the student has not withdrawn, within 12 months of the end of the period of study in which the unit/s of study was, or was to be, undertaken.

SBIT must re-credit or remit if SBIT is satisfied that special circumstances apply to the student that were:

- beyond the person's control; and
- did not make their full impact on the person until on, or after, the Census Date; and
- made it impracticable for the person to complete the requirements for the unit/s of study in the period during which the person undertook, or was to undertake, the unit/s of study.

Special circumstances do not include, for example:

- lack of knowledge or understanding of requirements under FEE-HELP; or
- a person's incapacity to repay a FEE-HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

SBIT should consider a student's application, and notify the student, in writing, of its decision and the reasons for making the decision, within 25 days of receiving the application.

Decisions regarding the re-crediting of a student's FEE-HELP balance are reviewable decisions. In addition to notifying a student of its decision and the reasons for making the decision, SBIT must also advise the student of their rights for a review of the decision if the student is unsatisfied with the outcome.

The student must be advised that the time limit for applying for a review of a decision is 28 days from the day the student first receives notice of the original decision. Reviews will be made to an Institute Review Panel.

Where a decision results in the re-crediting of a person's FEE-HELP balance and/or the refund of a person's up-front payments, SBIT must notify DEEWR through the 'Revisions File'. SBIT is required to repay to the Commonwealth any amounts of FEE-HELP assistance SBIT received from the Commonwealth on the person's behalf.

Under the [HESA](#), SBIT's review procedures must be published, publicly available and up-to-date.

2.0 Responsibilities

2.1 Students

Any student of SBIT who is eligible for a loan to assist with the cost of their tuition fees under FEE-HELP; and who withdraws from a unit of study after the Census Date, or does not complete the requirements for a unit of study, may apply to SBIT to have their FEE-HELP balance re-credited due to special circumstances. The ['QF138 Application to Re-credit FEE-HELP Balance – Higher Education Students'](#) must be submitted within twelve months of the student's notice that a withdrawal has been processed, or if the student has not withdrawn, or does not complete the requirements of the unit, from the end date for that unit.

Should a student be dissatisfied with the outcome of their initial application they are entitled to submit a ['QF141 Application to Review a Re-credit Decision'](#). This must be lodged within 28 days from the date the student first received notice of the original decision. This request for review will be considered by the Institute Review Panel.

2.2 FEE-HELP Officer, Student Services

The FEE-HELP Officer, Student Services must assess the ['QF138 Application to Re-credit FEE-HELP Balance – Higher Education Students'](#), and acknowledge receipt of this in writing. They will inform the applicant that this may take up to 25 business days to process and that the applicant will be advised in writing of a decision.

The FEE-HELP Officer will consider the application with all evidence supplied and make a decision to either grant or deny a re-credit of the applicant's FEE-HELP debt. This decision will be based on the applicant's evidence that special circumstances have applied i.e. circumstances which were beyond the applicant's control; did not make their full impact on the person until on, or after, the Census Date; and made it impracticable for the person to complete the requirements for the unit in the period during which the applicant undertook, or was to undertake, the unit.

Following the FEE-HELP Officer's decision, they will seek the endorsement of the Faculty Registrar, and provide written advice to the applicant regarding the outcome of their application. Should the application be unsuccessful, advice to the applicant will notify them of their right to submit a ['QF141 Application to Review a Re-credit Decision'](#) and the relevant time limit of 28 days for submission.

The FEE-HELP Officer is responsible for updating all relevant information systems, and processing any associated change enrolments.

2.3 FEE-HELP Coordinator, Student Services

The FEE-HELP Coordinator is responsible for maintaining all quality documentation and updates around the re-credit and remission process. The FEE-HELP Coordinator will provide advice to all SBIT staff in the application of this process, and will manage student communications regarding reviews of re-credit decisions, on behalf of the Institute Review Panel.

Should a ['QF141 Application to Review a Re-credit Decision'](#) be submitted, the FEE-HELP Coordinator is responsible for providing the applicant's acknowledgement receipt, and compiling the Institute Review Panel's documents.

The FEE-HELP Coordinator will keep all records of individual re-credit and review cases, and be the contact point with DEEWR should a student engage in an appeals process with the Administrative Appeals Tribunal (AAT).

2.4 Faculty Registrar

The relevant Faculty Registrar is responsible for the review and authorisation of the FEE-HELP Officer's recommendations using the '[QF186](#) Assessment of Application to Re-credit FEE-HELP Balance'.

The Faculty Registrar will coordinate the completion of the '[QF005](#) Change Enrolment' advice, which will be used by the FEE-HELP Officer to process all ISAS and ISAS FEE-HELP data.

Both documents are to be returned to the FEE-HELP Officer, within specified timeframes.

2.5 Institute Review Panel

The Institute Review Panel is responsible for reviewing and reconsidering the original decision made by the FEE-HELP Officer in consideration of a student's '[QF138](#) Application to Re-credit FEE-HELP Balance – Higher Education Students', assessing any further information provided in the '[QF141](#) Application to Review a Re-credit Decision' and documenting this in the '[QF186](#) Assessment of Application to Re-credit FEE-HELP Balance'.

The panel has available options of:

- (a) confirming the decision;
- (b) varying the decision; or
- (c) setting the decision aside and substituting with a new decision.

The Institute Review Panel will document and communicate the outcome to the FEE-HELP Coordinator, who will be responsible for providing written notice to the applicant.

3.0 Reviewable Decisions

Decisions regarding re-crediting a student's FEE-HELP balance are reviewable (reviewable decisions) [HESA s19-45(c)]. A review of a decision may be requested by the person affected by the original decision or without a request if SBIT is satisfied that there is sufficient reason to do so.

A request for review of decision must normally be based on:

- new evidence, not known to the student at the date of the decision being reviewed, which becomes apparent since the date of that decision;
- irregularity of procedure in the recommending and/or the making of the decision being reviewed.

3.1 Provider Review of Decision

SBIT is required to appoint a 'review officer' who is not the same officer who made the original decision and who occupies a position that is senior to that occupied by the original decision-maker. At SBIT, the original decision maker/s of a decision relating to the re-crediting of a student's FEE-HELP balance is a FEE-HELP Officer, Student Services. The 'review officer' responsible for reviewing decisions relating to the re-crediting of a student's FEE-HELP balance is represented by the Institute Review Panel.

The applicant must state the reasons why they are applying for a review.

If a person's application for review of a decision is successful, the written notice will include the reasons for the decision to re-credit the applicant's FEE-HELP balance, and details of any upfront payments towards tuition fees that will be refunded (if applicable), along with a new Commonwealth Assistance Notice.

In the case of an unsuccessful application, the written notice will advise why the Institute Review Panel has concurred with the original decision and inform the applicant of their right to appeal to the Administrative Appeals Tribunal (AAT) for a further review of the reviewer's decision if the applicant is

unsatisfied with the outcome, as well as provide contact information of the nearest AAT registry and the approximate costs of lodging an appeal.

The Institute Review Panel, via the FEE-HELP Coordinator, Student Services, is required to:

- (a) acknowledge receipt of the request for a review and inform the applicant that the student will be advised of the result within 45 days
- (b) reconsider the decision with the options available to:
 - confirm the original decision;
 - vary the decision; or
 - set the decision aside and substitute a new decision;
- (c) notify the student, in writing, of the decision and the reasons for making the decision;
- (d) advise the applicant of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome; and
- (e) provide the applicant with the contact details and address of the nearest AAT registry and the approximate costs of lodging an appeal, which are as follows:

**Deputy Registrar
Administrative Appeals Tribunal (AAT)
Level 4, Commonwealth Law Courts
Corner North Quay & Tank Street
BRISBANE QLD 4000**

Phone: 07 3361 3000 / 1300 366 700

Internet: www.aat.gov.au

Current approximate cost of lodging an appeal: \$682.00 (this cost will be the responsibility of the applicant).

3.2 Reconsideration by the AAT

A student may make an application to the AAT for a reconsideration of SBIT's decision to refuse to re-credit their FEE-HELP balance, and may supply additional information to the AAT that they did not previously supply to SBIT.

The Secretary of DEEWR, or the Secretary's delegate, will be the respondent for cases that are before the AAT. When DEEWR receives notification of an application to the AAT it may choose to review the original decision. Once DEEWR 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 will, within 28 days, lodge the following documents with the AAT:

- (a) a statement setting out the findings on material questions of fact, referring to the evidence of other material on which those findings were based and giving the reasons for the decision; and
- (b) every document or part of a document that is in SBIT'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 AAT.

Upon receipt of a notification from the AAT, DEEWR will notify SBIT, in writing, that an appeal has been lodged. To enable DEEWR to meet the 28-day timeframe, SBIT **MUST, within a further 5 business days** of being requested, provide DEEWR with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to DEEWR by courier or Express Post to meet the 5 day requirement. SBIT will keep any originals and copies of the documents in accordance with its normal record keeping practices.

Under the HESA, SBIT may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise DEEWR if a decision is made to re-credit a person's FEE-

HELP balance. However, until a person withdraws their AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DEEWR is still required to comply with the requirement under section 37 of the *AAT Act* to lodge the statement, and relevant documents described at (a) and (b) above, with the AAT. Therefore, SBIT must still forward all relevant documents to DEEWR within the 5 business days, unless advised not to do so by DEEWR. DEEWR will deal with cases from that point and advise SBIT of the outcome.

4.0 Privacy

All information and documentation supplied to SBIT by applicants will be treated confidentially and in accordance with the Queensland Government's Privacy Policy and Procedures. Information relating to the management of personal information, including practices for disclosure, is available at www.southbank.edu.au/site/legals/privacy.asp.

Glossary of Terms/Definitions

| Terms | Definitions |
|-------------------------------|--|
| AAT | Administrative Appeals Tribunal |
| Academic penalty | Application of a fail grade (3 or below) against a unit of study |
| Applicant | A student of SBIT who has submitted an application in relation to re-crediting, or reviewing decisions around re-crediting of their FEE-HELP balance |
| Course of study | A structured and integrated course of units of study, which lead to a Higher Education award if undertaken with a Higher Education provider |
| DEEWR | Department of Education, Employment and Workplace Relations |
| FEE-HELP | Commonwealth Government loan scheme which assists eligible students to pay their tuition fees, when they enrol in a Higher Education course of study undertaken with a body which is approved as a provider under the <i>Higher Education Support Act 2003 (HESA)</i> |
| FEE-HELP Balance | A person's FEE-HELP balance is the amount of the FEE-HELP limit they have not used. It is the sum of the amount of FEE-HELP assistance AND VET FEE-HELP assistance that is used to calculate a person's FEE-HELP balance [HESA s104-15] |
| HESA | Higher Education Support Act 2003. |
| Institute Review Panel | The Institute Review Panel is a panel formed to review any original decision made in relation to a student's 'Application to Re-credit FEE-HELP Balance – Higher Education Students'. |
| Provider | An organisation that is approved under the <i>Higher Education Support Act 2003 (HESA)</i> to offer FEE-HELP to its students |
| Revisions File | Variations to a student's FEE-HELP debt that occurs after the Census Date due to re-crediting of their FEE-HELP balance, must be reported to DEEWR through a <i>Revisions submission</i> and in the <i>Revised Student Load/Liability File</i> |
| SBIT | Southbank Institute of Technology |
| Student | A person who is/has been enrolled in a unit of study with SBIT |
| Tuition Fee | Any fee payable to a FEE-HELP provider by a person enrolled with SBIT. It may also include any fee payable to SBIT in respect of the granting of a higher education award, however does not include any fee that is: <ul style="list-style-type: none"> ▪ payable in respect of an organisation of students, or of students and other persons; or ▪ payable in respect of the provision to students of amenities or services that are not of an academic nature; or ▪ payable in respect of residential accommodation; or |

| | |
|----------------------|---|
| | <ul style="list-style-type: none"> ▪ payable in respect of a special admissions test; or ▪ determined to be a fee of a kind that is incidental to studies, described under 'incidental fees'; or ▪ a student contribution amount payable in respect of a student |
| Unit of study | A subject or unit that a student may undertake with a provider as part of a course of study in which the student may access FEE-HELP to pay for all or part of their tuition fees for that unit |

Revision History

| Revision Date: | Status: (Draft/Final) | Summary of Changes | Prepared/Approved By: | Revision #: |
|----------------|--------------------------|--|--------------------------------------|-------------|
| 02/09/2009 | Final | Final amendments made to remove VET and separate this as another policy. | FEE-HELP Coordinator | 01 |
| 04/03/2010 | Final | Final changes made to bring in line with refund delegations, and meet Commonwealth legislation | A.Bettles | 02 |
| 15/04/2011 | Final | Reviewed with updates to owner & author details, links updated, details of personnel on Institute review panel removed and change to new policy template | FEE-HELP Coordinator – Rebecca Kulpa | 03 |
| 19/04/2012 | Final | Reviewed. No changes required | FEE-HELP Coordinator | 3.1 |

Distribution

All SBIT staff

All potential and existing students (via Southbank Institute of Technology website)