

TUITION FEE REFUNDS AND RE-ACCREDITING VET FEE-HELP (VFH) & VET STUDENT LOANS (VSL) DEBTS DOMESTIC STUDENTS – SPECIAL CONSIDERATION

Policy #03.10
Policy Area: Financial Management

This is a statement of the Academy of Film, Theatre & Television's (AFTT) policy in regards to tuition fee refunds and re-accrediting of VET FEE-HELP debts for domestic students who withdraw from an AFTT course **after the semester's Census Date** because of 'special circumstances', such as serious illness.

In such cases, students can apply to AFTT to have their VET FEE-HELP (VFH) or VET Student Loan (VSL) debt remitted (and the VFH/VSL balance re-credited if applicable). AFTT must be satisfied that 'special circumstances' applied. Each application will be considered and determined on its merits, but must satisfy all three of the criteria specified in the definition of special circumstances.

There are no provisions under the *Higher Education Support Act 2003* to have VFH/VSL debts remitted if students have already completed their unit of study (semester) or course.

1 Definitions

The Act: Higher Education Support Act 2003 (HESA Act)

Special Circumstances: Pursuant to *the Act*, AFTT will be satisfied that *special circumstances* apply where the following three specified circumstances all occur. *Special circumstances* must be circumstances that are:

- beyond the student's control: *If a situation occurs which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible. This situation must be unusual, uncommon or abnormal.*

AND

- did not make their full impact on the student until on, or after the census date(s) of the unit(s) of study in question: *If the person's circumstances occur:*
 - i. Before the *Census Date*, but worsen after that day; or
 - ii. Before the *Census Date*, but the full effect or magnitude does not become apparent until on, or after that day; or
 - iii. On or after the *Census Date*.

AND

- were such that they made it impracticable for the student to complete the requirements for the unit(s) of study.

Examples of special circumstances which would make it impracticable for the person to complete the requirements for the unit of study would include:

- Medical circumstances; or
- Family circumstances; or
- Personal circumstances; or
- Employment related circumstances; or
- Course related circumstances.

Reference: <http://studyassist.gov.au/sites/studyassist/payingbackmyloan/re-crediting-a-help-debt/pages/remitting-a-help-debt>

VET FEE-HELP or VET Student Loan: Commonwealth loans scheme for students to assist them to meet the cost of post-compulsory study. Refer to www.studyassist.gov.au

Unit or VET Unit of Study: a VET unit of study (AFTT semester) approved for VET FEE-HELP that a student may undertake with AFTT for which the student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.

VET Student: a student who is entitled to VFH or VSL assistance under clause 43 of Schedule 1A of the Act. It refers to students who are Australian citizens or permanent humanitarian visa holders and meet the tax file number requirements, and will be resident in Australia for the duration of their VET units of study, and who access VFH/VSL for payment of their tuition fees in respect of the VET unit of study in which they are enrolled. Refer to www.studyassist.gov.au

Tuition Fees: fees paid for a VET unit of study (AFTT semester) that is approved for VFH/VSL and applies to students who are, or would be entitled to VFH/VSL assistance under clause 43 of Schedule 1A of the Act.

Census Date: published date set by AFTT, no earlier than 20% of the way through a VET unit of study (AFTT semester).

Withdrawal: Cancellation of enrolment.

The Department: Australian Government Department of Education and Training.

Administrative Appeals Tribunal (AAT): provides independent review of a wide range of administrative decisions made by the Australian government and some non-government bodies. Request for appeals can be made in writing or by completing an application form. There are time limits on lodging applications with the Tribunal. This is usually 28 days from the date of receiving the decision to be reviewed. AAT website: www.aat.gov.au

2. Procedure

2.1 A student who has withdrawn from the course after the semester's Census Date may apply to have their tuition fees refunded or their VFH/VSL balance re-credited if they believe that 'special circumstances' apply.

2.2 This application must be:

- in writing addressed to the Campus Manager;
- accompanied by independent supporting documentary evidence which substantiates the claims; and
- received within 12 months of withdrawing.

Note: AFTT may exercise its discretion in waiving this requirement if, in its opinion, it would not be, or was not possible for the application to be made before the end of that period.

2.3 The Campus Manager will consider the application on its merits and if it satisfies all the requirements of special circumstances as outlined in the Commonwealth of Australia *Higher Education Support Act 2003*, will

grant re-crediting of the VFH/VSL debt or refunding of the tuition fees paid up-front. The applicant will be notified of the Campus Manager's decision and the reasons for the decision in writing within 28 days of receipt of the application.

- 2.4 In the event that a refund is approved, the Campus Manager will proceed with the refund, in accordance with procedures.
- 2.5 In the event that re-crediting is granted, the Campus Manager will ensure that the Department is informed electronically.
- 2.6 AFTT will repay to the Commonwealth any VFH/VSL assistance received from it on the applicant's behalf, in the manner prescribed by the Commonwealth.
- 2.7 In the event that the applicant is not satisfied with the decision of the Campus Manager, the student may apply, within 28 days of receipt of the original decision, for a review of the decision. This review is undertaken by a person who was not involved in the original decision and occupies a position that is senior to that of the Campus Manager.
- 2.8 This application for review must be in writing to the Chief Executive Officer (CEO) and
 - be made within 28 days of receipt of the original decision;
 - include the date of the original decision;
 - state fully the reasons for applying for the review;
 - include any additional relevant evidence.
- 2.9 AFTT will within 10 days acknowledge in writing receipt of an application to review a reviewable decision; and
- 2.10 This written receipt will also inform the applicant that, if the CEO has not advised the applicant of the CEO's review of the decision within 45 days of receiving the application for review, then the applicant can take the CEO to have confirmed the original decision.
- 2.11 The CEO will review the information from the original decision and then assess any new evidence provided by the applicant and provide written notice to the applicant of the decision, setting out the reasons for the decision. This written notice will advise the applicant that if they are not satisfied with the decision of the CEO, that they have the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the decision
- 2.12 In regards to that advice, the written receipt will provide the applicant of the contact details of the Administrative Appeals Tribunal Registry:
 - 2.12.1 The Tribunal has a national "local call fee only" number for the use of callers in country areas of Australia. The telephone number is **1300 366 700**. The number can be used to call the Tribunal's office in the capital city of the State in which an applicant lives, for the cost of a local call.

2.12.2 Sydney

Administrative Appeals Tribunal (AAT)

Level 7, City Centre Tower

55 Market Street

Sydney NSW 2000

Postal Address

GPO Box 9955

Sydney NSW 2001

Telephone

- 1800 228 333 (*calls are free from landline phones, but calls from mobiles may be charged*)

- 02 9283 4881

Email: generalreviews@aat.gov.au

Web: www.aat.gov.au

AAT Application Process

Full details of the application process and fees payable are available on the AAT Registry's website, 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. If a fee is paid and the case is resolved in the applicant's favour, the AAT will refund most of the fee in most cases. Details at <http://www.aat.gov.au/applying-for-a-review/fees>.

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 AFTT that an appeal has been lodged. Upon receipt of this notification from The Department, the CEO will provide The Department with copies of all the documents that are relevant to the appeal within ten (10) business days.

- 2.13 The original decision will be reviewed by the CEO and the applicant informed in writing of the decision and the reasons for the decision within 45 days.
- 2.14 The applicant then has 28 days to lodge an appeal with the Administrative Appeals Tribunal (AAT) if they are not satisfied with the CEO's decision. The applicant must provide written advice to the CEO that they have taken this step.
- 2.15 AFTT will then participate in any procedures as deemed necessary by the AAT to resolve the matter.

3. Publication

This policy will be made available to students through publication on the AFTT website, www.aftt.edu.au, and the AFTT Student Handbook.

4. Standards Alignment

This statement complies with the requirements of the following RTO standards:

4.1 Standards for Registered Training Organisations 2015

Standard 5: Each learner is properly informed and protected

5. Positions Responsible

- Administration Coordinator
- Compliance Manager
- Campus Manager
- Director of Finance and Operations
- Chief Executive Officer

6. Approval

This policy update was approved by the CEO on 14 March 2016.