



O'NEILL KINESIOLOGY COLLEGE

Creating Your Happiness and Vibrant Wellbeing

Student Review Procedures for Re-crediting of FEE-HELP Balance

Student Review Policy

This policy refers to O'Neill Kinesiology College students who are or would be, entitled to VET FEE-HELP assistance. It describes O'Neill Kinesiology College's processes and procedures for re-credit of FEE-HELP balance, and the review of associated decisions. It covers formal requests from students for re-credit of FEE-HELP balance; and a formal review process of decisions associated with re-credit of FEE-HELP balance.

O'Neill Kinesiology College will:

1. Set a census dates for each VET course of study that is no earlier than 20% of the way through the total delivery period of that VET course of study;
2. Ensure that all students are informed of the census date for each VET course of study in the manner and by the date prescribed in the VET Administration Guidelines.
3. Ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

Where a request to re-credit a student's FEE-HELP balance is granted, a student's VET FEE-HELP debt is removed in respect of the affected VET course(s) of study.

O'Neill Kinesiology College will consider these applications and agree to such requests, if it is satisfied that the student has been unable to successfully complete a VET course(s) of study and there were special circumstances relevant to the student's withdrawal.

Student Review Procedures

- ◇ If a student who has requested VET FEE-HELP assistance, or was entitled to VET FEE-HELP, withdraws from a VET course of study on or before the census date for that course of study, the student will not incur a VET FEE-HELP debt for that course of study.
- ◇ If a student who has requested VET FEE-HELP assistance, or was entitled to VET FEE-HELP, withdraws from a VET course of study after the census date for that course of study, the student will incur a VET FEE-HELP debt for that course of study.
- ◇ If a student withdraws from a VET course of study after the census date, or has been unable to successfully complete a VET course of study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected VET courses of study. (See below for criteria as noted in the Special Circumstances Test).
- ◇ **Special Circumstances Test**
To meet the definition of Special Circumstances, all three of the following criteria **MUST** apply:
 1. Events must be beyond a student's control **AND**
 2. these events do not make their full impact until on or after the census date for the VET course of study in question **AND**

3. these events make it impracticable for a person to complete the requirements for the VET course of study.

◇ **Beyond a student's control**

For circumstances to be beyond a student's control, the 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 student is not responsible. The situation must also be unusual, uncommon or abnormal to be considered special circumstances.

◇ Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET FEE-HELP assistance; or
- a Student's incapacity to repay a VET FEE-HELP debt (repayments are income contingent and the Student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

Re-crediting of a Student's FEE-HELP Balance Procedures

◇ All applications for re-crediting of FEE-HELP balance, should be made in writing and must detail the VET course(s) of study for which the student is seeking to have their FEE-HELP balance re-credited. This application must also detail the special circumstances that the student believes made it impractical to complete that VET unit(s) of study. The application needs to be forwarded to the Training Coordinator at O'Neill Kinesiology College.

◇ The student must apply in writing, within 12 months of the withdrawal date, or, if the person has not withdrawn, within 12 months of the end of the period of study in which the VET course of study was, or was to be, undertaken.

◇ Applicants will be notified of a decision within 28 working days of O'Neill Kinesiology College receiving their application.

If the student application is successful, the Notice of Decision letter will include:

1. The reasons for the decision to re-credit the FEE-HELP balance for affected VET courses of study;
2. The FEE-HELP balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable);
3. Who to contact for further questions.

If the student's application is unsuccessful, the Notice of Decision letter will include:

1. The reasons for the decision not to re-credit the associated FEE-HELP balance for affected VET unit(s) of study;
2. How to submit a valid request for a review of this decision; and
3. Who to contact for further questions.

◇ If a decision is made to re-credit the student's FEE-HELP balance, the College will notify DEEWR and will repay to the Commonwealth any VET FEE-HELP assistance received on the student's behalf and the student's VET FEE-HELP debt for those VET courses of study will be removed.

Review of Decision Procedures

◇ If a student is not satisfied with the decision made by the Training Coordinator of O'Neill Kinesiology College in relation to re-crediting their FEE-HELP balance they may request a review of the decision. The application for review must:

- be made in writing
- 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
- ◇ The review shall be carried out by the Review Officer who is Tania McGowan, Manager. The Review Officer is senior to the original decision maker and was not involved in making the original decision to be reviewed.
- ◇ The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.
- ◇ The Review Officer will then:
- review the information from the original decision and then assess any new evidence provided by the student
 - provide written notice to the student of the decision, setting out the reasons for the decision
 - inform the student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

Reconsideration by the Administration Appeals Tribunal

- ◇ At the time of the original decision, and at the time of the subsequent Review Decision, the student will be notified of their review rights and responsibilities. The relevant officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

Administrative Appeals Tribunal (AAT)

www.aat.gov.au

Western Australia

Deputy Registrar
 Administrative Appeals Tribunal
 Level 5
 111 St Georges Terrace
 PERTH WA 6000
 Phone: 08 9327 7200

- ◇ 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, in the amount of \$777 (2010-2011) and is subject to change. 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.
- ◇ The Secretary of DEEWR, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DEEWR's receipt of a notification from the AAT, DEEWR will notify O'Neill Kinesiology College that an appeal has been lodged. Upon receipt of this notification from DEEWR, the Review Officer will provide DEEWR with copies of all the documents that are relevant to the appeal within ten (10) business days.

Publication

This policy and procedure will be made available to Students and Potential Students through publication on the website www.nicolieoneill.com and in the student handbook.

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