

POLICY TITLE: Student Review Procedures for Re-crediting a FEE-HELP Balance

Purpose

Photography Studies College (Melbourne) will conduct this procedure in compliance with the *Higher Education Support Act 2003* and the appropriate Administrative Guidelines issued by the Commonwealth Department.

For the purposes of this procedure a student is an Australian citizen, or an Australian resident permanent humanitarian visa holder enrolled in a FEE-HELP enabled course with Photography Studies College (Melbourne).

Photography Studies College (Melbourne) will:

- set a census date for each unit of study that is no earlier than 20% of the way through the unit of study;
- ensure that all students are informed of the census date for each unit of study in the manner and by the date prescribed in the Administration Guidelines;
- ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

If a student who has requested FEE-HELP assistance withdraws from a unit of study on or before the census date for that unit of study, the student will not incur a FEE-HELP debt for that unit of study.

If a student who has requested FEE-HELP assistance withdraws from a unit of study after the census date for that unit of study, the student will incur a FEE-HELP debt for that unit of study.

Policy

Re-crediting a student's FEE-HELP balance

If a student withdraws from a unit of study after census date or has been unable to successfully complete a unit 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 unit of study.

Photography Studies College (Melbourne) will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for the unit(s) of study in question; and
- make it impracticable for the student to complete the requirements for the unit(s) of study in question.

Photography Studies College (Melbourne) will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.

Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to Photography Studies College (Melbourne)'s FEE-HELP Administrator and sent to:

FEE-HELP Administrator
Photography Studies College (Melbourne)
37 – 47 Thistlethwaite St, South Melbourne, 3205 VIC.

Procedure

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- (a) when a student withdraws from a unit of study, Photography Studies College (Melbourne) shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- (b) when a student fails to meet the requirements of a unit of study, Photography Studies College (Melbourne) **shall** confirm the failure by giving notice to the student in writing of the final result for that unit of study after results for the unit of study have been properly approved;
- (c) the student must apply in writing to the FEE-HELP Administrator within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the unit of study. Photography Studies College (Melbourne) may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12-month period;
- (d) The FEE-HELP Administrator shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- (e) The FEE-HELP Administrator shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The FEE-HELP Administrator will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If a decision is made to re-credit the student's FEE-HELP balance, Photography Studies College (Melbourne) will notify the relevant Government Department and will repay to the Commonwealth any FEE-HELP assistance received on the student's behalf and the student's FEE-HELP debt for those units of study will be removed.

Review of a decision

If a student is not satisfied with the decision made by the FEE-HELP Administrator in relation to re-crediting their FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the Review Officer who is Photography Studies College (Melbourne)'s Managing Director and was not involved in the original decision and is senior to FEE-HELP Administrator.

Any such request must be submitted to the Review Officer in writing and:

- (a) must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- (b) must specify the reasons for making the request; and
- (c) sent to:

Managing Director
Photography Studies College (Melbourne)
37 – 47 Thistlethwaite St, South Melbourne, 3205 VIC.

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 of lodging an appeal.

The Review Officer shall:

- (a) seek all relevant information from the person who made the original decision;
- (b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- (a) confirm the decision;
- (b) vary the decision; or
- (c) set the decision aside and substitute a new decision;

The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the written notice of the decision of their right to apply to the Administrative Appeals Tribunal for a review of the decision and will be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal in the form that follows:

If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT) which can be done online www.aat.gov.au. Application fees to lodge an application with the AAT for the review of a decision are outlined on their website - www.aat.gov.au. The contact details for the AAT are:

*Administrative Appeals Tribunal
Level 4, 15 William St
Melbourne VIC 3000
Telephone 1800 228 333*

You can also find further information on the AAT on its website: www.aat.gov.au

Where a student is unsatisfied with the reviewed decision, they may apply to the Administrative Appeals Tribunal for consideration of Photography Studies College (Melbourne)'s decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal, which they did not previously supply to Photography Studies College (Melbourne) either in the original application or the request for review.

The Secretary of the department is the respondent for cases that are before the AAT and the department is responsible for all dealings with these matters including responding to all AAT correspondence. When the department receives notification of an application to the AAT, it is still open to the department (on behalf of the Secretary) to review the original decision under HESA paragraph 209-5(2)(b).

Related Documentation

Policies

Records Management

Student Records Management

Refund Policy for Eligible Students enrolled in FEE-HELP Enabled Courses

Procedures Forms & Documents

Student Handbook/s
Withdrawal Form

PUBLISHING DETAILS:

Policy number: ST009_v6_HED

Status: Final

Approved: 30/06/2022

Review Date: June 2025

Julie Moss - Managing Director

Published: July 2022

A handwritten signature in black ink, appearing to read 'Julie Moss', is written over a horizontal line.