



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

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 Pacific College and APC Design School.

“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 Young Rabbit Pty Ltd (ABN 28 003 381 182 | CRICOS Code 01331F) and/or English Unlimited Brisbane Pty Ltd (ABN 11 144 773 188 | CRICOS Code 03296K) and/or Virtu Design Institute Pty Limited trading as APC Design School | ABN: 31 154 273 757

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

“**Review Officer**” is the Program Director, 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 Design Registrar/Registrar 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 Design Registrar/Registrar at: design.registrar@apc.edu.au or registrar@apc.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 your FEE-HELP balance to be re-credited under section 71 of the VET Students Loans Act. Reasons for such an application may be that the College:
- a) or a person acting on its behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
 - b) has failed to comply with the VET Student Loans Act or an instrument under the VET Student Loans Act and the failure has adversely affected the student.
- 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.
- 6.4 The Secretary may act instead of the College and re-credit your HELP balance in relation to special circumstances as set out in the Act or Rules if the College:
- a) is unable to act or is being wound up or has been dissolved; or
 - b) has failed to act and the Secretary is satisfied that the failure is unreasonable.

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 Design Registrar/Registrar 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. 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

RELATED POLICIES AND PROCEDURES

This document does not reference any College policies and/or procedures.

KEYWORDS

Keywords	Refund, Re-Credit, VET Student Loans, withdrawal from a course, fee, default, student visa refusal
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POLICY OWNER

Policy Owner	Learner Experience Unit
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POLICY/PROCEDURE HISTORY

Policy History			
Current version	Current version	Author	Description of changes



	release date		
FEE-HELP Review Procedures For Re-crediting FEE-HELP Balances V1.0(APC Design School)(Virtu website)	29 April 2019	Ron Newman	Adding FEE-HELP and VET Student Loans requirements and APC Design School
FEE-HELP Review Procedures For Re-crediting FEE-HELP Balances V1.0R(APC Design School)	May 2020	Ron Newman and Sara Gaudry	Update of format, removal of references to application fee and review of clause 5
FEE-HELP Review Procedures For Re-crediting FEE-HELP Balances V1.1R(APC/APC Design School)	October 2021	Sara Gaudry Ron Newman	Update of Letterhead due to approval of VSL to Young Rabbit P/L, change to definition of College and addition of definition of Review Officer.
FEE-HELP Review Procedures For Re-crediting FEE-HELP Balances V1.2R(APC/APC Design School)	May 2022	Sara Gaudry	Addition to clause 6 to satisfy sections 89(2)(c) and 89(2)(i) of the VSL Rules