

REVIEW POLICY FOR RE-CREDITING OF FEE HELP DEBT

Overview

Passmores College is committed to ensuring that fair and equitable policies and procedures are in place regarding the return of monies paid to the organisation. Passmores College is bound by and accepts the responsibility of Commonwealth and State Legislation governing the operations of the College.

1. Purpose

The purpose of this policy is to document the process for reviewing a refusal to re-credit of FEE-HELP balances if a student withdraws from enrolment after the census date.

2. Scope

In special circumstances a student who withdraws from a VET unit of study after the census date or is unable to complete the requirements of a unit may apply to have his/her FEE-HELP balance re-credited.

Special Circumstances

Special circumstances are defined as circumstances which, in the view of Passmores College:

- are beyond the person's control; and
- do not make their full impact on the person until on or after the census date for the VET unit of study in question; and
- make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit.

Passmores College will be satisfied that a person's circumstances are beyond the person'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.

Passmores College will be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a VET unit of study if the person's circumstances occur:

- before the census date, but worsen after that day; or
- before the census date, but the full effect or magnitude does not become apparent until on or after that day.

3. Procedures

Application for Re-Credit of FEE-HELP balance

A person seeking to have his or her FEE-HELP balance re-credited due to such special circumstances must apply in writing to the Registrar within 12 months of the withdrawal date, or, if the student has not withdrawn, within 12 months of the end of the period of study in which the unit was or was expected to be undertaken. This period may be extended on the grounds that it was not possible to apply within the 12 month period.

Applications must be supported by documentary and/or other evidence (e.g. medical certificates) and addressed to:

**The Registrar, Passmores College, 432 Hunter Street Newcastle
Telephone: (02) 4926 1577 Fax: (02) 4929 4722**

The Registrar will consider an application within 14 days of receiving it, and will notify the applicant of the decision, and the reasons for making the decision, within 28 days of receiving the application.

Where a request to re-credit a person's FEE-HELP balance for a VET unit of study is granted:

- The person's VET FEE-HELP debt for the VET unit of study will be remitted; and
- Passmores College will refund to the Commonwealth the amount of FEE-HELP paid to the College on behalf of the person for that unit.

Review of the Registrar's Decision

Where a person is not satisfied with the decision made by the Registrar, the person may request a review of the decision by the Principal of Passmores College. The request for the review must be in writing and made within 28 days of receipt of the original decision. The request must include the date of the original decision, the reasons why a review is requested, and any additional relevant evidence.

A student wishing to appeal against a decision of the Registrar must write a letter to the Principal of Passmores College. The Principal will acknowledge in writing receipt of an application for review of the Registrar's decision within 10 days of receiving the application for review. In the letter acknowledging receipt of the application the Principal will include the statement, "A final determination will be made within 45 days. If after 45 days you have not received a decision on your application the original decision of the Registrar should be taken as being confirmed by me".

The contact details for the Principal are:

**The Principal, Passmores College,
432 Hunter Street Newcastle NSW 2300
Telephone: (02) 4926 1577 Fax: (02) 4929 4722**

The Principal/RTO Manager will notify the applicant, within 45 days of receiving the application, of his/her decision. The Principal/RTO Manager will either confirm the Registrar's decision, vary the decision, or set the decision aside and substitute a new decision. If the Principal/RTO Manager has not advised the applicant of a decision within 45 days of receiving the application for review, the student may assume that the original decision has been confirmed.

A student who is dissatisfied with the outcome of a review by the Principal/RTO Manager may appeal for a review of the decision to the Administrative Appeals Tribunal.

New South Wales Branch

Administrative Appeals Tribunal
GPO Box 9955
Sydney NSW 2001
Ph: (02) 9391 2400 (metropolitan area)
Ph: 1300 366 700 (country areas)

Note: The approximate cost to a student for lodging an appeal with the Administrative Appeals Tribunal is \$861.00 (as at 1 July 2014) but may be reduced in some circumstances. For example, where the complainant is under 18 or receiving youth allowance, Austudy or ABSTUDY, or experiencing financial hardship, the fee is reduced to \$100.00. Details can be found at:
<http://www.aat.gov.au/FormsAndFees/Fees.htm> Passmores College will guide the complainant through all stages of this process.

The Secretary of the department which has the responsibility for administering the *Higher Education Support Act 2003* (the Department), or the Secretary's delegate, will be the respondent for cases that are brought before the Administrative Appeals Tribunal (AAT). When the Department receives notification from the AAT, the Department will notify Passmores 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 five (5) business days.