

POLICY

VET FEE-HELP – Refund and Review

Responsibility and Authority

Primarily: RTO Manager

Secondary: Director

Associated Documents

Student Handbook

Website

1. Introduction

Community Training Australia Pty Ltd will conduct this procedure in compliance with Schedule 1A of the Higher Education Support Act 2003 and the VET Provider Guidelines.

For the purposes of this procedure a student is an Australian citizen or an Australian resident permanent humanitarian visa holder enrolled in a VET FEE-HELP enabled course with Community Training Australia Pty Ltd.

Community Training Australia Pty Ltd will:

- set a census date for each VET unit of study that is no earlier than 20% of the way through the VET unit of study;
- ensure that all students are informed of the census date for each VET unit of study in the manner and by the date prescribed in the VET 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 VET FEE-HELP assistance withdraws from a VET unit of study on or before the census date for that VET unit of study, the student will not incur a VET FEE-HELP debt for that VET unit of study.

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

A student who has incurred a VET FEE-HELP debt for a VET unit of study may apply to have their FEE-HELP balance re-credited for the affected VET units of study in accordance with the following procedure.

2. Special circumstances

If a student withdraws from a VET unit of study on or after the census date, or has been unable to successfully complete a VET 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 VET units of study.

Community Training Australia Pty Ltd 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 VET unit of study in question; and
- make it impractical for the student to complete the requirements for the VET unit(s) of study in question.

Community Training Australia Pty Ltd 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 the VET FEE-HELP Administrator.

The contact details for the VET FEE-HELP Administrator are:

Ms Kinga Minta

Phone 07 4772 4103

Fax 07 4771 2083

Email kinga@cta.com.au

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

- (a) when a student withdraws from a VET unit of study, Community Training Australia Pty Ltd 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 VET unit of study, Community Training Australia Pty Ltd shall confirm the failure by giving notice to the student in writing of the final result for that VET unit of study after results for that VET unit of study have been formally approved;
- (c) the student must apply in writing to the VET 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 VET unit of study. Community Training Australia Pty Ltd 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 VET FEE-HELP Administrator shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- (e) The VET 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 VET 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, Community Training Australia Pty Ltd 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 units of study will be removed.

3. Review of a decision

If a student is not satisfied with the decision made by the VET 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 senior to the original decision maker. 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; and
- (b) must specify the reasons for making the request.

The contact details for the Review Officer are available from the VET Fee Help Administrator.

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 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 original decision;
- (b) vary the original decision; or
- (c) set the original 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 decision of the right to apply to the Administrative Appeals Tribunal for a review of the decision; and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal as follows:

If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT). The current fee to lodge an application with the AAT for the review of a decision is \$777 (GST exempt) for 2010/11 and is indexed yearly.

The contact details for the AAT are:

Australian State	Address	Phone Number
Queensland	Level 4, Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000	(07) 3361 3000
South Australia	11th Floor, Chesser House 91 Grenfell Street Adelaide SA 5000	(08) 8201 0600
New South Wales	Level 7, City Centre Tower 55 Market Street Sydney NSW 2000	(02) 9391 2400
Victoria	Level 16, HWT Tower, Southgate 40 City Road Southbank VIC 3006	(03) 9282 8444
Western Australia	Level 5 111 St Georges Terrace Perth WA 6000	08) 9327 7200
ACT	4th Floor, Canberra House 40 Marcus Clarke Street Canberra City ACT 2600	02) 6243 4611
Northern Territory (handled in QLD)	Level 4, Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000	(07) 3361 3000
Tasmania	Ground Floor, Edward Braddon Building Commonwealth Law Courts 39-41 Davey Street Hobart TAS 7000	03) 6232 1712

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of the College'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 Community Training Australia Pty Ltd either in the original application or the request for review.

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 Community Training Australia Pty Ltd 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 they hold that are relevant to the appeal within five (5) business days.

4. Publication

These Student Review Procedures for Re-crediting a FEE-HELP Balance will be published in the Student Handbook and on Community Training Australia Pty Ltd website <http://www.communitytrainingaustralia.com.au/policies-and-procedures.html>.