



Code and Number	E.1.15
Title of Document	Re-crediting a student FEE-HELP balance

POLICY

Australian College of Nursing Ltd (ACN) will consider a student's application for re-credit of a FEE-HELP balance when a student withdraws from a unit of study after the published census date, or has been unable to successfully complete a unit of study, and special circumstances apply.

Definitions

The Act: Refers to the *Higher Education Support Act 2003*

Unit or unit of study: A Higher Education Unit of Study that a Student may undertake with ACN for which the Student may access FEE-HELP assistance to pay for all or part of their tuition fees.

Student: Refers to a student who is enrolled in a unit(s) of study, and who access FEE-HELP assistance for payment of all or part of their tuition fees in respect of the units of study in which they are enrolled.

Census Date: A published date set by ACN, no earlier than 20% of the way through a unit of study.

Tuition Fees: Fees paid for a unit of study that is approved for FEE-HELP assistance and applies to students who are, or would be entitled to FEE-HELP assistance under the Act.

The Department: The Commonwealth of Australia represented by the Department of Education and Training which has the responsibility for administering the *Higher Education Support Act 2003*.

1. Incurring a FEE-HELP Debt

- 1.1. A student who has requested FEE-HELP assistance and withdraws from a unit of study on or before the published census date for that unit of study, will not incur a FEE-HELP debt for the tuition fees.
- 1.2. A student who has requested FEE-HELP assistance and remains enrolled after the published census date will incur a FEE-HELP debt for the unit of study in which they are enrolled.

2. Re-crediting a FEE-HELP balance

- 2.1. A student who withdraws from a unit of study after the published census date, or fails to complete a unit of study, may apply in writing to have their FEE-HELP balance re-credited if they believe special circumstances apply.

Special circumstances

ACN will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply where:

- circumstances were beyond the student's control; and
- circumstances did not make their full impact on the student until on, or after the census date for the unit of study in question.
 - 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; or
 - on or after the census date; and
- circumstances were such that it was impracticable for the student to complete the requirements for the unit of study in the period during which the student undertook or was to undertake the unit of study. Special circumstances which would make it impracticable for the student to complete the requirements for the unit of study would include:
 - Medical circumstances; or
 - Family circumstances; or
 - Personal circumstances; or

- Employment related circumstances

For circumstances to be beyond a student's control, the situation should be that 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 be unusual, uncommon or abnormal to be considered special circumstances.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for FEE-HELP assistance; or
- a student's incapacity to repay a 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).

3. Procedure - Re-credit of a student's FEE-HELP balance

- 3.1. Each application for re-credit of a student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.
- 3.2. Manager Customer Service is the designated officer responsible for the assessment and decision of a student's request for a re-credit of their FEE-HELP balance due to special circumstances.
- 3.3. A student must apply in writing within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the specified completion date of the unit of study to:

Manager Customer Service
Australian College of Nursing
PO Box 650
Parramatta NSW 2124

- 3.4. ACN 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 the claim.
- 3.5. The application for re-crediting a FEE-HELP balance must include details of the:
 - unit(s) of study for which a student is seeking to have a FEE-HELP balance re-credited and
 - special circumstances as referred to above, including supporting documentation.
- 3.6. ACN will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the *Higher Education Support Act 2003*. Applicants will be notified in writing of the decision within 28 days.

4. Review of Decision

- 4.1. Where ACN makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to a review.
- 4.2. If a student is not satisfied with the decision made by ACN, the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
 - 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.
- 4.3. Applications should be made in writing to the designated Review Officer:

Executive Director Education
Australian College of Nursing
PO Box 650
Parramatta NSW 2124

The review officer is senior to the designated officer responsible for the original decision and was not involved in making the original decision.

- 4.4. The Review Officer will:
- acknowledge receipt of the application for review of a decision in writing within 10 working days; and
 - inform the student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.
- 4.5. 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).
 - Where a student is not satisfied with the decision made by ACN, they may apply for a review of the decision

5. **Reconsideration by the Administrative Appeals Tribunal**

- 5.1. The relevant officer will inform the student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and provide the contact details of the closest AAT office and the approximate costs of lodging an appeal.
- 5.2. The student must lodge the application to 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.
- 5.3. Full details of the application process and fees payable are available on the AAT's website: www.aat.gov.au. 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. Details of the closest AAT office can also be found on the AAT website: www.aat.gov.au/ContactUs.htm and are shown in Appendix 1 of this policy.
- 5.4. 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 ACN 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 business days.

6. **Publication**

This policy and procedures are published on the ACN website: www.acn.edu.au to ensure students have up to date and accurate information publicly available to them.

APPENDICES

[Appendix One – Location of AAT Offices](#)

Ratified by Board: 19 February 2016

Responsibility for Review	Education Management Committee
Ratification	Executive Leadership Team
Date of Issue	February 2016
Date Last Reviewed	January 2019

APPENDIX ONE - LOCATION OF AAT OFFICES

STATE OR TERRITORY	PHYSICAL LOACTION	POSTAL DETAILS	FAX NUMBER
ACT	Level 8 14 Moore St Canberra ACT 2601	GPO Box 9955 Canberra ACT 2601	02 6243 4600
New South Wales	Level 7 55 Market St Sydney NSW 2000	GPO Box 9955 Sydney NSW 2001	02 9283 4881
Queensland & Northern Territory	Level 4 Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000	GPO Box 9955 Brisbane QLD 4001	07 3361 3001
South Australia	11th Floor Chesser House 91 Grenfell St Adelaide SA 5000	GPO Box 9955 Adelaide SA 5001	08 8201 0610
Tasmania	Edward Braddon Building Commonwealth Law Courts 39–41 Davey St Hobart TAS 7000	GPO Box 9955 Hobart TAS 7001	03 6232 1601
Victoria	Level 16 HWT Tower 40 City Rd Southbank VIC 3006	GPO Box 9955 Melbourne Vic 3001	03 9282 8480
Western Australia	Level 5 111 St Georges Terrace Perth WA 6000	GPO Box 9955 Perth WA 6001	08 9327 7299