

Policy Title

FEE-HELP Review Policy

Preamble

- 1.1 FEE-HELP is an Australian Government financial assistance program under the *Higher Education Support Act 2003* which provides eligible fee paying domestic onshore students with loans to cover all or part of their higher education tuition fee costs.
- 1.2 This policy is consistent with the *Higher Education Support Act 2003*, providing the requirements for, and the circumstances under which a student's FEE-HELP debt will be re-credited after the Deakin College census date.
- 1.3 The *Application for Re-crediting and Remission of FEE-HELP Debt Form* is to be used by students who wish to apply to have their FEE-HELP balance re-credited and must include supporting evidence.
- 1.4 Domestic students are referred to the Study Assist website for information about government assistance for financing tertiary study (studyassist.gov.au).

Scope

This policy applies to all current and past domestic students who have accessed the FEE-HELP loan system at Deakin College.

Related Policies

Enrolment, Fees and Charges Policy

Policy

2.1 Threshold Requirements

- 2.1.1 Deakin College will re-credit an applicant's FEE-HELP balance for a unit (or units) of study if:
 - (a) the applicant was enrolled in the unit(s) with Deakin College; and
 - (b) the applicant did not complete the requirements for the unit(s) during the trimester when the unit was undertaken, or was to be undertaken; and
 - (c) Deakin College is satisfied that special circumstances apply to the applicant; and
 - (d) the applicant applies in writing using the *Application for Re-crediting and Remission of FEE-HELP Debt Form*; and
 - (e) either:
 - (i) the application is made before the end of the application period, as provided in subsection 2.3 of this policy; or

- (ii) if the *Application for Re-crediting and Remission of FEE-HELP Debt Form* is lodged after the application period in subsection 2.3, Deakin College may waive the requirement that the application be made before the end of that period upon evidence that it would not be, or was not, possible for the application to be made before the end of that period.
- 2.1.2 Reference in subsection 2.1.1(b) to 'did not complete' also refers to situations where an applicant obtained a failing grade in the unit(s).
- 2.2 Special Circumstances**
- 2.2.1 For the purposes of subsection 2.1.1(c), 'special circumstances' are those that:
- (a) were beyond the applicant's control; and
 - (b) did not make their full impact on the applicant until on or after the census date for the unit(s) of study in question; and
 - (c) made it impracticable for the applicant to complete the requirements for the unit(s) in the period during which the applicant undertook, or was to undertake the unit(s).
- 2.2.2 Lack of knowledge or understanding of the FEE-HELP loan requirements, or incapacity to repay the loan are not considered 'special circumstances'.
- 2.2.3 In assessing 'beyond the applicant's control' in subsection 2.2.1(a), the test applied is whether a reasonable person would consider that the applicant's situation:
- (a) was unusual, uncommon or abnormal; and
 - (b) was not due to his or her action or inaction, either direct or indirect, and for which the applicant was not responsible.
- 2.2.4 For the purposes of subsection 2.2.1(b), the applicant's circumstances did not make their full impact on the applicant until on or after the census date if the applicant's circumstances occurred:
- (a) before the census date, but worsened after that day; or
 - (b) before the census date, but the full effect or magnitude did not become apparent until on or after that day; or
 - (c) on or after the census date.
- 2.2.5 For the purposes of subsection 2.2.1(c), the following circumstances provide a guide to the type of circumstances that would make it impracticable for an applicant to complete the requirements for the unit(s):
- (a) medical circumstances: for example, where the applicant's medical condition changed to such an extent that the applicant was unable to continue studying; or
 - (b) family/personal circumstances: for example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it was unreasonable to expect the applicant to continue his or her studies; or

- (c) employment-related circumstances: for example, where the applicant's employment status or arrangements changed so that the applicant was unable to continue his or her studies, and this change was beyond the applicant's control; or
- (d) course-related circumstances: for example, where Deakin College had changed the unit(s) it had offered and the applicant was disadvantaged by either not being able to complete the unit, or not being given credit towards other units or course.

2.2.6 For the purposes of subsection 2.2.1(c), as applicant is unable to 'complete the requirements for the unit(s)' if the applicant is:

- (a) unable to undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- (b) unable to complete the required assessable work; or
- (c) unable to sit the required examinations; or
- (d) unable to complete any other course requirements because of their inability to meet (a), (b) or (c) above.

2.3 Application Period

2.3.1 For the purposes of subsection 2.1.1(e)(i), the 'end of the application period' refers to the following scenarios:

- (a) where the applicant withdrew from the unit(s) and Deakin College had given notice to the applicant that the withdrawal had taken effect then the application period for the application is the period of 12 months after the day specified in the notice as the day the withdrawal took effect; or
- (ii) the period of 12 months after the period during which the applicant undertook, or was to undertake, the unit(s).

Procedure

3.1 Main Requirements

3.1.1 Following receipt of an *Application for Re-crediting and Remission of FEE-HELP Debt Form*, the Academic Director will assess the application and provide an outcome in writing within 28 days. No application fee applies.

3.1.2 It is the responsibility of the applicant to provide evidence to support his or her claims. The Academic Director will assess an application based on the evidence provided.

3.2 Review of Decision

3.2.1 Where an applicant is not satisfied with the Academic Director's decision, the applicant may apply in writing to the College Director and Principal for a review of that decision.

3.2.2 The application for review must be made within 28 days of receipt of the Academic Director's decision. No application fee applies.

3.2.3 Applications must state fully the reasons or grounds for applying for the review.

- 3.2.4 The applicant may supply additional information and evidence that was not previously supplied to the Academic Director.
- 3.2.5 A decision will be provided to the applicant in writing by the College Director and Principal within 45 days of receipt of the application for review.
- 3.3 Review by the Administrative Appeals Tribunal**
- 3.3.1 Where the applicant is not satisfied with the decision by the College Director and Principal, the applicant may apply to the Administrative Appeals Tribunal (AAT) for a review of that decision. An application fee will apply.
- 3.3.2 The applicant may supply additional information and evidence that was not previously supplied to Deakin College.
- 3.3.3 Details of the application process and applicable fees are available on the AAT website: www.aat.gov.au.

Definitions

Key Term or Acronym	Definition
Administrative Appeals Tribunal	A tribunal that conducts independent merits reviews of administrative decisions made under Commonwealth laws.
Applicant	A person who applies for the re-crediting of their FEE-HELP debt.
Census Date	The end of week 4 of each trimester. For domestic FEE-HELP students a financial debt to the Commonwealth Government will be incurred after this date.
Course	A program of instruction that leads to an award of the institution.
Day	Includes Victorian and National public holidays and weekends.
Domestic Student	Defined as an Australian citizen, New Zealand citizen or holder of a permanent residency visa, including a humanitarian visa.
FEE-HELP	An Australian Government loan scheme that assists eligible fee-paying students pay all or part of their tuition fees.
Re-credit	The re-crediting of all or part of a FEE-HELP balance by Deakin College because the special circumstances criteria are satisfied.
Special Circumstances	Circumstances prescribed by the <i>Higher Education Support Act 2003</i> and listed in section 4.2 of this policy.
Unit	A component of study within a course. Also referred to as a subject.

Status and Details

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Review date	Select date from the calendar.
Approval Authority	Deakin College Senior Management Group
Implementation Officer	College Director and Principal
Enquiries Contact	Jit Au