

Definitions

The Act refers to the VET Student Loans ACT 2016

Student refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET Student Loans for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census Date refers to a published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees are fees paid for a VET Unit of Study that is approved for VET Student Loans and applies to students who are, or would be entitled to VET Student Loans assistance under the Act.

Unit or VET Unit of Study A unit of study approved for VET Student Loans that a student may undertake with Australian College of Event Management, for which the student may access VET Student Loans assistance to pay for all or part of their tuition fees.

DET Department of Education and Training

Incurring a VET Student Loan Debt

Requests for re-crediting a FEE-HELP debt should be made within 12 months of the withdrawal date (unless Air Gold Coast is satisfied the application could not be made within the timeframe due to special circumstances).

A student must withdraw from their enrolment before a request for re-crediting a FEE-HELP debt can be accepted and actioned. You cannot apply for a re-credit for a unit of study if you have successfully completed that unit of study.

A Student who is, or would be, eligible for VET Student Loan and has requested VET Student Loan Assistance, who withdraws from a Unit on or before the census date will not incur a VET Student Loan debt for the tuition fees for that Unit.

Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loan debt for the Units in which they are enrolled. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loan debt for that Unit.

- A student's FEE-HELP balance can be re-credited under Part 6 of the Act
- A student may apply to the provider for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances.
- A Student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - The provider engaged in unacceptable conduct in relation to the student's application for a VET Student Loan, or
 - The provider has failed to comply with the Act or an instrument of the Act and the failure has adversely affected the student

PROCEDURES FOR RE-CREDITING A FEE-HELP BALANCE

Re-crediting under Section 71 of the Act must be made within 5 years after the census date for the course, or part of the course, concerned or within that period as extended by the Secretary.

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe special circumstances apply in accordance with the following procedures.

Special Circumstances

If a Student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a Unit, and believes this was due to special circumstances, the Student may apply in writing to have their FEE-HELP balance re-credited for the affected Unit/s.

- a) Air Gold Coast Pty Ltd will re-credit the Student's FEE-HELP Balance if it is satisfied that special circumstances apply where:
 - these circumstances were beyond the Student's control; and
 - these circumstances did not make their full impact on the Student until on, or after the census date; and
 - these circumstances were such that it was impracticable for the Student to complete the requirements for the Unit in the period during which the Student undertook or was to undertake the Unit.

- b) 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.

Note: the Secretary of the Department may re-credit a student's FEE-HELP balance in relation to special circumstances if

- a course provider is unable to act or is being wound up or has been dissolved; or
- has failed to act and the Secretary is satisfied that the failure is unreasonable

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET Student Loan assistance; or
- a Student's incapacity to repay a VET Student Loan 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).

4.0 Re-credit of a Student's FEE-HELP Balance - The Process

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.

The Student Manager is the designated officer responsible for the assessment of a Student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.

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A Student must apply in writing to the Administration Manager at Air Gold Coast, P.O. Box 116, Coolangatta, QLD 4225 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.

Air Gold Coast 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.

The application for re-crediting a FEE-HELP balance must include details of the:

- Unit(s) for which a Student is seeking to have a FEE-HELP balance re-credited and
- special circumstances as referred to above, including supporting documentation.

4.6 Air Gold Coast 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 Schedule 1A of the Act. Applicants will be notified in writing of the decision within 28 days.

5.0 Review of Decision

5.1 Where Air Gold Coast makes a decision NOT to re-credit a Student's FEE-HELP balance that decision may be subject to review.

5.2 If a Student is not satisfied with the decision made by Air Gold Coast, 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.

5.3 Applications should be made in writing to the General Manager at Air Gold Coast, P.O. Box 116, Coolangatta, QLD 4225 as the designated 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 was not involved in making the original decision to be reviewed. There is no charge to the student for the consideration of review decision.

5.4 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.

5.5 The Review Officer will then:

- review the information from the original decision and then assess any new evidence provided by the Student;

PROCEDURES FOR RE-CREDITING A FEE-HELP BALANCE

- 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).

6.0 Reconsideration by the Administrative Appeals Tribunal

6.1 At the time of the original decision, and at the time of the subsequent review decision, the Student will be notified of their review rights and responsibilities. The relevant officer will inform a Student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The application must be lodged at 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.

6.2 Full details of the application process and fees payable are available on the AAT's website: www.aat.gov.au. An application fee may have to be paid and the amount is subject to change. Please contact the website for more information. 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.

6.3 Details of closest AAT office:
Administrative Appeals Tribunal
Level 4, Harry Gibbs Building
Commonwealth Law Courts
119 North Quay
Brisbane QLD 4000
Telephone (07) 3361 3000

6.4 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 Air Gold Coast 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.

7.0 Publication

7.1 These procedures are published on Air Gold Coast website (www.airgoldcoast.com.au) to ensure Students have up to date and accurate information publicly available to them and form part of the enrolment information.