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## Refund and Re-credit of FEE-HELP Balance Policy and Procedure

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### 1.0 Purpose

- 1.1 The purpose of this policy and procedure is to define Minerva College's (the College) process used to manage the refund arrangement and re-credit of FEE-HELP balance for students enrolled in VET Student Loans and Non VET Student Loans enabled courses.

### 2.0 Responsibility

- 2.1 The Chief Executive Officer is responsible for the implementation of this policy and procedure and to ensure that staff and students are aware of its application.

### 3.0 Requirements

- 3.1 The Chief Executive Officer is responsible for the College financial procedures and accountabilities
- 3.2 *Standards for Registered Training Organisations (RTOs) 2015 and HESA Act 2003*

### 4.0 Definitions

- 4.1 **Cooling off period:** The cooling off period exists to provide students with the opportunity to engage with their chosen course content and ensure the qualification matches their need before they are committed to their study debt. This affects students utilising an upfront or agreed payment plan method to fund their study. All Minerva College courses offered with an upfront or payment plan method have a five (5) day cooling off period.
- 4.2 The period is calculated in actual days, so weekends are included. The cooling off period begins after course enrolment has been confirmed and expires at 11.59pm on the final day.

### 5.0 Policy

- 5.1 For Non VET Student Loans enabled courses:



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- 5.1.1 If the student lodges their request for withdrawal after the 5 day cooling off period, there will be no refund.
- 5.1.2 If course fees for the remainder of the course have not been paid they immediately become due and payable.
- 5.1.3 If the student lodges their request for withdrawal prior to the course commencement date or end of the 5 day cooling off period, all fees paid in advance will be refunded within 28 days from the date the application was received.

### 5.2 For VET Student Loans enabled courses:

- 5.2.1 If the student has formally lodged a request for withdrawal on or before the census date, then he/she will be withdrawn without academic or financial penalty or liability. They will not incur any VET Student Loans debt for the unit of study they enrolled and any fees paid upfront will be refunded.
- 5.2.2 The College will provide student's refund of the amount tuition fees paid upfront or re-credit of FEE-HELP balance with an amount equal to the amounts of VET Student Loans assistance that the student received for a VET unit of study if:
  - the student has been enrolled in the unit of study with Minerva College; and
  - the student has not completed the requirements for the unit of study during the period during which he or she undertook, or was to undertake, the unit; and
  - the College is satisfied that special circumstances apply to the student; and
  - the student applies in writing to the College for a refund of upfront fees paid or re-crediting of the FEE-HELP balance; and
  - either:
    - the application is made before the end of 12 months after the date at which the College has given notice to the student that withdrawal from the unit has taken effect or, if notice was not issued, 12 months after the period during which the student undertook, or was to undertake, the unit; or
    - the College waives the requirement that the application be made before the end of that period, on the ground that it would not be, or was not, possible for the application to be made before the end of that period.
- 5.2.3 “Special circumstances” as defined in HESA Act 2003 where special circumstances apply to the person that:
  - are beyond the person’s control; and



- did not make their full impact on the person until on, or after, the census date for the VET unit of study; and
- made it impracticable for the person to complete the requirements for the VET unit of study in the period the person undertook, or was to undertake, the VET unit of study

5.2.4 Special circumstances which would make it impracticable for the person to complete the requirements for the unit of study may include:

- medical circumstances;
- family circumstances;
- personal circumstances;
- employment related circumstances;
- course related circumstances.

5.2.5 For circumstances to be beyond a person's control, the situation should be that 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.

5.2.6 The College needs to 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 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 of magnitude does not
  - become apparent until on or after that day; or
  - on or after the census date.

5.2.7 The situation must be unusual, uncommon or abnormal to be considered special circumstances.

## **6.0 Procedure**

6.1 For Non VET Student Loans enabled courses:

6.1.1 Refund requests must be made by submitting an Application for Refund and Re-credit of FEE-HELP balance form.

6.1.2 If approved, the refund will be made within 28 days from the date the application is received.

6.1.3 Refunds will be assessed by the Chief Executive Officer in accordance to the policy content section 5.1

6.1.4 The Chief Executive Officer must approve all refund requests.



6.1.5 Approved refunds will be recorded in the College accounting system a refund statement will be provided to student outlining the refund amount.

6.2 For VET Student Loans enabled courses:

6.2.1 Refund of tuition fee paid upfront

6.2.1.1 Refund of tuition fees paid upfront must be made using the Application for Refund and Re-credit of FEE-HELP balance form and supply the appropriate supporting documentation that describe the special circumstances and when the special circumstances occurred.

6.2.1.2 The student must supply evidence that the special circumstances was:

- beyond the student's control; and
- do not make their full impact until on or after the census date for the unit of study in question; and
- make it impracticable for the student to complete the requirements for the unit of study.

6.2.1.3 The Director of Studies will assess the application in accordance to the policy content section 5.2

6.2.1.4 If the application for refund is granted, the refund will be processed within 20 working days.

6.2.1.5 If the application for refund is not granted and the student is not satisfied with the decision, then the student may apply for a review of the decision within 28 days from the day the student received the original review outcome. To appeal the original decision, the student will need to lodge a complaint and appeal application. For more information, refer to Complaint and Appeal Policy and Procedure.

6.2.1.6 This policy, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.

6.2.2 Review of re-credit of FEE-HELP balance

6.2.2.1 Review of re-credit of FEE-HELP balance request must be made using the Application for Refund and Re-credit of FEE-HELP balance form and supply the appropriate supporting



documentation that describe the special circumstances and when the special circumstances occurred.

- 6.2.2.2 The student must supply evidence that the special circumstances was:
- beyond the student's control; and
  - do not make their full impact until on or after the census date for the unit of study in question; and
  - make it impracticable for the student to complete the requirements for the unit of study.
- 6.2.2.3 The FEE-HELP Review Officer (*the Director of Studies is the designated FEE-HELP Review Officer and is the original reviewer*) will acknowledge receipt of the application within 10 working days from the application date and will inform the student of any likely delay.
- 6.2.2.4 The FEE-HELP Review Officer will advise the student in writing of a decision within fourteen (14) working days from the application date. If a student has not been advised of a decision within 45 days of receiving the request for review, the FEE-HELP Review Officer is taken to have confirmed the original decision.
- 6.2.2.5 The FEE-HELP Review Officer will assess the application in accordance to the policy content section 5.2
- 6.2.2.6 If the application for re-credit of FEE-HELP balance is granted, the re-credit of VET Student Loans debt will be processed within twenty (20) working days.
- 6.2.2.7 If the application for re-credit of FEE-HELP balance is not granted and the student is not satisfied with the decision then the student may apply for a review of the decision.
- 6.2.2.8 The FEE-HELP Review Officer will notify the student in writing of the decision not to approve the request for re-crediting FEE-HELP and provide information on how the student can request a review of the decision by the Chief Executive Officer who holds a senior position to the FEE-HELP Review Officer. The FEE-HELP Review Officer who is the original reviewer will not involve in the review process.
- 6.2.2.9 The student must lodge the request for review within twenty-eight (28) days of receiving notice of the original decision. It must be made in writing and must specify reasons for applying



for a review and it must be addressed to the Chief Executive Officer

- 6.2.2.10 The Chief Executive Officer will advise the student in writing of a decision within fourteen (14) working days from the application date. If a student has not been advised of a decision within 45 days of receiving the request for review, the Chief Executive Officer is taken to have confirmed the original decision.
- 6.2.2.11 Written notice of the outcome of a reviewed decision relating to re-crediting a FEE-HELP balance will be given to the student. The notice will contain reasons for the decision. The notice will also inform the student of their right of appeal to the Administrative Appeals Tribunal (AAT)
- 6.2.2.12 If the application for re-credit of FEE-HELP balance is not granted and the student is not satisfied with the decision then the student may apply for a review of the decision to the Administrative Appeals Tribunal (AAT) within twenty eight (28) days from the day the student received the original review outcome.
- 6.2.2.13 The current cost of applying to the AAT for the review of a decision must also be supplied to the student. As at 2015, the full fee for lodging the AAT application is \$861 (GST exempt) and student may apply to have a fee reduction of \$100 if entitled. Please note that the AAT appeal application fee is subject to change and for more information on applying to AAT, refer to their website <http://www.aat.gov.au>.
- 6.2.2.14 The Secretary of the Department of Education and Training (the department), or the Secretary's delegate, will be the respondent for cases that are brought to the AAT. Upon the department's receipt of a notification from the AAT, the department will notify Minerva College that an appeal has been lodged. Upon receipt of this notification from the department, the FEE-HELP Review Officer will provide the department with copies of all documents that are relevant to the appeal within five (5) business days.
- 6.2.2.15 This policy, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.

If you have any suggestions as to how we can improve our performance with respect to our refund and re-credit of FEE-HELP balance practices, or if you would like



further information on anything included in this policy, please contact the College Chief Executive Officer at [info@minervacollege.edu.au](mailto:info@minervacollege.edu.au).

## **Revision History**

<b>Revision</b>	<b>Date</b>	<b>Description of modifications</b>
1.1	24 December 2014	Original
1.2	2 June 2015	Remove ambiguity in relation to the refund of tuition paid upfront and re-credit of VET FEE-HELP balance by separating both procedures. Included section 6.2.2(f)
1.3	6 October 2015	On section 6.2.2, included details of the original decision-maker, and the Review Officer who would review the decision should a student's request be declined, and ensure and state that the Review officer holds a senior position to the person making the original decision. Also included cost of lodging an appeal with the AAT and that this cost can change
1.4	13 January 2016	Added in 5 day cooling off period for all non VET FEE-HELP enabled courses
1.5	13 October 2016	Format changes and minor content edits
1.6	28 February 2017	Amendments in line with introduction of VET Student Loans

## **Approval**

<b>Revision</b>	<b>Date</b>	<b>Approved &amp; Endorsed by</b>
1.1	24 December 2014	Executive Management Committee
1.2	2 June 2015	Executive Management Committee
1.3	6 October 2015	Executive Management Committee
1.4	13 January 2016	Executive Management Committee
1.5	13 October 2016	Executive Management Committee
1.6	28 February 2017	Executive Management Committee