

VDIP&P20317 FEE-HELP Student Review Procedures For Re-crediting FEE-HELP Balances

Virtu Design Institute Pty Limited trading as Virtu Institute – ACN 154 273 757 – RTO ID 40530



Virtu Design Institute trading as Virtu Institute (Virtu) (ABN 31 154 273 757) RTO ID 40530 notes the following FEE-HELP Review Procedures as they apply for Re-Crediting a FEE-HELP balance.

Definitions

For the purposes of this document the following applies:

The Act/s: refer to the Higher Education Support Act 2003 (HESA) or the VET Students Loan Act 2016 (VSLA).

Student/s: refers to Students or Prospective Students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Course/Subject/Units of Study, and who access VET FEE- HELP or VET Student Loans for payment of all or part of their tuition fees in respect of the VET Course/Subject/Units of Study in which they are enrolled with Virtu.

Census Date: a published date set by Virtu, no earlier than 20% of the way through a VET Course/Subject/Units of Study.

Tuition Fees: fees paid for a VET Course/Subject/Units of Study that is approved for VET FEE-HELP or VET Student Loans and applies to Students who are, or would be entitled to VET FEE-HELP or VET Student Loan assistance under the relevant clauses of the Acts.

Course/Subject/Units of Study or VET Course/Subject/Units of Study: a VET Course/Subject/Units of Study approved for VET FEE-HELP or VET Student Loans that a Student may undertake with Virtu, for which the Student may access VET FEE-HELP or VET Student Loans assistance to pay for all or part of their tuition fees.

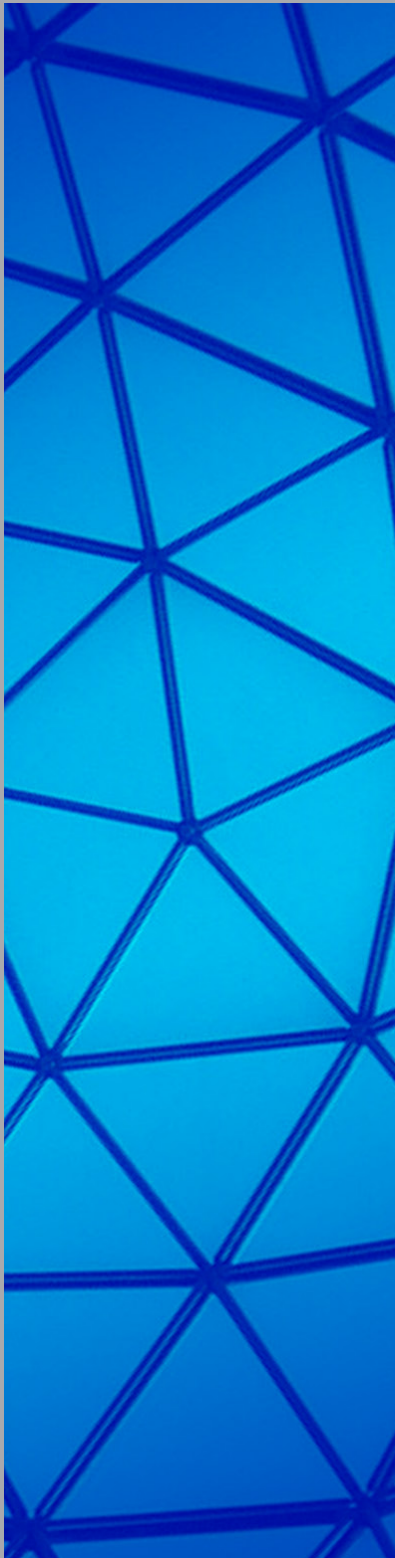
The Department: The Department of Education and Training.

1. Incurring a VET FEE-HELP or VET Student Loan Debt

- 1.1 A Student who is, or would be, eligible for VET FEE-HELP or VET Student Loans and has requested VET FEE-HELP or VET Student Loans Assistance, who withdraws from a Course/Subject/Units of Study on or before the census date will not incur a VET FEE-HELP or VET Student Loan debt for the tuition fees for that Course/Subject/Units of Study.
- 1.2 Students who have requested VET FEE-HELP or VET Student Loan Assistance who remain enrolled after the published census date will incur a VET FEE-HELP or VET Student Loans debt for the Course/Subject/Units of Study in which they are enrolled.
- 1.3 A Student who withdraws from a Course/Subject/Units of Study after the published census date for that Course/Subject/Units of Study will incur a VET FEE-HELP or VET Student Loans debt for that Course/Subject/Units of Study.

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2. Re-crediting a FEE-HELP Balance

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

3. Special Circumstances

- 3.1 If a Student withdraws from a Course/Subject/Units of Study after the published census date for that Course/Subject/Units of Study, or has been unable to successfully complete a Course/Subject/Units of Study, and believes this was due to special circumstances, the Student may apply to have their FEE- HELP balance re-credited for the affected Course/Subject/Units of Study under Section 68 of the Act.
- 3.2 Virtu 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 for that Course/Subject/Units of Study; and
 - these circumstances were such that it was impracticable for the Student to complete the requirements for the Course/Subject/Units of Study in the period during which the Student undertook or was to undertake the Course/Subject/Units of Study.
- 3.3 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.
- 3.4 Special circumstances do not include: lack of knowledge or understanding of requirements for VET FEE-HELP or VET Student Loan assistance; or a Student's incapacity to repay a VET FEE-HELP or VET Student Loans 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).

VDIP&P20317 FEE-HELP Student Review Procedures For Re-crediting FEE-HELP Balances

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4. Re-credit of a Student's FEE-HELP Balance the Process

- 4.1 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.
- 4.2 The Administration Manager and Registrar is the designated Virtu 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.
- 4.3 A Student must apply in writing to the Administration Manager and Registrar at: registrar@virtuinstitute.edu.au within 12 months of the withdrawal date, or if the Student has not withdrawn, within 12 months of the specified completion date of the Course/Subject/Units of Study.
- 4.4 Virtu 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.
- 4.5 The application for re-crediting a FEE-HELP balance must include details of the:

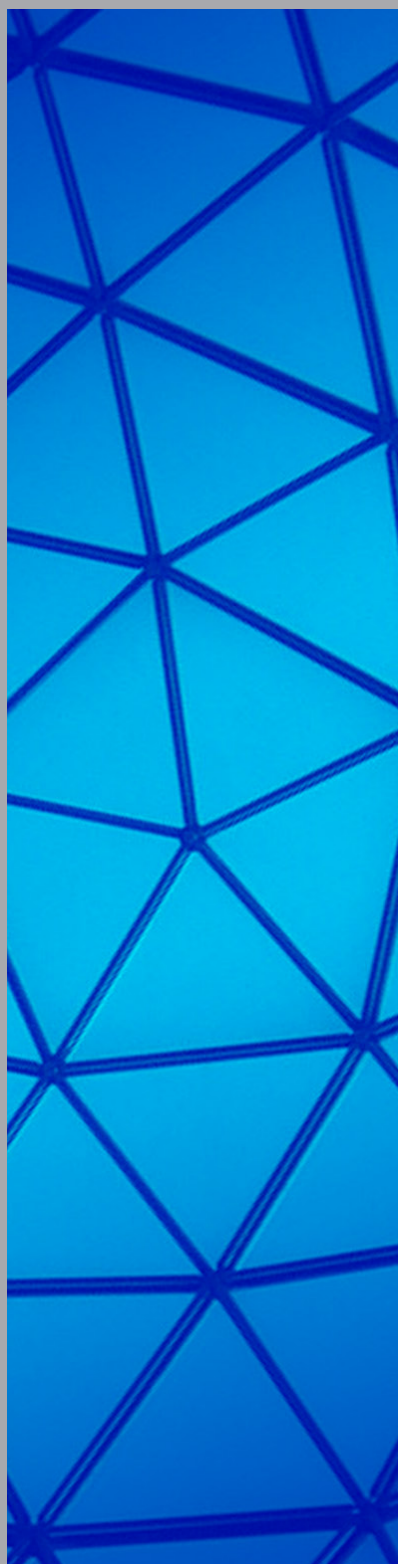
Course/Subject/Units of Study for which a Student is seeking to have a FEE-HELP balance re-credited; and special circumstances as referred to above, including supporting documentation.
- 4.6 Virtu will consider each application within 28 days of receipt of the application. It will consider each request 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. Review of Decision

- 5.1 Where Virtu makes a decision NOT to re-credit a Student's FEE-HELP balance that decision may be subject to review within the procedure set out in VDIP&P2-315 Student Grievance Policy and Procedure (Academic and Non Academic Grievances).
- 5.2 If a Student is not satisfied with the decision made by Virtu, the Student may apply, within twenty eight (28) days of the receipt of the original decision, for a review of the decision. The application for review must:
 - be made within twenty eight (28) days of receipt of the original decision;

VDIP&P20317 FEE-HELP Student Review Procedures For Re-crediting FEE-HELP Balances

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- include the date of the original decision;
- state fully the reasons for applying for the review; and
- include any additional relevant evidence.

5.3 Applications should be made in writing to the CEO at: ron.newman@virtuinstitute.edu.au 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 will not have been involved in making the original decision to be reviewed.

5.4 The Review Officer will:

- acknowledge receipt of the application for review of a decision in writing within ten (10) working days; and
- inform the Student that if the Review Officer has not advised them of a decision within forty five (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;
- 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. Student may apply for re-crediting by Secretary of the Department

6.1 A Student may apply to the Secretary for the Student's FEE-HELP balance to be re-credited under section 71 of the VSLA because:

- i) the provider, or a person's action on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
- ii) the provider failed to comply with the Act or an instrument under the Act and the failure had adversely affected the student:
 - that applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;

VDIP&P20317 FEE-HELP Student Review Procedures For Re-crediting FEE-HELP Balances

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- that there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal

- 6.2 The application must be in writing and meet any requirements set out in the FEE-HELP re-crediting rules.
- 6.3 Applications for re-crediting under Section 71 of the Act must be made within 5 years of the census date of the Course/Subject/Units of Study.

7. Reconsideration by the Administration Appeals Tribunal

- 7.1 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 twenty eight (28) days of receiving written notice of the review decision. This time limitation can be extended in limited circumstances by order of the AAT.
- 7.2 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 in the amount of \$816 (from 1 July 2012) and is subject to change. 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.
- 7.3 Details of closest AAT office: Administrative Appeals Tribunal Level 7, City Centre Tower, 55 Market Street, Sydney NSW 2000. Telephone (02) 9391 2400
- 7.4 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 Virtu 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.

8. Publication

- 8.1 This process and procedure is published on the Virtu website (www.virtuinstitute.edu.au) and in the Student Handbook to ensure Students have up to date and accurate information publicly available to them.