Student Review Procedures for Re-Crediting a FEE-HELP Balance

1. Definitions

   The Act
   The Higher Education Support Act 2003 (Cth)

   Student
   A student who is an Australian citizen or permanent humanitarian visa holder who will be resident in Australia for the duration of one or more units of study, and who accesses or will access FEE-HELP for payment of their tuition fees in respect of the unit(s) of study in which they are enrolled.

   Census Date
   A published date, set by Martin College, no earlier than 20% of the way through a unit of study. This date is the deadline for various requirements such as making an upfront payment of part or all of the tuition fees, applying for a FEE-HELP loan, or formally withdrawing enrolment in order to not incur a debt.

   Tuition Fees
   Fees paid for a unit of study that is approved for FEE-HELP and applies to students who are, or would be entitled to FEE-HELP assistance under Section 104-A of the Act.

   Unit or Unit of Study
   A unit of study that a student may undertake with Martin College, for which the student may access FEE-HELP assistance to pay for all or part of their tuition fees.

   The Department
   The Australian Government Department of Education.

   Martin College
   Study Group Australia Pty Ltd trading as Martin College.

2. Incurring a FEE-HELP debt

   A student who is, or would be, eligible for FEE-HELP and has requested FEE-HELP assistance, who withdraws from a unit on or before the census date will not incur a FEE-HELP debt for the tuition fees for that unit.

   Students who have requested FEE-HELP assistance who remain enrolled after the published census date will incur a FEE-HELP debt. A student who withdraws from a unit after the published census date for that unit will incur a FEE-HELP debt for that unit.

3. Re-crediting a FEE-HELP balance

   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.

4. Special circumstances

   If a student withdraws from a unit after the 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 to have their FEE-HELP balance re-credited for the unit(s) in question.

   Martin College will re-credit a student’s FEE-HELP Balance if special circumstances apply where these circumstances:
   • were beyond the student’s control; and
• did not make their full impact on the student until on, or after the census date; and
• were such that it was impracticable for the Student to complete the requirements for the Unit.

For circumstances 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 directly or indirectly, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal to be considered a 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).

5. The process for re-credit of a student’s FEE-HELP balance

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 Head of College is the designated FEE-HELP officer. This officer is 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.

a. A student must apply in writing to the FEE-HELP officer 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. Martin College has the discretion to waive this requirement if the FEE-HELP officer 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.

b. 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.

c. Martin College will consider each application within 10 working days of receipt of the application. Applicants will be notified in writing of the decision within 20 working days.

6. Review of a decision

If a student is not satisfied with a decision made by Martin College, the student may apply 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; and
• include any additional relevant evidence.

Applications for review of any decisions relating to a request for re-crediting of a FEE-HELP balance should be made in writing to the designated Review Officer.

Note: The Review Officer is senior to the designated FEE-HELP officer responsible for the original decision and will not have been involved in making the original decision to be reviewed.

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.

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).

7. Reconsideration by the Administrative Appeals Tribunal

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 the student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome. The student will be provided with 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.

AAT Details and Approximate Costs

Students who apply to the Administrative Appeals Tribunal (AAT) for review of a decision may be required to pay an application fee; it depends on the circumstances. The application cannot proceed until the application fee has either been paid or waived. The application fee is refunded when the review is completed if the AAT decides that it is finalised in the student’s favour. (For the purposes of providing a guide, the application fee as at 8 April 2014 is $816.)

Further information about the Administrative Appeals Tribunal, including the required application forms and current costs, can be obtained from their website at: http://www.aat.gov.au/AboutTheAAT/IntroductionToTheAAT.htm.

Location and contact details of the Administrative Appeals Tribunal offices in Queensland

Street Address: Level 4, Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000

Postal Address: Administrative Appeals Tribunal GPO Box 9955 Brisbane QLD 4001

Telephone: (07) 3361 3000 (metropolitan area) 1300 366 700 (country areas)

Fax: (07) 3361 3001

Email: Brisbane.Registry@aat.gov.au

8. Publication

This policy and procedure is published on the Martin College website to ensure that students have up-to-date and accurate information publicly available to them.

Version control

<table>
<thead>
<tr>
<th>Document: Student Review Procedures for re-crediting a FEE-HELP Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved by: National Compliance Manager Higher Education</td>
</tr>
<tr>
<td>Version: 1.0</td>
</tr>
</tbody>
</table>