



VET STUDENT LOANS RE-CREDITING AND REVIEW PROCEDURES

ACMUSE has procedures in place for the re-crediting and review of a student's VET STUDENT LOAN balance as outlined below. ACMUSE will conduct this procedure in compliance with Schedule 1A of the Higher Education Support Act 2003 and the VET Provider Guidelines.

Withdrawal on or before the end of the Census date

Students who withdraw from a VET Unit of Study or VET Course on or before the end of the census date will be withdrawn without financial or academic penalty and shall have their VET STUDENT LOAN balance re-credited and will not incur a VET STUDENT LOAN debt. Any fees paid for the VET unit of study or VET Course on or before the end of the census date will be refunded.

Special Circumstances applying to have FEE-HELP balance re-credited

If after the census date you become seriously ill or other special circumstances apply you may apply to ACMUSE to have your VET STUDENT LOAN balance re-credited. A person cannot apply for a re-credit if they have successfully completed a VET unit of study. You must submit your application in writing with supporting documentation within 12 months of your withdrawal or if you did not withdraw within 12 months of the end of the period of study in which the VET unit of study was to be completed.

Re-crediting a VET student Loan Balance

A student may apply to the Secretary for the student's Fee Help balance to be re-credited, This may be due to the following circumstances:

- That ACMUSE or a person acting on ACMUSE's behalf engages in unacceptable conduct in relation to the student's application for VET student loan.
- ACMUSE has failed to comply with the act or instrument under the act and the failure has had an adverse effect on the student.

A student has up to Five years after the census day of the course, or part of the course concerned, or within that period as extended by the secretary, to apply for a re – credit

The Student will not be charged for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal.

The Secretary may re-credit a student's FEE- Help balance in special circumstances, listed below

- ACMUSE is unable to act, or is being wound up, or has been dissolved
- ACMUSE has failed to act and the secretary is satisfied that the failure is unreasonable

Special Circumstances that apply are as follows:

- Beyond a person's control – if a situation occurs that 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. This situation must be unusual, uncommon or abnormal, and

- Do not make full impact until on or after the census date –if the person’s circumstances occur;
 - before the census date, but worsen after that day
 - before the census date, but the full effect does not become apparent until after that day; or
 - on or after the census date, and
- It is impracticable for the person to complete the unit of study requirements circumstances such as;
 - medical; where a person’s medical condition has changed to such an extent that he or she is unable to continue studying;
 - family/personal circumstances. For example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies;
 - employment related circumstances. For example, where a person’s employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person’s control
 - course related circumstances. For example, where ACMUSE has changed the VET unit of study offered and the person is disadvantaged by either not being able to complete the VET unit/s of study or VET courses.
- A person is unable to complete the requirements for a VET unit of study, for example, if the person is unable to:
 - undertake the necessary private study required, or attend sufficient lecturers or tutorials or meet other compulsory attendance requirements on order to meet their compulsory course requirements
 - complete the required assessable work
 - sit the required examinations
 - complete any other course requirements because of their inability to meet the above
- **Special circumstances do not include for example,**
 - lack of knowledge or understanding of how VET STUDENT LOANS works
 - a person’s incapacity to repay a debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances

Notification

ACMUSE’s nominated officer, the Registrar, will review applications promptly and will notify the student of the decision in writing within one month of receiving the application. ACMUSE will advise the student of their rights for a review of the decision if the student is unsatisfied with the outcome.

The student will be advised that the time limit for applying for a review is 28 days from the day the applicant first received notice of the decision.

Applying for a Review of the Decision

The student must state the reason why they are applying for a review of a decision. The person responsible for reviewing the decision will be the CEO.

ACMUSE will:

- acknowledge receipt of the request for a review
- notify the student in writing of the reviewer’s decision and the reasons for making the decision

- inform the student that, if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision
- advise the student of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome; and
- provide the applicant with the contact details and address of the nearest AAT registry

Reconsideration of the reviewable decision by AAT

A person may make an application to the AAT for a reconsideration of a provider's decision to refuse to re-credit or remit, and may supply additional information to the AAT that they did not previously supply to ACMUSE (including the ACMUSE reviewer).

The AAT website is: <http://www.aat.gov.au/>

The closest AAT registry is located at:

Administrative Appeals Tribunal

Level 7, City Centre Tower

55 Market Street

Sydney NSW 2000

Opening hours: Mon-Fri 8.30am-5pm

Telephone:

(02) 9391 2400 (metropolitan area)

1300 366 700 (country areas)

Fax:

(02) 9283 4881

A map and full contact information are available at:

<http://www.aat.gov.au/ContactUs/NSW.htm>

Details of fees for lodging an appeal with the AAT are outlined at:

<http://www.aat.gov.au/FormsAndFees/Fees.htm>

From 1 July 2015, an application fee of \$861.00 is applicable for lodging an application for a review of a decision with the AAT.

The Secretary of DEEWR, or his or her delegate, will be the respondent for cases that are before the AAT. Once DEEWR has received notification from the AAT that the person has applied for the reconsideration under section 37 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), the Secretary must, within 28 days, lodge the following documents with the AAT:

- A statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision, and
- Every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the AAT.



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Upon receipt of notifications from the AAT, DEEWR will notify ACMUSE, in writing, that appeals have been lodged. To enable DEEWR to meet the 28-day timeframe, ACMUSE **MUST, within a further 5 business days**, provide DEEWR with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to DEEWR by courier or Express Post. ACMUSE will keep any originals and copies of the documents in accordance with their normal recording keeping practices.

Under section 209-5(2)(b) of HESA, ACMUSE may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise DEEWR if a decision is made to re-credit a person's FEE-HELP balance.

However, until a person withdraws their AAT appeal, or the appeal is dismissed or otherwise dealt with by the AAT, DEEWR is still required to comply with the requirement under section 37 of the AAT ACT to lodge the statement, and relevant documents described in the two dot points above, with the AAT. Therefore, a provider (ACMUSE) must still forward all relevant documents to DEEWR within the 5 business days, unless advised not to do so by DEEWR. DEEWR will deal with cases from that point and advise the provider of the outcome.

(Reference: Administrative information for providers: Student Support: Issued by: Funding and Student Support Branch Higher Education Group: Last Updated: April 2006)