

### 1. Overview

Sydney Institute of Health Sciences Pty Ltd trading as Sydney Institute of Traditional Chinese Medicine (“SITCM”) will conduct this procedure in compliance with:

- the *Higher Education Support Act 2003* and the Higher Education Provider Guidelines 2012;
- Schedule 1A of the *Higher Education Support Act 2003* and the Higher Education Support (VET) Guideline 2015; and
- the *VET Student Loans Act 2016* and the *VET Student Loans Rules 2016*.

For the purposes of this procedure a student is an Australian citizen, a New Zealand Special Category Visa (NZ SCV) holder who meets the long-term residency requirements, or an Australian resident permanent humanitarian visa holder:

- enrolled in a higher education course with SITCM; or
- enrolled in a VET unit of study which forms part of a VET FEE-HELP or VET Student Loans enabled course with SITCM.

For the purposes of this procedure a unit of study includes:

- a unit of study which forms part of a higher education course; and
- a VET module which forms part of a VET FEE-HELP or VET Student Loans enabled course.
  - VET FEE-HELP enabled course of study offered by SITCM is:
    - HLT52115 Diploma of Traditional Chinese Medicine (TCM) Remedial Massage (for grandfathered students under section 43 of the *Higher Education Support Act 2003*)
  - VET Student Loans enabled course of study offered by SITCM from 1 January 2017 to 30 June 2017 is:
    - HLT52015 Diploma of Remedial Massage

SITCM will:

- set a census date for each unit of study that is no earlier than 20% of the way through the unit of study;
- ensure that all students are informed of the census date for each unit of study in the manner and by the date prescribed in the Higher Education Provider Guidelines 2012 and Higher Education Support (VET) Guideline 2015;
- ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

### 2. Special Circumstances

If a student withdraws from a unit of study after the census date for that unit of study, or has been unable to successfully complete a unit of study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected units of study.

SITCM 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 the unit(s) of study in question; 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.

In determining whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the unit in the period during which the student undertook or was to undertake the unit, SITCM:

- **Will** have regard to the following:
  - a) Whether the student could do enough of the following to meet course requirements:
    - (i) Private study;
    - (ii) Attending training sessions and other activities;
  - b) Whether the student could complete any assessments, or demonstrate any competencies, required;
  - c) Whether the student could complete any other requirements arising because of the student's inability to do things described in paragraphs a) and b).
- **May** have regard to one or more of the following:
  - a) Medical circumstances of the student;
  - b) Circumstances that relate to the student personally or to the student's family;
  - c) Circumstances relating to the student's employment.

These circumstances do not limit the circumstances to which SITCM may have regard.

SITCM will be satisfied that a student's circumstances are beyond the student'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 student is not responsible. The situation must be unusual, uncommon or abnormal.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim. There is no charge for initial applications or review of decisions, other than review by the Administrative Appeals Tribunal (see section 3.1).

Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to the Student Support Officer and sent to: Sydney Institute of Traditional Chinese Medicine, PO Box K623, Haymarket, NSW 2000.

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- a) When a student withdraws from a unit of study, SITCM shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- b) When a student fails to meet the requirements of a unit of study, SITCM shall confirm the failure by giving notice to the student in writing of the final result for that unit of study after results for the unit of study have been properly approved;
- c) The student must apply in writing to the Student Support Officer within 12 months after the census day for the unit of study. SITCM may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period. The written application must also include supporting documentation that demonstrates that the requirements for special circumstances have been met.
- d) The Student Support Officer will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case;
- e) If the application is successful, SITCM will re-credit the student's FEE-HELP balance with an amount equal to the amounts of FEE-HELP assistance that the student has received for the affected units of study and the student's FEE-HELP debt for those units of study will be removed;
- f) The Student Support Officer shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;

- g) The Student Support Officer shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome and that a request for such a review must be lodged within 12 months after the census day for the unit of study or such longer period as the Student Support Officer allows.

### 3. Review of a Decision

If a student is not satisfied with the decision made by the Student Support Officer in relation to re-crediting their FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the Review Officer who is the Registrar and is senior to the original decision maker.

Any such request must be submitted to the Review Officer in writing and:

- must be lodged within 12 months after the census day for the unit of study, unless the Review Officer allows a longer period;
- must specify the reasons for making the request and include any supporting documentation; and
- sent to: Sydney Institute of Traditional Chinese Medicine, PO Box K623, Haymarket, NSW 2000.

The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision.

The Review Officer shall:

- a) seek all relevant information from the person who made the original decision; and
- b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- confirm the decision;
- vary the decision; or
- set the decision aside and substitute a new decision.

The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to apply to the Administrative Appeals Tribunal within 12 months after the census day for the unit of study and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal as follows:

*If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT) within 12 months after the census date for the unit of study. The AAT currently charges an application fee of \$884 which is subject to change (check AAT's website <http://www.aat.gov.au/FormsAndFees/Fees.htm> for the current fee).*

*The contact detail of the NSW AAT is detailed below:*

*Administrative Appeals Tribunal  
Level 7, City Centre Tower  
55 Market Street  
Sydney NSW 2000  
Telephone: (02) 9391 2400  
Fax: (02) 9283 4881*

The applicant may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to SITCM either in the original application or the request for review.

The Secretary of the Department of Education and Training, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. SITCM will be notified that an appeal has been lodged. The Review Officer will provide the Secretary with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

For re-crediting of a FEE-HELP balance in relation to a VET student loan, an application must set out the grounds on which the applicant's FEE-HELP balance is to be re-credited under:

- a) Section 68 of the *VET Student Loans Act 2016* because of special circumstances; and/or
- b) Section 71 of the *VET Student Loans Act 2016* because:
  - i. SITCM, or a person acting on SITCM's behalf, has engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
  - ii. SITCM has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.

Applications for re-crediting under:

- a) Section 68 of the *VET Student Loans Act 2016* must be made within 12 months after the census day for the unit of study concerned, or within that period as extended by SITCM.
- b) Section 71 of the *VET Student Loans Act 2016* must be within 5 years after the census day for the unit of study concerned, or within that period as extended by the Secretary.

#### **4. Provider Special Circumstances**

Under Division 2 of the *VET Student Loans Act 2016*, the Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if SITCM:

- a) Is unable to act under Division 2 or is being wound up or has been dissolved; or
- b) Has failed to act under Division 2 and the Secretary is satisfied that the failure is unreasonable.

#### **5. Publication**

This *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be made available to students by publication in the Student Manual available in hard copy in the SITCM library and on SITCM's website ([www.sitcm.edu.au](http://www.sitcm.edu.au)).

## 6. Version control

Document: Student Review Procedures for Re-crediting a FEE-HELP Balance		
Policy Owner: Executive Management Group		
Policy Developer/Reviewer: CEO	Version #: 5.0	Date: 8 May 2017

### Version History

Version	Authorised by	Approval Date	Details
1.0	Executive Management Group	21 February 2013	Document creation
2.0	Executive Management Group	16 January 2014	Regular review (no amendments)
3.0	Executive Management Group	14 January 2016	Regular review (no amendments)
4.0	Executive Management Group	17 March 2016	Updated for the new VET courses
5.0	Executive Management Group	8 May 2017	Updated to be in line with VET Student Loans legislation