

## 1. Definitions

**Niche Education Group Pty Ltd (Niche):** Reference to Niche includes divisions of Niche, including the Australasian Academy of Cosmetic Dermal Science, Australian College of Beauty Therapy and Australian College of Specialist Make-Up and where delivery of a course or qualification is undertaken by a third party service provider.

**The Act:** refers to the *Higher Education Support Act 2003*

**Student:** Refers to students, who are Australian citizens, certain New Zealand citizens holding a special category visa (subject to eligibility) or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET FEE-HELP for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

**Census Date:** A published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.

**Tuition Fees:** Fees paid for a VET Unit of Study that is approved for VET FEE-HELP and applies to students who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

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

**The Department of Education and Training:** The Department of Education and Training is responsible for national policies and programmes that help Australians access quality early childhood education, school education, higher education, vocational education and training, international education and research.

## 2. Withdrawal Procedure

All withdrawals from a unit or course of study must be received in writing to the Niche Enrolment Officer [enrolments@aacds.edu.au](mailto:enrolments@aacds.edu.au). A student's request for withdrawal will not be actioned until it has been received in writing.

## 3. Refund Policy for the purposes of the VET FEE-HELP Assistance Scheme

- 3.1 This refund policy applies to all students who are entitled to VET FEE-HELP assistance, even if they choose not to access it.
- 3.2 To be entitled to VET FEE-HELP assistance a person must be an Australian citizen, the holder of a permanent humanitarian visa who will be resident in Australia for the duration of their VET units of study or a New Zealand citizen holding a Special Category Visa that also satisfy the additional eligibility criteria.
- 3.3 Niche will repay to a student who is, or would be, entitled to VET FEE-HELP assistance any VET tuition fees that he or she may have paid for a VET Unit of study if the student withdraws from that unit on or before the relevant census date.

3.4 This does not apply where VET tuition assurance arrangements have been activated and the student has elected the VET course assurance option for that unit.

3.5 Where a student withdraws from a VET unit of study after the relevant census date, any refund of VET tuition fees is at the discretion of Niche.

#### 4. Incurring a VET FEE-HELP Debt

4.1 A Student who is, or would be, eligible for VET FEE-HELP and has requested VET FEE-HELP Assistance, who withdraws from a Unit of Study on or before the census date will not incur a VET FEE-HELP debt for the VET tuition fees for that Unit of Study.

4.2 Students who have requested VET FEE-HELP Assistance who remain enrolled after the published census date will incur a VET FEE-HELP debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET FEE-HELP debt for that Unit.

#### 5. 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.

#### 6. Special Circumstances

6.1 If a Student withdraws from a Unit after the published 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 affected unit/s.

6.2 Niche will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where:

- these circumstances are beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the census date; and
- these circumstances were such that it was impracticable for the Student to complete the requirements for the Unit.

6.3 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.

6.4 Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET FEE-HELP assistance; or
- a Student's incapacity to repay a VET 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).

## 7. Re-credit of a Student's FEE-HELP balance - The process

- 7.1 Each application for a 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.
- 7.2 The Administration Manager is the designated VET FEE-HELP officer of Niche. The above 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.
- 7.3 A Student must apply in writing to the Administration Manager 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. Niche 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.
- 7.4 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.
- 7.5 Niche will consider each application as soon as practicable from the 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.

## 8. Review of Decision

- 8.1 Where Niche makes a decision NOT to re-credit a student's FEE-HELP balance, that decision may be subject to review.
- 8.2 If a Student is not satisfied with the decision made by Niche, the Student may apply, within 28 days of the receipt of the original decision, 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;
  - include any additional relevant evidence.
- 8.3 Applications should be made in writing to The Chief Executive Officer (CEO) as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance.

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

8.4 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.

8.5 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).

## 9. Reconsideration by the Administration 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 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 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

## 10. AAT Details and Approximate Costs

10.1 Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au). An application fee may have to be paid, in the amount of \$861 (2014-2015) and is subject to change. In certain circumstance, this fee can be reduced to \$100. The contact details and address of the nearest AAT registry can be found in the relevant white pages or Phone: 1300 366 700.

**Note:** *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.*

10.2 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. Upon The Department of Education and Training's receipt of a notification from the AAT, they will notify Niche an appeal has been lodged. Upon receipt of this notification from The Department of Education and Training, the Review Officer will provide them with copies of all the documents that are relevant to the appeal within ten (10) business days.

## 11. Publication

This policy and the procedure is published on the Niche website ([www.nicheeducation.com.au](http://www.nicheeducation.com.au)) to ensure Students have up to date and accurate information publicly available to them.