

## 1. Purpose

This policy relates to students enrolled by the divisions of Niche Education Group Pty Ltd (Niche) and where delivery and assessment is conducted by its Training Partner Organisations (TPOs), including:

- Australasian Academy of Cosmetic Dermal Science (AACDS),
- Australian College of Beauty Therapy (ACBT),
- Australian College of Specialist Make-Up (ACSM),
- Australasian College of Massage & Myotherapy (ACMM)

## 2. 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, Australasian College of Massage and Myotherapy and where delivery of a course or qualification is undertaken by a Training Partner Organisation.

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

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

**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.

**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 are eligible to access VET Student Loan for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

**Tuition Fees:** Fees paid for a VET Unit of Study that is approved for VET Student Loan and applies to students who are, or would be entitled to VET Student Loan assistance.

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

**VET Student Loan Act 2016 – VSL Act**

## 3. Responsibility

The Chief Executive Officer (CEO) is responsible for implementation of this policy and procedure and ensuring all staff of Niche and its TPOs are fully trained and aware of their obligations in relation to the requests of students for re-credit of student FEE-HELP balances.

## 4. Policy

This policy outlines the approach that students must take to:

- Withdraw from a course or part of a course they have enrolled into
- The students right to a refund of fees upon withdrawing from a course or part of a course
- The students right to a re-credit of a FEE-HELP Balance upon withdrawing from a course or part of a course

This policy outlines the approach Niche will take to:

- Process a student's request for withdrawing from a course
- Process an eligible refund of fees owed to a student
- Process a student's request for the re-credit of their FEE-HELP Balance
- Cancel a student's enrolment
- Process a student's application to re-enrol into a course or part of a course previously withdrawn from.

This policy is designed to:

- Ensure the staff of both Niche and its TPOs are aware of the Student Withdrawal, Refund & Re-credit of VET Student Loan processes
- Ensure students are provided with adequate information about their rights and obligations upon withdrawing.

Niche takes a consistent, fair and transparent approach to the processing of a student withdrawal

Niche is committed to ensuring that all of its own divisions and TPOs provide all prospective students with sufficient information to make an informed decision about their rights to a refund or re-credit of FEE-HELP balance and a right to a review of Niche's decision not to provide a refund or re-credit.

Niche ensures that a student is not victimized or discriminated against for:

- Making an application for refund of the student's fees
- Making an application for re-crediting of the student's FEE-HELP Balance under part 6 of the VSL Act
- Seeking a review or reconsideration of a decision not to provide a refund or re-credit of FEE-HELP balance
- Using this process or Niche's Academic or Non-Academic Grievance Policy

## 5. Withdrawal Procedure

All withdrawals from a unit or course of study must be received in writing to the Enrolment Officer and can be submitted by emailing to [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.

## 6. Cancellation Procedure

- 6.1 Niche will inform a student in writing of a proposed cancellation of their enrolment.
- 6.2 The student has at least 28 days from the receipt of the notification to initiate grievance procedures before the cancellation has effect.
- 6.3 Grievance procedures are outlined in the Niche Academic and Non-Academic Grievance Policy and Procedure
- 6.4 The Cancellation will only take affect after any grievance procedures initiated by the student have been completed.
- 6.5 If Niche initially informs a VET Student Loan eligible student of a proposed cancellation of their enrolment into a VET Student Loan approved course prior to the census date, the student will not incur fees for the relevant term tuition fees and any amounts paid for the relevant part of the course will be refunded. If Niche initially informs a VET Student Loan eligible student of a proposed cancellation of their enrolment into a VET Student Loan approved course after the census date and the student has been an active and genuine student past the census date, any refund of VET tuition fees is not guaranteed and is at the discretion of Niche.

## 7. Refund Policy for the purposes of the VET Student Loan Assistance Scheme

- 7.1 This refund policy applies to all students who are eligible for VET Student Loan assistance, even if they choose not to access it.
- 7.2 To be eligible to VET Student Loan 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.
- 7.3 Niche will repay to a student who is, or would be, eligible to VET Student Loan assistance any VET tuition fees that he or she may have paid directly for a VET Unit of study if the student withdraws from that unit on or before the relevant census date.
- 7.4 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.
- 7.5 Where a student withdraws from a VET unit of study after the relevant census date, any refund of VET tuition fees is not guaranteed and is at the discretion of Niche.
- 7.6 Refunds are not provided for units a student has completed and has been assessed as competent

## 8. Incurring a VET Student Loan Debt

- 8.1 A Student who is, or would be, eligible for VET Student Loan and has requested VET Student Loan Assistance, who withdraws from a Unit on or before the census date will not incur a VET Student Loan debt for the VET tuition fees for that Unit.
- 8.2 Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loan debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loan debt for that unit of study.



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## 9. Re-crediting a FEE-HELP Balance by Niche

Students who withdraw from a unit of study after the published census date, may apply to Niche to have their FEE-HELP balance re-credited with respect to the unit of study under section 68 of the VSL Act if they believe special circumstances apply in accordance with the following procedures.

## 10. Special Circumstances

10.1 If a Student withdraws from a Unit after the published 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, the student may apply to have their FEE-HELP balance re-credited for the affected unit(s) of study.

10.2 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 course, part of the course during their enrolment in the course or part of the course.

10.3 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.

10.4 Special circumstances do not include:

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

## 11. Re-crediting a FEE-HELP Balance by the Secretary

Students may apply to the Secretary for the students FEE-HELP balance to be re-credited under section 71 of the VSL Act. Submissions for a re-credit made to the Secretary must be made in writing. Circumstances where a student may apply to the Secretary are:

- The provider, or a person acting on the provider's behalf, engage in unacceptable conduct in relation to the student's application for the VET Student Loan; or
- The provider has failed to comply with the VSL Act or an instrument under the VSL Act and the failure has adversely affected the student.

The Secretary may also re-credit a student's FEE-HELP Balance in relation to special circumstances if a course provider:

- Is unable to act or is being wound up or dissolved; or
- Has failed to act and the Secretary is satisfied that the failure is unreasonable.

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Applications for re-crediting by the Secretary must be made within 5 years after the relevant census date of the course or part of the course concerned, or within that period as extended by the Secretary.

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

- 12.1 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.
- 12.2 The CEO is the designated officer of Niche and is responsible for the initial 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.
- 12.3 A Student must apply in writing to the CEO within 12 months of the relevant census date of the course or part of the course concerned. 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.
- 12.4 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.
- 12.5 Niche will consider each application as soon as practicable from the receipt of the application. Applicants will be notified in writing of the decision.

## 13. Review of Decision

- 13.1 Where Niche makes a decision NOT to re-credit a student's FEE-HELP balance, that decision may be subject to review at no cost to the student (unless reviewed by the Australian Administrative Tribunal).
- 13.2 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.
- 13.3 Applications should be made in writing to the Director 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 CEO responsible for the original decision and was not involved in making the original decision to be reviewed.*

13.4 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.

13.5 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).

#### 14. Reconsideration by the Administration Appeals Tribunal

At the time of the 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.

#### 15. AAT Details and Approximate Costs

15.1 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.*

15.2 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.



## 16. Re-Enrolling

- 16.1 A student may apply to re-enrol into a course or part of a course that they had previously withdrawn from by emailing the enrolment department.
- 16.2 The Enrolment Officer will send them an Application for Re-Enrolment form.
- 16.3 The student must return the form to the Enrolment officer and the Enrolment officer will contact the student to organise a re-enrolment interview. This may be conducted over the phone. The re-enrolment interview ensures the student is suited to study and to ensure the student is aware of current policy & procedures.

## 17. 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.

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