



SPECIAL CIRCUMSTANCES APPLICATIONS PROCEDURE

Governing Policy

[Student Refund Policy](#)

Purpose

To provide guidance supportive of AIB Domestic Students' efforts to request a re-credit of their FEE-HELP balance or a refund of their fees under Special Circumstances in accordance with the *Higher Education Support Act 2003* (HESA Act).

Scope

This procedure applies to all AIB Domestic Students enrolled in AIB awards Courses. International Students are directed to the AIB ***Student Refund Policy and Procedure***.

Definitions

Unless otherwise defined in this document, all capitalised terms are defined in the [glossary](#).

1. Overview

- 1.1. AIB will implement this procedure in compliance with the *Higher Education Support Act 2003*, the *Higher Education Administration Information for Providers*, and the *Higher Education Provider Guidelines 2022*.
- 1.2. AIB will:
 - (a) set an Administrative Date for each Subject no earlier than 21 days before the start date of that Subject
 - (b) set a Census Date for each Subject that is no earlier than 20% of the way through the Subject
 - (c) ensure that all students are informed in writing of the Census Date for each Subject in the manner and by the date prescribed in the Higher Education Provider Guidelines
 - (d) ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance
 - (e) when a student withdraws from a Subject, AIB shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect
 - (f) when a student fails to meet the requirements of a Subject, AIB shall confirm the failure by giving notice to the student in writing of the final result for that Subject after results for the Subject have been properly approved.

- 1.3. A student who withdraws from a Subject on or before the published Census Date for that Subject will not incur fees or a FEE-HELP debt for that Subject.
- 1.4. A student who withdraws from a Subject after the published Census Date for that Subject will incur a FEE-HELP debt for that Subject and any Course fees paid for that Subject will not be refunded.
- 1.5. A student who has incurred a FEE-HELP debt for a Subject may apply to have their FEE-HELP balance re-credited (and any Course fees for a Subject paid by the student to be refunded) for the affected Subjects in accordance with the following procedure.
- 1.6. Notwithstanding anything contain herein to the contrary, this procedure is Subject to the Student Refund [Policy](#) and [Procedure](#) and if there is any inconsistency between any term in this procedure and the policy, the term in the Student Refund Policy and Procedure shall prevail to the extent of that inconsistency.

2. Special Circumstances

- 2.1. If a student withdraws from a Subject after the Census Date for that Subject, or has been unable to successfully complete a Subject, and believes this was due to Special Circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected Subjects (and Course fees paid for those Subjects to be refunded).
- 2.2. AIB will re-credit the student's FEE-HELP balance (and refund the Course fees paid) for that Subject if it is satisfied that Special Circumstances apply that:
 - (a) are beyond the student's control; and
 - (b) did not make their full impact on the student until on or after the Census Date for the Subject(s) of study in question; and
 - (c) make it impracticable for the student to complete the requirements for the Subject(s) in the period during which the student undertook or was to undertake the Subject(s)..
- 2.3. AIB must 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. A lack of knowledge of published census dates is not deemed to meet this criterion.
- 2.4. Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.
- 2.5. Initial applications for the re-crediting of a student's FEE-HELP balance through consideration of Special Circumstances are to be submitted to the Student Operations Manager by completing the Application for Consideration of Special Circumstances Form and emailing studentcentral@aib.edu.au.
- 2.6. The procedure for applying for the re-crediting of a FEE-HELP balance (and refund of Course fees paid) through Special Circumstances for a Subject is as follows.

- (a) The student must apply in writing to the Student Operations Manager within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the Subject. AIB 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.
- (b) The Student Operations Manager will commence the review process within 10 working days of receipt of the application.
- (c) The Student Operations Manager will convene a Special Circumstances Panel to review the request. The Special Circumstances Panel will consist of the Student Operations Manager, 1-2 academic staff members and 1-2 professional staff members.
- (d) The Special Circumstances Panel will consider the application and will approve requests where the legislated Special Circumstances requirements are evidenced.
- (e) The Student Operations Manager shall advise the student of the Panel's decision within 28 days of the Panel meeting. The outcome letter will state the reasons for the decision.
- (f) For unsuccessful applicants, the letter 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 28 days from the day of receipt of the decision or such longer period as the Student Operations Manager allows.
- (g) For successful applications, AIB 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 Subjects and the student's FEE-HELP debt for those Subjects will be removed, and if any Course fees have been paid for that Subject that amount will be refunded.

3. Review of a decision made by the Special Circumstances Panel

- 3.1. If a student is not satisfied with the decision made by the Special Circumstances Panel in relation to re-crediting their FEE-HELP balance (and refund of Course fees paid) for a Subject they may request a review of that decision.
- 3.2. The review shall be carried out by the Review Officer who is the CEO or delegate and is senior to and independent of the Special Circumstances Panel in compliance with *HESA 2003* section 19-55.
- 3.3. Any such request must be submitted to the Review Officer in writing and
 - (a) must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period
 - (b) must specify the reasons for making the request and should include any new supporting documentation
 - (c) must be emailed to quality@aib.edu.au.
- 3.4. The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance (and refund of Course fees paid) for a Subject 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. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal (AAT) within 28 days of a decision

for a review of that decision and will provide the contact details of the closest AAT Registry and the approximate costs of lodging an appeal to that AAT Registry

- 3.5. The Review Officer shall:
- (a) seek and consider all relevant information from the person who made the original decision
 - (b) review the case within 3 weeks and advise the student of the decision in writing, stating the reasons for the reviewer's decision. The applicant shall also be advised in the decision of the right of further appeal.
- 3.6. The Review Officer may:
- (a) confirm the decision
 - (b) vary the decision, or
 - (c) set the decision aside and substitute a new decision.

Review Officer decisions relating to refusal to re-credit FEE HELP balance

- 3.7. If the Review Officer's decision relates to the re-credit of a FEE HELP balance,
- (a) the applicant will be advised of the right to apply to the AAT within 28 days of receiving the written advice of a decision for a review of that decision and be provided with the contact details of the closest AAT Registry and the approximate costs of lodging an appeal at that AAT Registry. Sample notice is available in [Appendix B](#).
 - (b) The student may supply AAT with additional information which they did not previously supply to AIB either in the original application or the request for review.
- 3.8. The Secretary of Department of Education, Skills and Employment (DESE), or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DESE's receipt of a notification from the AAT, DESE will notify AIB that an appeal has been lodged. Upon receipt of this notification from DESE, the Review Officer will provide DESE with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

Review Officer decisions relating to refusal to refund Course fees paid

- 3.9. If the Review Officer's decision relates to refusal to refund Course fees paid, the applicant will be referred to section 5, "Stage Three – Independent Review", of AIB's Student Grievance Handling Procedure.

Related Forms

Application for Consideration of Special Circumstances Form

Related Policies and Procedures

Student Grievance Handling Policy
Student Grievance Handling Procedure
Student Refund Policy
Student Refund Procedure
Withdrawal and Deferral Policy
Withdrawal and Deferral Procedure

Related Legislation

Higher Education Provider Guidelines 2022

Higher Education Support Act 2003 (HESA Act)

Higher Education Standards Framework 2021 (Threshold Standards)

Responsibility:

Chief Executive Officer

Current Status:	Version 1
Approved By:	Chief Executive Officer
Date of Approval:	27 July 2023
Effective From:	27 July 2023
Previous Versions:	29 July 2021 Student Review Procedures for Re-Crediting FEE-HELP v7.1 3 December 2020 26 September 2018 3 May 2017 24 May 2016 1 July 2013
Date of Next Review:	27 July 2026

Appendix A – Sample Notice on Reviewable Decision

The following sample has been reproduced from *Higher Education Administrative Information for Providers*, Appendix K, accessed 3 August 2023, <https://www.education.gov.au/higher-education-publications/higher-education-administrative-information-providers-october-2021/48-appendices/code-practice-notification-reviewable-decisions-and-rights-review-administrative-appeals-tribunal>

THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN A REVIEWABLE DECISION HAS BEEN MADE.

If you think this decision is wrong, you may request reconsideration by someone who was not involved in making this decision. You will need to make your request in writing and must include the following information:

- the date of this decision; and
- the reasons why you are requesting reconsideration.

You should also include any additional evidence that you think is relevant.

Send or deliver the reconsideration request to: Review Officer at quality@aib.edu.au.

Time limits apply. Your application must be made within 28 days [or insert greater time period – but no less than 28 days: Higher Education Support Act 2003 section 209-10 and subsection 209-10(2)].

Review Officer will:

- review the original decision
- assess any new evidence provided by you; and
- provide you with a written notice of the decision.

If, after Review Officer has reconsidered the decision, you are dissatisfied with the outcome, you may apply to the Administrative Appeals Tribunal (AAT) for a Review of Decision. The application must be lodged at the AAT within 28 days of receiving notice of Review Officer's decision. You will be provided with further information about this process at the time you are notified of that decision.

See the [Administrative Appeals Tribunal website](#) for further information on this process.

Appendix B – Sample Notice on Administrative Appeals Tribunal

The following sample has been reproduced from *Higher Education Administrative Information for Providers*, Appendix K, accessed 3 August 2023, <https://www.education.gov.au/higher-education-publications/higher-education-administrative-information-providers-october-2021/48-appendices/code-practice-notification-reviewable-decisions-and-rights-review-administrative-appeals-tribunal>

THIS TYPE OF NOTICE SHOULD ONLY BE PROVIDED WHEN A REVIEWABLE DECISION HAS BEEN RECONSIDERED.

If you disagree with this decision, you may apply to the Administrative Appeals Tribunal (AAT) for review. The application must be lodged at the AAT within 28 days of receiving this notice.

This time limit may be extended in limited circumstances by order of the AAT. The AAT's address is:

Administrative Appeals Tribunal
<https://www.aat.gov.au/>
Registry Address: Level 2, 1 King William Street, Adelaide SA 5000
Postal Address: GPO Box 9955, Adelaide SA 5000
Telephone (08) 8128 8099

If you apply to the AAT for review of a decision, you must pay an application fee of \$1,062 (as at August 2023). In certain circumstances a reduced fee of \$100 can be paid. These circumstances include where a person receives youth allowance, Austudy or ABSTUDY Centrelink payments or if the fee would cause the person financial hardship. You must provide the AAT with evidence that you are eligible to pay a reduced fee.

To ask for a fee reduction due to financial hardship you must fill in the [Request for fee reduction form](#). You should send the Tribunal this form when you lodge your application if you are seeking an application fee reduction.

This standard application fee is Subject to change and you should confirm the fee with the Tribunal Registry before you lodge an application. Your application cannot proceed until you pay the application fee. In certain limited circumstances you can receive a refund or partial refund of the application fee. The AAT can provide you with further information about the basis on which you may qualify for a refund or partial refund of the application fee.

See www.aat.gov.au for further information on this process.