

**COM012 Refunds & Withdrawal Policy**

| Version Control Procedure | | | | |
|---------------------------|----------------|---------|--|------------------|
| Date | Type of Change | Version | Details | By Who |
| 22/10/2014 | Major | V1 | Document created | Business Manager |
| 06/03/2019 | Minor | V1.1 | Review | Business Manager |
| 27/05/2019 | Minor | V1.2 | Review of cancellation of an enrolment | Business Manager |
| 08/04/2020 | Minor | V1.3 | Update to refund policy and fees paid in advance | Business Manager |
| 03/08/2022 | Minor | V1.4 | Amendment to Special Circumstances | Business Manager |

Purpose

To ensure that all refunds are provided to all eligible students.

Non VET Student Loans Enabled Courses & Students – Refunds & Withdrawals

This section is applicable to students who are not studying a VET Student Loans enabled course and/or who are not eligible for VET Student Loans assistance.

Prior to Commencement

Withdrawals from a course must be made via email to admin@acfb.edu.au. The withdrawal process will start from the date received. A full refund will be provided if received 30 days or more prior to course commencement. A partial refund will be provided if written advice has been received:

- within 30 days prior to course commencement (less \$100 cancellation fee)
- within 7 days prior to course commencement (less \$150 cancellation fee)

Post Commencement

Withdrawals from a course must be made via a completed Withdrawal Form and sent to admin@acfb.edu.au or handed into the campus. The withdrawal process will start from the date received.

On-campus

There will be NO refunds of course deposits (or equivalent payments), or Study Loans or transfers after the course commencement date. Course fees are transferable 30 days prior to course commencement; however, a transfer fee applies. In the unlikely event that a class is postponed or cancelled, you will be given the option of transferring to an alternate class/intake or a full 100% refund.

On-campus FLEXI and Distance Learning

Once a student has commenced their course by accessing their student webpage, or by receiving their course material up to the time they wish to withdraw, no refund will be issued for fees paid, or Study Loan payments up to that time.

General Withdrawal Information

- Enrolment fees cannot be transferred to another person.



- Any RPL costs will be considered when calculating refunds.
- All students who enrol in a course and do not attend their classes/sessions or communicate their intention to defer their studies in any three (3) month period will be withdrawn from their course and they will forfeit any monies paid, including Study Loan payments received by ACFB.
- All payments received prior to the date of withdrawal, including Study Loans, will be forfeited by the student.
- Exceptional circumstances will be considered at the discretion of the Principal and Program Manager.
- All refunds are calculated on course duration and not content completed.
- Refunds will be paid within 28 after the withdrawal date.
- All massage students on a scholarship who are required to complete student clinics on-campus as part of their course, MUST pay out these clinics (over the minimum requirements) if they do not wish to complete them.
- Students may wish to suspend their course and commence it at a later date (maximum of 6 months). For students who wish to choose this option, they need to address it in writing to ACFB's Program Manager.
- Students wishing to transfer to another delivery method or intake will be required to pay a transfer fee. If the student is a full fee student (FFS) their course fee will be adjusted accordingly.

VET Student Loans

VET Student Loans Enabled Courses – Refund Policy

Refunds – students who **are** eligible for VET Student Loans assistance

This section is applicable to students who are, or would be, entitled to VET Student Loans assistance enrolled in a VET Student Loans enabled course offered by ACFB. Census dates are outlined on ACFB's website – acfb.edu.au.

In the event of a student withdrawing from a VET unit of study on or before the census date for that unit of study:

- 100% of tuition fees paid for that unit will be refunded to the student; and
- the student will not incur a VET Student Loans debt.

In the event of a student withdrawing from a VET unit of study after census date for that unit of study:

- no refund is applicable; and/or
- the student will incur a VET Student Loans debt.

Re-crediting a FEE-Help Balance

The Australian College of Fitness & Bodywork will conduct this procedure in compliance with the requirements of the VET Student Loans Rules (s89).

ACFB will:

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

If a student who has requested VET Student Loans assistance withdraws from a VET unit of study on or before the census date for that VET unit of study, the student will not incur a VET Student Loans debt for that VET unit of study.

If a student who has requested VET Student Loans assistance withdraws from a VET unit of study after the census date for that VET unit of study, the student will incur a VET Student Loans debt for that VET unit of study.

A student who has incurred a VET Student Loans debt for a VET unit of study may apply to have their FEE-HELP balance re-credited for the affected VET unit of study in accordance with the following procedure.

Special circumstances

If a student withdraws from a VET unit of study after the census date, or has been unable to successfully complete a VET 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 VET units of study.

ACFB will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:

- are beyond the student's control; and
- did not make their full impact on the student until on or after the census date for the VET unit of study in question; and
- make it impractical for the student to complete the requirements for the VET unit(s) of study in question.

ACFB 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.

A student may apply to the Secretary for their FEE-HELP balance to be recredited under section 71 of the Act because:

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

Applications to the Secretary for re-crediting must be made within 5 years after the census date for the course, or the part of the course, concerned, or within that period as extended by the Secretary. The application must include the following to the extent that they are known to the applicant:

- Details of the course to which the application relates
- Details of the provider of that course
- The loan amount that is to be re-credited
- The applicant's student identifier (if any)
- Any documents supporting the application

The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if ACFB:

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

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim. Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to ACFB's Administration Manager.

Att: Administration Manager

ACFB

Suite 4/333 Mitcham Rd

Mitcham, Victoria, 3132



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

- when a student withdraws from a VET unit of study, ACFB shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- when a student fails to meet the requirements of a VET unit of study, ACFB shall confirm the failure by giving notice to the student in writing of the final result for that VET unit of study after results for that VET unit of study have been formally approved;
- the student must apply in writing to the Administrator 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 VET unit of study. ACFB 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 Administrator Manager shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- The Administrator Manager shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The Administrator Manager will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If a decision is made to re-credit the student's FEE-HELP balance, ACFB will notify the Department of Education and will repay to the Commonwealth any VET STUDENT LOANS assistance received on the student's behalf and the student's VET Student Loans debt for those VET units of study will be removed.

Review of a decision

If a student is not satisfied with the decision made by the Administrator Manager 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 not involved in the original decision making and is senior to the original decision maker.

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

- include the date of the original decision
- must be lodged within 28 days of receiving notice of the original decision, unless ACFB has allowed a longer period; and
- must specify the reasons for making the request.

A student must provide original, independent documentation as part of any application due to special circumstances. The documentation must clearly indicate the following:

- the level of impact of the special circumstances
- what the special circumstances were
- when they occurred
- how long they lasted; and
- for applications relating to a remission/refund of debt, that the circumstances made their full impact on the student on, or after, the census date.

This documentation should include:

- Medical Reasons – a statement from an appropriate health care practitioner that states:



- The date your medical condition began
- How your condition affected your ability to study
- When it became apparent that you could not continue your studies or that your studies would be impacted in some way

Note: The student should inform their doctor that the statement will be sent to ACFB in support of your application for consideration under special circumstances.

- Family/Personal Circumstances – a statement from a doctor, counselor or independent member of the community, for example a Justice of the Peace or a Minister of Religion, stating:
 - The date your family/personal circumstances began or changed
 - How your circumstances affected your ability to study
 - When it became apparent that you could not continue your studies or
 - that your studies would be impacted in some way.
- Employment Related Reasons – a statement from your employer stating:
 - Your previous work hours and location
 - Your current work hours and location
 - The reason for changed hours and location

Att: Review Officer

ACFB

Suite 4/333 Mitcham Rd

Mitcham, Victoria, 3132

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.

This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

The Review Officer shall:

- seek all relevant information from the person who made the original decision;
- 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 original decision;
- vary the original decision; or
- set the original 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 the Administrative Appeals Tribunal for a review of the decision; 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). The current fee to lodge an application with the AAT for the review of a decision is \$1,826 (GST exempt) for 2021 and is indexed annually. In certain circumstances, this fee can be reduced to \$100. If your application will be dealt with in the Small Taxation Claims Tribunal, the application fee is \$85. This fee cannot be reduced.

Your application cannot proceed until you pay the application fee. The AAT may dismiss your application if you do not pay the application fee within six weeks of lodging your application.

If you have paid a full application fee and the application is resolved in your favour, most of it will be refunded. There is no refund if you paid the reduced application fee or if your application was dealt with in the Small Taxation Claims Tribunal.

The contact details for the AAT are:

Level 16, HWT Tower, Southgate
40 City Road
Southbank VIC 3006
(03) 9282 8444

Where a student is unsatisfied with the reviewed decision, they may apply to the Administrative Appeals Tribunal for consideration of the Institute's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to the Institute either in the original application or the request for review.

The Secretary of the Department of Education, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the Department of Education's receipt of a notification from the AAT, they will notify ACFB that an appeal has been lodged. Upon receipt of this notification from the Department of Education, the Review Officer will provide them with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

Cancellation of Enrolment

In the event that ACFB is required to cancel a student's enrolment, ACFB will:

- provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect; and
- provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed; and
- set out the circumstances in which fees for the course, or the part of the course, concerned will, or will not be, refunded.

Publication

This *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be published in ACFB's Student Handbook which is available at www.acfb.edu.au.