

Special Circumstances



If you withdraw from Unit[s] of Study after the census date because you become seriously ill or for other special circumstances, you can apply to ACS to have your FEE-HELP balance re-credited.

To meet the definition of Special Circumstances, all three of the following criteria MUST apply:

- Events must be beyond a student's control AND
- these events do not make their full impact until on or after the census date for the VET Unit of Study in question AND
- these events make it impracticable for a person to complete the requirements for the VET Unit of Study

Beyond a student's control

For circumstances to be beyond a student's control, the situation occurs which a reasonable student 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 also be unusual, uncommon or abnormal to be considered special circumstances.

ACS needs to be satisfied that a student's circumstances did not make their full impact on the student:

- until on or after the census date for a VET Unit of Study if the student's circumstances occur or;
- on or before the census date but worsen after that day or;
- on or before the census date, but the full effect or magnitude does not become apparent until after that day; or after the census date

Impracticable for the student to complete the VET Unit of Study requirements

Special circumstances which would make it impracticable for the student to complete the requirements for the VET Unit of Study would include:

- Medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying
- Family/Personal circumstances: death or severe medical problems within a family, or unforeseen grave family financial difficulties, so that it is unreasonable to expect a student to continue studies
- Employment related circumstances: where a student's employment status or arrangements have changed so radically that the person is unable to continue his or her studies; with this change being beyond the student's control
- Course related circumstances: where ACS has changed the Unit[s] of Study offered and the student is disadvantaged by either not being able to complete the corresponding Unit[s] of Study, or not being given credit towards other Unit[s] of Study or courses

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Unable to complete the requirements for a Unit[s] of Study

A student is deemed unable to complete the requirements for a Unit[s] of Study, if the student is unable, due to special circumstances, to:

- undertake the necessary private study required; or
- attend sufficient lectures or tutorials; or
- meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- complete the required assessable work; or
- sit the required examinations; or complete any other course requirements because of their inability to meet the above circumstances

Applying for Special Circumstances

All applications for re-crediting of FEE-HELP balance, or refund of upfront VET tuition fees should be made in writing and must detail the Unit[s] of Study for which the student is seeking to have their FEE-HELP balance re-credited. This application must also detail the special circumstances that the student believes made it impractical to complete that VET Unit[s] of Study. The application needs to be forwarded to ACS via email to admin@collegeofsport.edu.au for the attention the Special Circumstances Review Panel.

The student must apply in writing, within 12 months of the withdrawal date, or if the student has not been withdrawn, within 12 months of the period of study in which the VET Unit of Study was, or was to be, undertaken.

The Review Panel meets once per term, applications for consideration will be tabled at the next scheduled Review Panel meeting after date of receipt, provided the application is in writing and details the Unit[s] of Study concerned, the special circumstances applicable and any other supporting documentation, for example, medical information.

If the student application is successful, the Notice of Decision letter will include the reasons for the decision to refund a student's paid VET tuition fee and/or re-credit the FEE-HELP balance; the FEE-HELP balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable); the upfront payment amount that will be refunded if the student has made such a payment; and who to contact for further questions.

If the student's application is unsuccessful, the Notice of Decision letter will include the reasons for the decision not to refund paid VET tuition fees and/or re-credit the associated FEE-HELP balance; how to submit a valid request for a review of this decision; and who to contact for further questions.

Review Officer

On receipt of a valid request for a review of a decision to not refund paid VET tuition fees and/or re-credit the associated FEE-HELP balance, the request will be forwarded to the Review Officer.

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The Review Officer's role is to do one [1] of the following:

1. Confirm the decision,
2. Vary the decision,
3. Set the decision aside and substitute a new decision.

The Review Officer will acknowledge receipt of an application for review of a reviewable VET decision in writing. Once the Review Officer makes a determination and decides on an application, ACS will then notify the applicant in writing of the Review Officer's decision and reasons for the determination. In the event that an applicant is not satisfied with the outcome to not re-credit or remit their FEE-HELP balance, they have the right to appeal to the Administrative Appeals Tribunal [AAT] for a review of the Review Officer's decision.

When notifying the applicant of the determination, ACS will include the nearest AAT Registry Office contact details.

If the student applies to the Administrative Appeals Tribunal (AAT) for review of a decision, the student may be required to pay an **application fee** of \$861. This application cannot proceed until the student pays the application fee or the fee has been waived. The application fee or part of the fee may be refunded when the review is completed if the AAT decides that it is finalised in the student's favour.

If the student applicant has not received a decision within 45 days of ACS receiving the application for review, it is to be taken that the original decision has been confirmed.

Review of decisions

Upon receipt of a notification from the AAT, DET will notify ACS in writing, that an appeal has been lodged. ACS will provide DET [within five [5] business days] copies of all held document records that are relevant to the appeal. ACS holds original and copies of the documents, in accordance with the organisation's normal record keeping practices. ACS may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and must advise DET if a decision is made to re-credit a student's FEE-HELP balance. However, until an applicant withdraws their AAT appeal, ACS will be obligated to forward all relevant documents to DET within the prescribed period [five [5] business days], unless advised not to do so by DET.