

WITHDRAWALS

A participant may need to amend their enrolment status during the course of study for a range of reasons and with a range of desired results:

Deferment

A participant may choose to defer their studies for a period of up to one year from the date of deferring. Participants need to complete a Deferment Transfer or Discontinuance form requesting to be deferred and specify the period of deferment. BAA will issue a statement of Attainment for any completed units up to the date of deferment.

Transfer

A participant wishing to transfer to another group should contact BAA administration and identify the most appropriate class to be transferred into. They should then complete a Deferment Transfer or Discontinuance form nominating the selected group and return it to BAA administration to effect the transfer.

Discontinuance or withdrawal

A participant may elect to discontinue their studies with BAA at any time during their course. Participants withdrawing from courses may be eligible for a proportion of any student contributions paid by them for the course, depending on their progress into the course and whether or not the date for withdrawal without penalty/census date has passed. Participants wishing to withdraw from studies should complete a Deferment Transfer or Discontinuance form and return it to BAA administration, bearing in mind that time may be of the essence in respect of penalties, refunds and responsibility for a debt under VET Fee Help.

In the event of a Participant withdrawing from a VET Unit of Study on or before the census date for that VET Unit of Study:

- 100% of tuition fees paid for that unit will be refunded to the Participant; and
- the Participant will not incur a VET FEE-HELP debt.

In the event of a Participant withdrawing from a VET Unit of Study after census date for that VET Unit of Study:

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

BAA will not charge any fees for a student to withdraw or impose any barriers on a student that seeks to withdraw from a VET Unit of Study or VET Course of Study.

REFUNDS

Builders Academy Australia holds a Tuition Assurance Scheme for protection of student fees paid in advance. From time to time however a refund may be required for specific participant cases. Refund information and arrangements are made available to clients prior to enrolment through:

- Builders Academy Australia's relevant handbook for each stakeholder group;
- Builders Academy Australia website; and
- As a part of the *Course Services Agreement* completed with the client prior to enrolment.

Refunds may be paid automatically, or sought and negotiated on an individual basis with Builders Academy Australia, on a case by case basis.

Builders Academy Australia has publicly published on its website, and makes participants aware of this *Refund* policy before enrolment.

Enrolment Fees

Enrolment fees paid for any course service cover administrative components of service provision, and are often mandatory fees in the cases of publicly funded course services. In these cases enrolment fees are non-refundable once the course service has commenced.

Co-contribution tuition fee

Builders Academy Australia charges a fee for each government subsidised course that a participant enrolls in, as relevant to the relevant government contractual requirements.

Refunds Prior to Course Services Commencement or Services Termination

Builders Academy Australia's general refund arrangements for all clients and all course services are as follows:

Refund Arrangements

Fee for Service Course Services	
Participant withdrawal before course commencement	Full refund of course services fees paid.
Withdrawal after course commencement.	Refund of pro rata course services fees paid
Government Subsidised Course Services	
Withdrawal Census Date / Withdrawal with No Penalty Cut off Date Builders Academy Australia's withdrawal/census date is set at 20% of the duration of the unit, and is the last day which students can withdraw from a unit and be eligible for a full refund of their unit fee. The withdrawal/census date applies to each individual unit of study and not to the course as a whole.	Full refund of course services fees paid.
Withdrawal after Withdrawal Census Date / Withdrawal with No Penalty Cut off Date	Refund of pro rata course services fees paid. <i>Note: In all cases of a mandatory government enrolment fee in relevant jurisdictions, these fees are non-refundable once the course service has commenced.</i>

Refunds Due to Non-Provision of Services

Course fees are to be refunded in full if Builders Academy Australia is unable to commence the course service as agreed due to a lack of minimum participant numbers or unforeseen circumstances.

Where Builders Academy Australia or a third party representative is unable to complete the course services due to unforeseen circumstances or closure, any course services fees are refunded on a pro-rata basis, with comparison of the course fees paid against the units of competency where services have been delivered.

Where there is an instance of Builders Academy Australia default due to unforeseen circumstances, Builders Academy Australia will endeavour arrange for another course, or part of a course, to be provided to participants at no (extra) cost to the participant as an alternative to a refund. Where the participant agrees to this arrangement, Builders Academy Australia will not refund fees paid.

Refund Arrangements	
Recognition of Prior Learning and/or Credit Transfer has been granted.	Pro-rata refund paid based on a calculation of the number of units that have received RPL or CT results and the fees paid to date.
Builders Academy Australia is unable to commence the course for which the original enrolment and payment has been made.	Full refund or alternative placement in a course, as per the clients' preference.
Builders Academy Australia is unable to continue to deliver the course as agreed.	Partial refund or alternative placement in a course, as per the clients' preference.

Refunds Due to Client Request / Hardship Application

Participants may have extenuating circumstances that prevent them from attending scheduled course dates that may include but are not limited to illness, family or personal matters, or other reasons that are out of the ordinary. Where evidence can be successfully provided to support the participant's circumstances, course service fees may either be transferred to the next available course where applicable, or a refund of unused course fees will be issued.

This decision of assessing the extenuating circumstances rests with the **General Manager** and shall be assessed on a case by case situation.

Where delivery has commenced, course fees have been paid and a client believes a special circumstance refund is warranted, the client may apply for a refund using the *Refund Application Form*. This form is available from any relevant Builders Academy Australia personnel and is also available within the relevant handbook for each stakeholder group.

Once completed, the *Refund Application Form* should be submitted to the General Manager via email at: enquiries@buildersacademy.com.au or via post to:

General Manager
 Builders Academy Australia
 Locked Bag 4002
 South Melbourne VIC 3205

All refund applications are assessed and processed within fourteen (14) days of the application being placed. The client will be advised in writing of the outcome of their application, including reasons for refusing a refund in cases where this occurs.

Builders Academy Australia does not typically provide a refund in cases where a participant has withdrawn from a qualification but has completed all the requirements for a lower level qualification, which attracted a lower participant fee.

All clients have the right to appeal a refund decision made by Builders Academy Australia. Please refer to the *Complaints* section for further information.

Third Party Refunds

If course services fees have been paid to Builders Academy Australia by a third party, any refunds payable will be remitted to that third party.

VET FEE-HELP - RE-CREDITING AND REMISSION

Participants who have accessed VET FEE-HELP to cover all or part of their tuition fees incur the liability and therefore the debt for their tuition fees after the census date. Participants may find they have to withdraw from their studies after the census date or they have been unable to complete their studies due to certain circumstances. Participants in this situation may apply to have their FEE-HELP balance re-credited.

If Builders Academy Australia determines that a person's FEE-HELP balance is to be re-credited, Builders Academy Australia repays any amounts of VET FEE-HELP it received for the VET unit of study to the Commonwealth. Any VET FEE-HELP debt the person incurred for the VET unit of study is taken to be remitted.

The Re-crediting Process

Builders Academy Australia re-credits a person's FEE-HELP balance with an amount equal to the amounts of VET FEE-HELP the person received for a VET unit of study if:

- The person has been enrolled in the VET unit of study with Builders Academy Australia; AND
- The person has not completed the requirements for the VET unit of study in the period the person undertook, or was to undertake the VET unit of study; AND
- Builders Academy Australia is satisfied that special circumstances apply to the person; AND
- The person applies in writing to Builders Academy Australia for re-crediting of the FEE-HELP balance; AND
- Either:
 - The application is made within 12 months of the person withdrawing from the VET unit of study or if the person has not withdrawn, within 12 months of the end of the period in which the VET unit of study was, or was to be, undertaken; OR
 - Builders Academy Australia waives the requirement the application be made before the end of the 12 months, on the ground that it would not be, or was not, possible for the application to be made before the end of the 12 months.

Builders Academy Australia ensures that it takes reasonable steps to ensure that people, who withdraw from a VET unit of study after the census date, are aware they may apply, in writing to Builders Academy Australia, for a re-credit of their FEE-HELP balance. Reasonable steps include:

- Relevant information in Builders Academy Australia's *Participant Handbook*;
- Providing information on Builders Academy Australia's website; and
- Relevant information in the material provided to participants.

Applying for a Re-credit and Remission

A person may apply to Builders Academy Australia for a re-credit of their FEE-HELP balance if they withdraw from their VET unit of study after the census date and special circumstances apply, or the person has not commenced the VET unit of study.

A person cannot apply for a re-credit or a remission if they have successfully completed the VET unit of study. A participant who receives a *Not Competent/Fail* grade is considered to have successfully completed the requirements of the VET unit of study.

An application for a re-credit or a remission must be made, in writing. Where Builders Academy Australia allows a person to defer completion of their studies, the twelve-month period applies from the end of the extended period. Builders Academy

Australia has the discretion to waive this requirement if it is satisfied the application could not be made within the time limits.

The person's application should include any independent supporting documents, for example, a letter from the person's doctor or counselor, to support the person's claims. Each application is examined and determined on its merits. Builders Academy Australia considers the person's claims, together with any independent supporting documentary evidence that substantiates these claims.

Special Circumstances

Builders Academy Australia re-credits a person's FEE-HELP balance if it is satisfied that special circumstances apply to the person that were:

- Beyond the person's control; AND
- Did not make their full impact on the person until on, or after, the census date for the VET unit of study; AND
- Made it impracticable for the person to complete the requirements for the VET unit of study in the period the person undertook, or was to undertake, the VET unit of study.

Special circumstances do not include, for example:

- A lack of knowledge or understanding of requirements for VET FEE-HELP; or
- A person's incapacity to repay a HELP debt, as repayments are income contingent and the person may apply for a deferral of a compulsory repayment in certain circumstances.

For special circumstances to apply, the circumstances must have made it impracticable for the person to complete the requirements of the VET unit of study. Special circumstances do not have to be the sole reason for not being able to complete the VET unit of study, but there must be a reason. If the participant was unable to complete the VET unit of study before the circumstances arose, Builders Academy Australia may make a decision not to re-credit the related FEE-HELP balance. For example, if a participant was required to obtain a pass mark for all assessment and the participant failed an exam for reasons unrelated to the circumstances, the participant would not be able to claim special circumstances if they fell ill after the exam.

Special circumstances beyond a person's control

Circumstances could be considered beyond a person'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 person is not responsible. This situation would generally be expected to be unusual, uncommon or abnormal.

For example, a lack of knowledge of how VET FEE-HELP works or the requirements regarding census dates would not be considered beyond a person's control.

Special circumstances that do not make full impact until on or after the census date

Circumstances could be considered not to make their full impact on the person until on or after the census date for the VET unit of study if the person's circumstances occurred:

- Before the census date, but worsen after that day;
- Before the census date, but the full effect or magnitude did not become apparent until after that day; or
- On or after the census date.

Participants do not need to demonstrate they were unable to withdraw from the VET unit of study prior to the census date.

Special circumstances arising from pre-existing conditions

A circumstance that first occurred before the census date may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day.

For example, a person may have an illness or other underlying, pre-existing condition or incapacity prior to the census date for a VET unit of study, but that condition may worsen, or that person may suffer from an aggravation, deterioration or episode, after the census date.

Alternatively, the full implications of a person's condition may not have been apparent until after the census date. This may be because recovery does not go to plan, or the degree of disability or incapacity for study are not fully realised until after the census date.

Builders Academy Australia considers whether the person's circumstances changed on or after the census date and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition, that may have affected the person on or after the census date

Special circumstances that made it impracticable for the person to complete the VET unit of study

The term impracticable is defined as 'not practicable, that which cannot be put into practice with the available means'. Builders Academy Australia keeps this definition in mind when deciding whether a participant's circumstances made it impracticable for them to complete a VET unit of study.

Circumstances that make it impracticable for the person to complete the requirements for their VET unit of study may include:

- Medical circumstances, for example where a person's medical condition has changed to such an extent that he or she is unable to continue studying;
- Family/personal circumstances, for example death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies;
- Employment related circumstances, for example where a person's employment status or arrangements have changed so the person is unable to continue their studies, and this change is beyond the person's control; or
- Course related circumstances, for example, where Builders Academy Australia has changed the VET unit of study it had offered and the person is disadvantaged by either not being able to complete the VET unit of study, or not being given credit towards other VET units of study or courses.

Consideration is also given to whether at the time the person's special circumstances emerged it was already not practicable for the participant to meet the requirements of the VET unit of study.

A person is unable to complete the requirements for a VET unit of study, for example, if the person is unable to:

- Undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements to meet their compulsory course requirements; or
- Complete the required assessable work to the required standard; or
- Sit the required examinations and obtain a required mark; or
- Complete any other course requirements because of their inability to meet the above.

Requirements for Making Decisions

Builders Academy Australia considers the person's application as soon as practicable and notifies the person of its decision and the reasons for making the decision.

Decisions regarding re-crediting a person's FEE-HELP balance are reviewable. In addition to notifying a person of its decision and the reasons for making the decision, Builders Academy Australia also advises the person of their rights for a review of the decision if the person is unsatisfied with the outcome. The person must be advised the time limit for applying for a review of a decision is 28 days from the day the person first received notice of the decision.

Notifying the Department of the Decision

Where a decision results in the re-crediting of a person's FEE-HELP balance, the remission of a person's HELP debt, and/or the refund of a person's upfront payments, Builders Academy Australia notifies the department through the *Revisions File*. Builders Academy Australia is required to repay to the Commonwealth any amounts of VET FEE-HELP Builders Academy Australia received from the Commonwealth on the person's behalf.

Re-crediting a Person's FEE-HELP Balance

Where Builders Academy Australia is satisfied that special circumstances apply, Builders Academy Australia re-credits a person's FEE-HELP balance with an amount equal to the amount of VET FEE-HELP the person received for the VET unit of study.

Builders Academy Australia has the discretion to refund any upfront payments the person made in respect of the VET unit of study in line with its own policies, which should be accessible to the participant.

Participants who withdraw on or before the census date, for any reason, do not incur a VET FEE-HELP debt, and accordingly, it is not necessary for them to seek a re-credit or establish special circumstances.

Reviewable VET Decisions

Decisions regarding re-crediting a person's FEE-HELP balance are reviewable. A review of a decision may be requested by the person affected by the original decision or without a request if Builders Academy Australia is satisfied there is sufficient reason to do so.

Builders Academy Australia has appointed the following *Review Officer* to undertake reviews of decisions regarding re-crediting a person's FEE-HELP balance.

Builders Academy Australia CEO
Mr Gerard Healy
gerard.healy@buildersacademy.com.au
Phone: 1300 LEGEND

Locked Bag 4002
South Melbourne VIC 3205

The review officer does not review a decision they were involved in making and occupies a position that is senior to that occupied by any person involved in making the original decision.

Review by Review Officer

A person has the right to apply for a review of a decision to not re-credit their FEE-HELP balance. The person's request must be made in writing and given to the review officer within 28 days from the day the person first received notice of the original decision. In the written request, the person must state the reasons why they are asking for a review.

If a full fee-paying participant has paid their fees upfront, and did not request VET FEE-HELP assistance, the review procedures under HESA do not apply. In this instance, the participant cannot under HESA request a review or refer the matter to the Administrative Appeals Tribunal (AAT).

The Builders Academy Australia review officer:

- Reconsiders the decision and either:
 - Confirms the decision; or
 - Varies the decision; or
 - Sets the decision aside and substitutes a new decision; and
- Notifies the person in writing of the decision and if applicable of the day the decision takes effect; and
 - The reasons for making the decision; and
 - Advises the person of their right to appeal to the AAT for a review of the reviewer's decision if the person is unsatisfied with the outcome; and
 - Provides the applicant with the contact details and address of the nearest AAT registry and the approximate costs of lodging an appeal.

In circumstances where an application is made outside the application period the person will be advised the application has been refused on the basis the person has not satisfied one of the threshold criteria. The applicant will also be provided with written reasons why the application period was not waived.

In these circumstances, it is not necessary for Builders Academy Australia to address whether the special circumstances test has been satisfied. A decision made on this basis will be a reviewable decision under HESA and there is an obligation to inform the person of this and provide the person with the opportunity to seek reconsideration of the decision.

Review by the AAT

A person may apply to the Administrative Appeals Tribunal (AAT) for review of a review officer's decision and may supply additional information to the AAT they did not previously supply to Builders Academy Australia, including the review officer.

The department will receive notification from the AAT that a person has lodged an application for a review of a review officer's decision. The department is the respondent for cases that are before the AAT.

Once the department has received notification from the AAT the person has applied for the reconsideration under section 37 of the *Administrative Appeals Tribunal Act 1975*, the department must lodge the following documents with the AAT within 28 days:

- A statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- Every document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the AAT.

The department will notify Builders Academy Australia, in writing, that an appeal has been lodged. To enable the department to meet the 28-day timeframe, Builders Academy Australia must, within a further five business days of being requested, provide the department with copies of all the documents it holds that are relevant to the appeal. These documents should be sent by courier or express post to meet the five-business day requirement. Builders Academy Australia will keep any originals and copies of the documents in line with its normal recording keeping practices. Once receiving the documents the department may choose to review the original decision.

Builders Academy Australia's review officer may also reconsider the decision even though an appeal has been made to the AAT at any time up until the AAT makes a final decision. If a decision is made to re-credit a person's FEE-HELP balance Builders Academy Australia must advise the department.

However, until a person withdraws their AAT appeal or the appeal is dismissed or otherwise dealt with by the AAT, the department is still required to comply with the requirement under section 37 of the *Administrative Appeals Tribunal Act 1975* to lodge the statement, and relevant documents described in the two dot points above, with the AAT. Therefore, Builders Academy Australia must still forward all relevant documents to the department within five business days, unless advised not to do so by the department. The department will deal with cases from that point and advise Builders Academy Australia of the outcome.