



GUIDELINES FOR APPLYING FOR REMOVAL OF FINANCIAL LIABILITY DUE TO SPECIAL CIRCUMSTANCES (Re-credit and Remission)

These guidelines provide detailed instructions for you to determine **if your circumstances warrant an application for removal of financial liability after the census date** and what to include with your application. Removal of financial liability after the census date may include:

- Student Learning Entitlement (SLE) re-credited;
- FEE-HELP debt remitted and balance re-credited;
- HECS-HELP debt remitted;
- Up front student contributions credited or refunded;
- Tuition fees credited or refunded.

IMPORTANT NOTES

- Your application form, Personal Statement and any supporting documents must be in **English**. An official translation in English must be included with your application for any supporting documentation issued in another language.
- Separate applications must be submitted if you are applying for the removal of financial liability for more than one semester or teaching period.
- This application **cannot** be used to seek withdrawal without academic penalty¹.
- Determination of special circumstances is based largely on the information and documentation provided by you with your application; assumptions about your special circumstances will not be made. The University has no obligation to seek additional supporting information from persons (e.g. doctors) you identify in your application.
- For assistance in preparing your application, contact the UQ Union (refer to section 3.1 for more information).

1.0 STUDENT ELIGIBILITY REQUIREMENTS

For your application to be considered, you must satisfy **ALL** requirements outlined in sections 1.1 and 1.2. Certified copies² of supporting documentation should also be supplied to support your claims. Any requirement that is not met will result in an unsuccessful application.

1.1. Basic Eligibility Criteria

To be eligible to apply for removal of financial liability due to special circumstances, the following criteria must be met:

- you were enrolled in the course(s) after the census date; and
- you did not complete the requirements of the course(s); and

¹ For further information on eligibility and how to apply for withdrawal without academic penalty refer to: <http://www.uq.edu.au/hupp/index.html?page=25130> and <http://www.uq.edu.au/myadvisor/index.html?page=2970>.

² Originals can be certified at any UQ Student Centre. Originals can be supplied with your application if certified copies cannot be obtained.

- your application is submitted in writing; and
- the application is made within 12 months from the date you withdrew from the course(s) or, if you did not withdraw from the course(s), within 12 months from the end of the semester or teaching period during which the course(s) was or was to be undertaken.

1.2. Special Circumstances Criteria

You will be required to demonstrate (with a personal statement and supporting documentation) that special circumstances are applicable based on the requirements outlined in sections 1.2.1 to 1.2.3. All three conditions must be met.

1.2.1. Special circumstances were beyond your control

The circumstances which led to your withdrawal or inability to complete the course requirements must be considered by a reasonable person not to be due to your action or inaction, either direct or indirect, and for which you were not responsible. The situation must be unusual, uncommon or abnormal.

1.2.2. Special circumstances did not make their full impact until on or after the census date

To meet this condition the special circumstance must have occurred:

- i) before the census date, but deteriorated significantly after the census date; or
- ii) before the census date, but the full effect or magnitude did not become apparent until on or after the census date; or
- iii) on or after the census date.

1.2.3. Special circumstances made it impracticable for you to complete the course(s) requirements

To meet this condition you need to demonstrate that it was impracticable for you to complete the course(s) requirements for the semester or teaching period, for example, because you were unable to:

- i) undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet your compulsory course requirements; or
- ii) complete all assessment tasks and/or examinations and any special course requirements.

NOTE: Failure to meet any progressive requirements of the course(s) prior to the special circumstances developing will not necessarily mean that your special circumstances made it impracticable for you to complete the course(s) requirements. For example, if you needed to pass all assessment items in order to pass the course, and you had already failed one of those assessment items before your special circumstance (e.g. ill health) occurred, you could not have passed the course even if you had not fallen ill, therefore your application is likely to be refused.

1.2.4. Examples of special circumstances

Medical reasons

Medical reasons must be supported by certified copies² of a medical certificate(s) and/or a medical statement(s) that substantiates that:

- the condition existed prior to the census date, continued past that date, and resulted in significant deterioration after the census date to the extent that you were unable to complete the course(s); or

- the medical condition only became known after the census date and was severe enough that you were unable to complete the course(s).

Family or personal reasons

Family or personal reasons must be supported by certified copies² of documents from your health care provider(s) or counsellor that substantiates your claim.

- *Example 1:* A member of your family suffers from a severe medical condition and, after the census date, you were required to provide full-time care (which is substantiated in your supporting documentation). As a result, you were unable to complete the course(s).
- *Example 2:* A member of your immediate family or partner died after the census date and you were affected to the extent that you were unable to complete your course(s) (must be substantiated by documentary evidence).

Financial reasons

Financial reasons must be supported by certified copies² of documents that may include but are not exclusive to: bank statements, list of expenses, bankruptcy notice.

- *Example:* There is a significant and unexpected change to your financial circumstances or to those of a third party who supports you that occurred after the census date. This unexpected change must have been sufficiently large that it would be unreasonable to expect that you would be able to complete the course(s) (must be substantiated by documentary evidence).

Employment Related Reasons

Employment related reasons must be supported by a statement from your employer and/or certified copies² of supporting documentation to substantiate that, after the census date, your employment status or arrangements changed unexpectedly due to circumstances beyond your control, and as a result you were unable to complete the course(s).

NOTE: Choosing to increase hours of work or to undertake additional employment is not regarded as a circumstance beyond your control. In such circumstances liability will not be remitted.

- *Example 1:* You were employed full-time whilst studying. After the census date, your employer unexpectedly increased your hours of employment in circumstances that were beyond your control. As a result you were unable to complete the course(s).
- *Example 2:* You were employed full-time whilst studying. After the census date, your employer directs that you be transferred to a different state/country. As a result, you were unable to complete the course(s).

Special circumstances do not include:

- a lack of knowledge or understanding of census dates or cancellation procedures;
- a lack of knowledge or understanding of the HECS-HELP scheme (HECS-HELP students only);
- a lack of knowledge or understanding of the FEE-HELP loan scheme (FEE-HELP students only);
- forgetting you are enrolled in a course(s);
- forgetting to drop a course(s);
- an inability to repay a HECS-HELP or FEE-HELP debt.

2.0 Application Process

2.1 Submitting an Application

To submit an application for the removal of financial liability due to special circumstances, you must:

1. Read these Guidelines to determine if you satisfy the eligibility requirements outlined in section 1.
2. Complete the Removal of Financial Liability due to Special Circumstances application form (available from <http://www.uq.edu.au/myadvisor/removal-financial-liability>) and ensure that it is signed and dated.
3. **Attach a signed and dated Personal Statement** explaining the details of your case and the special circumstances which prevented the completion of your course(s).
4. Attach all supporting documentation relating to your case. **Supporting documents must be certified copies² of the originals.** An official translation in English is also required if this documentation has been issued in another language.
5. Staple your application form, Personal Statement and supporting documents and lodge it in person to any UQ Student Centre or mail your application to:

Student Centre, St Lucia Campus
The University of Queensland QLD 4072

NOTE: Emailed or faxed applications will NOT be accepted.
Each application will be determined on its merits.

2.2 Notice of Decision

You will be notified of the outcome of your application within 45 calendar days of the date the application was received by the University. The Notice of Decision will be in writing and sent to your student email account as well as to the mailing address stated on your application form and will contain the following information:

- the decision;
- reasons for the decision;
- materials used to make the decision;
- how to apply for a review (if your application is not approved by the *Academic Registrar*).

2.2.1 Approved Applications

Where an application is approved, the process applied for the repayment, re-crediting or remission of financial liability will depend upon your fee type and the method of original payment used, as detailed below.

NOTE: If you are sponsored by a third party, and your application for removal of financial liability is approved, the money will be refunded/re-credited to the third party who paid the fees. Payments made by credit card will usually be refunded to that same credit card.

HECS-HELP loan students

Students who obtained a HECS-HELP loan for their student contribution amount for their course(s) will have their debt removed (this includes any amounts incurred due to indexation) and their Student Learning Entitlement (SLE) re-credited to an amount equal to the EFTSL value of the course(s).

Partial Up front HECS-HELP students

Students who partially paid their student contribution amount for their course(s) up front will have this amount credited to their UQ student account. Where a student requires a refund of monies paid rather

than a credit towards a future semester's liability, he/she should advise the University using the *Student Fees Refund Request* form available online at: <http://www.uq.edu.au/myadvisor/refunds-domestic>.

The remaining HECS-HELP debt will be removed (this includes any amounts incurred due to indexation). The Student Learning Entitlement (SLE) will also be re-credited to an amount equal to the EFTSL value of the course(s).

Full Up front HECS-HELP students

Students who paid their student contribution amount up front will have this amount credited to their UQ student account and their Student Learning Entitlement (SLE) re-credited to an amount equal to the EFTSL value of the course(s). Where a student requires a refund of monies paid rather than a credit towards a future semester's liability, she/he should advise the University using the *Student Fees Refund Request* form available online at: <http://www.uq.edu.au/myadvisor/refunds-domestic>.

FEE-HELP loan students

Students who incurred a FEE-HELP debt for their course(s) will have their debt removed and their FEE-HELP limit re-credited (this includes any amounts incurred due to indexation).

Tuition Fee paying students

Students who paid their tuition fees up front will have this amount credited to their UQ student account. Where a student requires a refund of monies paid rather than a credit towards a future semester's liability, he/she should advise the University using the *Student Fees Refund Request* form available online at: <http://www.uq.edu.au/myadvisor/refunds>.

2.2.2 Non-approved applications

If you think the decision made by the *Academic Registrar* in relation to your application is wrong, you have the right to apply to the *Deputy Vice-Chancellor (Academic)* for a review of that decision. Refer to section 3.1 for more information.

3.0 Appeals Process

3.1 Submitting an Appeal

The time limit for applying for a review of a decision is 28 calendar days after the day you first received the Notice of Decision from the *Academic Registrar*.

If you are seeking a review of the decision you must apply in writing to the *Deputy Vice-Chancellor (Academic)* and state:

- you are submitting a **Review Request for a Removal of Financial Liability Decision**; and
- your full name, student number, and current mailing address; and
- the date of the *Academic Registrar's* decision; and
- your grounds for requesting a reconsideration of the decision; and
- attach further certified copies² of supporting documents which you did not provide previously, which clearly demonstrates:
 - that the full impact of your circumstances occurred either:
 - i. before the census date, but deteriorated significantly after the census date; or
 - ii. before the census date, but the full effect or magnitude did not become apparent until on or after the census date; or
 - iii. on or after the census date.

- how your circumstances made it impracticable for you to complete the course requirements for the semester or teaching period, as you were unable to:
 - i. undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet your compulsory course requirements; or
 - ii. complete all assessment tasks or examinations and any special course requirements.
- your circumstances were unusual, uncommon or abnormal, and were not due to your action or inaction, either direct or indirect, and for which you were not responsible.

The review request letter should be sent to:

Manager, Student Fees
 C/- Student Centre, St Lucia Campus
 The University of Queensland QLD 4072

You may wish to consult the Education and Postgraduate Student Advocate, the UQ Union, for assistance with preparation of your review request.

Contact Information:

Telephone: +61 7 3346 3400
 Email: jasonc@uq.edu.au
 Internet: http://www.uqunion.uq.edu.au/index.php?m=content&p=education_advocate
 In person: Building 21, Level 4, Union Complex
 St Lucia Campus, The University of Queensland

3.2 Acknowledgement of Review

The University will acknowledge receipt of your review request in writing to your student email account as well as the mailing address stated in your review letter.

3.3 Notice of Review Decision

During the review process, the *Deputy Vice-Chancellor (Academic)* will:

- review the original decision;
- assess any new evidence provided by you;
- make a decision (either confirming, varying or setting aside the original decision and substituting a new decision).

The Notice of Review Decision will be in writing and sent to your student email account as well as the mailing address stated in your review letter within 45 calendar days from the date on which your review request is received by the University. This letter will contain the following information:

- the decision;
- reasons for the decision;
- materials used to make the decision;
- other avenues of appeal (if your review request is not approved by the *Deputy Vice-Chancellor (Academic)*).

3.3.1 Approved applications

Refer to section 2.2.1 for more information.

3.3.2 Non-Approved applications

HECS-HELP & FEE-HELP students

HECS-HELP or FEE-HELP students who are dissatisfied with the review decision made by the *Deputy Vice-Chancellor (Academic)* have the right to appeal to the Administrative Appeals Tribunal (AAT). The application must be lodged within 28 calendar days after the day you first received the reviewer's decision.

A filing fee of approximately \$777 is normally payable. In some circumstances the fee does not have to be paid; contact the AAT for more information. Fees are refunded for successful applications.

The Secretary of the Department of Education, Employment and Workplace Relations (DEEWR), or his/her delegate, will be the respondent for cases heard by the AAT.

Contact Information: Administrative Appeals Tribunal (AAT) Queensland
Deputy Registrar, Administrative Appeals Tribunal
Level 4, Cnr North Quay & Tank Street
BRISBANE QLD 4000
Internet: <http://www.aat.gov.au/>
Ph: 07 3361 3000

Tuition Fee students

International or domestic full-fee paying students have the right to take further action under Australia's consumer protection laws:

Contact Information: Australian Competition & Consumer Commission
Internet: <http://www.accc.gov.au/>
Telephone: 1300 302 502

Students may also choose to contact the UQ Union's Legal Service at St Lucia for legal advice.

Contact Information: Telephone: +61 7 3346 3400
Email: uqunion@uq.edu.au
Internet: http://www.uqu.uq.edu.au/index.php?m=content&p=legal_advocate
In person: Building 21, Level 4, Union Complex
St Lucia Campus, The University of Queensland

Queensland Ombudsman

Where all avenues for escalation or appeal have been exhausted without reaching what you consider to be a satisfactory outcome, you may take the matter to the Office of the Queensland Ombudsman. Note however that the Ombudsman normally focuses on issues of procedural compliance or fairness in the decision making process rather than matters concerning academic judgement. See: <http://www.ombudsman.qld.gov.au/>

4.0 Further Information

For further information in relation to the removal of financial liability, see the links below:

HECS-HELP and FEE-HELP students:

- *Higher Education Support Act 2003* available at:
<http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/current/bytitle/48FBA247E6071359CA2576FF0013E6EC?OpenDocument&mostrecent=1>

(Division 79 relates to re-credit and remissions for HECS-HELP; Division 104 relates to re-credit for FEE-HELP)

- *Student Learning Entitlement Guidelines* available at:
<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/search/175E15944DC85B8FCA25708A000046EC> (for Commonwealth supported students only)
- *Administrative Information for Higher Education Providers: student support* available at:
<http://www.deewr.gov.au/HigherEducation/Resources/Pages/AdminInfoForProviders.aspx>
- Going to Uni website:
<http://www.goingtouni.gov.au/>
- The University of Queensland's *Grievance Resolution Policy* available at:
<http://www.uq.edu.au/myadvisor/grievance-resolution>
- The University of Queensland's Policy and Procedures for removal of financial liability available at:
<http://www.uq.edu.au/myadvisor/removal-financial-liability>
- The University of Queensland's *Student Charter* available at:
<http://www.uq.edu.au/hupp/index.html?page=25116&pid=25075>

Tuition Fee students:

- The University of Queensland's *Grievance Resolution Policy* available at:
<http://www.uq.edu.au/myadvisor/grievance-resolution>
- The University of Queensland's Policy and Procedures for removal of financial liability available at:
<http://www.uq.edu.au/myadvisor/removal-financial-liability>
- The University of Queensland's *Student Charter* available at:
<http://www.uq.edu.au/hupp/index.html?page=25116&pid=25075>