

## POLICY DOCUMENT

# REFUND POLICY – DOMESTIC AND INTERNATIONAL STUDENTS

## 1 Purpose and Scope

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This policy outlines the circumstances under which the refund, re-credit, or remission of tuition fees are available to students.

### SCOPE

This policy applies to:

- All domestic students
- All international students
- All potential students who have made tuition pre-payments

## 2 Policy Statement

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Tuition fees for domestic students are governed by the *Higher Education Support Act 2003 (HESA 2003)*. Tuition fees for international students are governed by the *Education Services to Overseas Students Act 2000 (ESOS 2000)* and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)*.

Student tuition fees are charged on a per subject basis and students are invoiced for each teaching period. College fees for international students apply to persons living and studying in Australia who do not have permanent resident status in Australia.

The regular full time study load for a semester is four (4) units. International student visa holders must maintain a full time study load and must not vary their enrolment unless an approved intervention plan is in place. The College is obliged to inform the Department of Home Affairs of any change of status where a student who holds a student visa completes his or her program early, transfers to another provider, is

excluded on academic grounds and fails to meet his or her visa conditions, defers or suspends his or her study or otherwise changes the expected duration of his or her study. Domestic students' study loads are also reported to the government. This policy identifies the circumstances under which domestic and international students, who vary their study loads after enrolment, are entitled to the refund, re-credit or remission of tuition fees.

Should students wish to appeal any decision made concerning refunds, this Policy and the availability of the complaints and appeals procedures for students do not remove the rights of a student to take action under Australia's consumer protection laws.

## 2.1 DOMESTIC STUDENTS AND CONTINUING INTERNATIONAL STUDENTS

If a domestic student or continuing international student decides to withdraw or intermit their studies before the end of their enrolled teaching period, the refund amount will be paid in accordance with the Domestic and Continuing International Student Refund Schedule below:

### Domestic and Continuing International Student Refund Schedule

Timing of Withdrawal/Cancellation	Refund Provided
On or Before the Census Date	100% of tuition fees
After the Census date	Nil

If a student withdraws from a subject after the census date for a given teaching period, the College will NOT refund, re-credit/remit the tuition fees paid by the student except where there are established special circumstances approved by the College in accordance with HESA 2003. Refer to section 2.6 Special Circumstances.

## 2.2 COMMENCING INTERNATIONAL STUDENTS

Commencing students who lodge an application to withdraw from their course or to defer their commencement date will be refunded by the College in accordance with

the Commencing International Student Refund Schedule below. The CEO and Dean may choose to waive all or part of the cancellation fees where compassionate or compelling circumstances have been demonstrated by the student.

If a student visa is refused, the College will retain 5% of the total course fees paid up to a maximum amount of \$500.

### **Commencing International Student Refund Schedule**

<b>Timing of Withdrawal/Cancellation</b>	<b>Refund Provided</b>
One (1) month prior to course commencement date	90% of tuition fees
Less than one (1) month prior to course commencement date	70% of tuition fees
After the start of the teaching period, up to the census date	50% of tuition fees.
After the Census date	Nil

### **2.3 STUDENT DEFAULT**

No refund of tuition fees will apply if the student's enrolment is cancelled due to one or more of the following:

- The student does not commence a course on the agreed starting day and does not withdraw from the course on or before the census date.
- The student does not meet any prescribed conditional course requirements.
- The student makes a statement proven to be false or provides a fraudulent document.
- The student fails to make a payment to the College which they were liable to pay.
- The international student has breached a condition of his or her visa.
- The student has been found guilty of misconduct.
- The student is excluded or expelled from the College.

## 2.4 PROVIDER DEFAULT

Tuition assurance protects students in the unlikely event a course of study provided by the College ceases to be provided after it starts but before it is completed. A student may be refunded within 14 business days of the agreed starting day of the course or subject(s) or the day in which the course ceases to be offered. Alternatively, a student may be made an offer to another course offered by the College for a cost no greater than that of the original course no longer being offered. Further information can be found:

- Domestic Students: visit [www.education.gov.au](http://www.education.gov.au)
- International Students: visit the Tuition Protection Services (TPS) website [www.tps.gov.au](http://www.tps.gov.au)

### **Tuition Protection Service (TPS)**

Course fees for international students studying on an Australian student visa are protected by the Tuition Protection Service under the ESOS Act 2000. The aim of this protection is to ensure that students receive the tuition they have paid for or, as a last resort, a refund.

The legislation sets out what happens when a registered provider or an overseas student or intending overseas student defaults (that is, when a provider fails to start or finish providing a course to a student, or a student fails to start or finish a course with a provider).

## 2.5 PROCESS FOR CLAIMING A REFUND

A student can apply for a refund of tuition fees paid for a teaching period if the student has enrolled in a subject(s) in the teaching period and submitted a formal request on or before the census date to:

2.5.1 Withdraw from their course by completing and submitting an *Application to Discontinue Studies* form; or

2.5.2 Intermit (take leave) from their course by completing and submitting an *Application to Defer of Intermit Studies* form; or

2.5.3 Vary their subject enrolment by completing and submitting an *Enrolment Variation* form to withdraw from a subject(s).

Before a student can apply for a refund:

- the College must have received money into its accounts as cleared funds for the relevant teaching period;
- the student's course or subject withdrawal must have been processed, and
- the student must pay/settle any other debts owing to the College, such as library fines. If the student fails to do so, the College reserves the right to deduct outstanding debts or fines owing from the refund amount.

Students are required to complete a *Request for Refund* form and include the reason for the request including attached documentary evidence. Once the student's request has been received and the approval process completed, Student Services will contact the student with information regarding the approval or decline of the refund requested.

If a student's refund request is approved, a refund will be paid by the Finance Office within 4 weeks of the College approving the request or if in the case of an ACPE default, within 14 business days.

Refunds will be made by electronic funds transfer in Australian dollars only and will be paid to the student. Scholarship and sponsored students' refunds will only be paid to the scholarship provider or sponsoring body.

## 2.6 SPECIAL CIRCUMSTANCES

Where a student remains enrolled in a subject after the census date and withdraws after the census date or does not complete the subject, the College may cancel the tuition fee charge or process the remission of the FEE-HELP debt for the subject if:

- 2.6.1 The College is satisfied that the student has demonstrated that special circumstances as defined in the *Remission of Financial Liability due to Special Circumstances Policy* apply;
- 2.6.2 The student has supplied sufficient and valid independent supporting documentation of the special circumstances; and
- 2.6.3 The application is received within 12 months of when the subject(s) were officially withdrawn or within 12 months of the end of the study period for the subject(s).

The College may waive the 12-month application period if it is satisfied that the student has demonstrated with sufficient and valid independent supporting documentation, that he/she was incapable of making the application before the end of that period.

Decisions relating to the remission of financial liability will be made according to the *Remission of Financial Liability due to Special Circumstances Policy*.

## 2.7 REVIEW OF A REFUND DECISION

If a student is dissatisfied with the outcome of the refund request, the student may apply, within 20 working days of being informed of the decision, for a review of the decision in accordance with the College's *Grievances, Complaints and Appeals Policy*. The formal complaints and appeals procedure begins when the student submits the completed formal complaints form to Student Services.

## 3 Definitions

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- **Census date**

The date when a student's enrolment in a subject is finalised and the student's financial liability for the enrolment is determined

- **Compassionate or Compelling circumstances**

Circumstances which are beyond the student's control and which prevent the student from commencing or continuing their course.

Special circumstances which relate to the re-crediting of tuition fees (HESA 2003) are those which :

- were beyond the student's control;
- did not make their full impact on the student until on or after the census date; and
- made it impracticable for the student to complete the requirements for the course or subject.

- **Course**  
A program of study made up of a number of subjects (units) necessary to qualify for a higher education award.
- **Direct Payment**  
Tuition fees paid directly to the College by a student.
- **Direct Payment**  
Tuition fees paid directly to the College by a student.
- **Domestic student**  
An Australian citizen or permanent resident in Australia, or a New Zealand citizen or permanent visa holder for New Zealand (including a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative).
- **ESOS**  
The Education Services for Overseas Students Act 2000 (ESOS Act) sets out the legal framework governing delivery of education to international students in Australia on a student visa.
- **HESA**  
The Higher Education Support Act 2003 (HESA) is the main piece of legislation governing higher education in Australia.
- **International student**  
A student who is not a domestic student (as defined above) and includes students on temporary resident visas.
  - A continuing international student is an international student who has completed at least one semester or study period at the College.
  - A commencing international student is an international student who has enrolled to commence a course at the College.
- **Student**  
An individual who is formally enrolled to study at the College and is assigned an individual student identification number.
- **Subject**  
Means the smallest stand-alone component of a student's award course for which a grade is assigned on a student's academic transcript. Also referred to as a "unit".

- **Teaching period**

A period of time in which a subject is offered and which has a commencement date, census date and end date.

- **Tuition fee**

A fee paid for the teaching of a subject undertaken in the College.

- **Tuition fee credit**

The re-credit of a student's FEE-HELP loan balance, due to approved special circumstances.

- **Tuition fee refund**

The return of money already paid to the College

- **Tuition fee remission**

A procedure whereby a student's FEE-HELP debt is removed because of approved special circumstances.

- **Tuition Protection Service (TPS)**

The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study

## **4 Related Documents**

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- Grievances Complaints and Appeals Policy
- Deferral, Withdrawal and Course Variation Policy
- Fees Policy
- Remission of Financial Liability due to Special Circumstances Policy

**Legislation:**

- Higher Education Support Act 2003
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
- Study Assist – FEE-HELP



## 5 Policy Administration

<b>Policy Name &amp; Code:</b>			Refund Policy – Domestic and International Students (POL-17)
<b>Policy Owner:</b>			CEO and Dean
<b>Approval Authority:</b>			Board of Directors. ACPE
<b>Next Review:</b>			September 2023
<b>Approval Date</b>	<b>Effective Date</b>	<b>Version</b>	<b>Summary of changes</b>
13 Dec 17	14 Dec 17	1	Harmonised policy for ACPE, Endeavour and Martin College developed.
11 Dec 18	12 Dec 18	2	<p>Revision date: 31 October 2018</p> <ul style="list-style-type: none"> <li>• Policy de-harmonised from other SGA brands. Job titles and departments updated to reflect current practices.</li> <li>• Policy content revised to ensure accuracy and compliance with the HESF and National Code.</li> <li>• Policy format updated in line with the new template used for ACPE policies and procedures.</li> <li>• Renamed to include both domestic and international students.</li> <li>• Separated the commencing international students from the continuing international students and created two sections: <ul style="list-style-type: none"> <li>- Domestic and Continuing International Students</li> <li>- Commencing International Students</li> </ul> </li> <li>• Revised the cancellation fee schedules to identify the domestic and continuing international student refund schedule separately from the commencing international student refund schedule</li> <li>• Removed detailed provider default reporting steps</li> </ul>
14 Mar 19	14 Mar 19	2.1	<ul style="list-style-type: none"> <li>• References to Dean and Operations Director replaced with CEO and Dean.</li> <li>• References to Student Services and Learning Support Manager replaced with Director of Student Services and Campus Wellbeing.</li> </ul>
01 Apr 19	02 Apr 19	2.2	<ul style="list-style-type: none"> <li>• “Upfront Payment” references have been replaced with “Direct Payment”</li> </ul> <p>Further Revision on September 2020: Minor changes on document format.</p>

\* Unless otherwise indicated, this policy will still apply beyond the review date.