

National Code Standard 3

REFUND POLICY

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Overview

- 1) This policy sets out when refunds will and will not be available to students. In accordance with the National Code 2018, the contents of this policy will be advised to prospective students prior to their acceptance of an offer or enrolment at the College.

Definitions

- 2) Tuition Fees means fees a provider receives, directly or indirectly, from:
 - (i) an overseas student or intending overseas student; or
 - (ii) another person who pays the fees on behalf of an overseas student or intending overseas student;that are directly related to the provision of a course that the provider is providing, or offering to provide, to the student;

Application

- 3) All applications for refund must be made by submitting a signed Application for Refund Form together with all relevant, certified documentary evidence supporting the reasons for the refund application.

Student Transfer

- 4) In the case of a refund application where a student is transferring provider before the expiry of their initial 6 months of studying their principal course, refund applications will not be considered unless the transfer is approved.
- 5) This means that students should only lodge their Application for Refund Form if they have been granted a letter of release from the College.

Amounts “not refundable”

- 6) The registration application fee (\$300.00) is not refundable under any circumstances.
- 7) Except in the unlikely event of Provider Default occurring, moneys paid for Direct Expenses are not refundable where the College has, at the date that the refund application is lodged with the College, incurred costs in obtaining the goods or services for which the Direct Expenses relate. For example, if a student has paid an amount for overseas student health cover and this cover has been arranged by the College, no refund will be issued.
- 8) For refunds in the case of Provider Default, see below.

Processing Timeframe

- 9) All approved refunds will be provided within 28 days of the College receiving an Application for Refund Form in satisfactory form, accompanied by the relevant supplementary documentation.
- 10) The date of the notification for Application for Refund is the date on which the completed form is received by the College. If the Application for Refund is filed without the necessary supporting documentation (i.e. Withdrawal Form etc) then the date of filing will be when the final supporting documentation is received.

Student Default – General (Other than Visa Rejection)

- 11) If a student who has not yet commenced a course informs the college in writing of a cancellation not later than 28 days prior to the commencement of the course the registration application fee plus 20% of the total tuition fees will not be refunded.
- 12) If a student cancels their course in writing within or less than 28 days before the commencement date the registration application plus 40% of the total tuition fees will not be refunded.
- 13) A refund processing fee of \$250.00 will apply to all refund applications.
- 14) All applicable fees will be due and payable and no refunds will be issued if the course starts on the agreed starting day, and:
 - a) a student has commenced their course; or
 - b) a student has commenced their course but the College cancels their enrolment because the student fails to pay an amount due to the provider in order to undertake the course; or
 - c) a student does not start the course on the agreed starting day and has not previously advised the College in writing of their intention to withdraw.
- 15) In the circumstances listed at (a) and (c) above, the College may in its discretion issue a refund if the student:
 - proves to the College’s satisfaction that exceptional circumstances existed (such as severe medical illness requiring hospitalisation, death or natural disaster) which prevented the student from commencing the course on the agreed starting day; and
 - provides documentary evidence in support of the exceptional circumstances, e.g. a medical certificate, death certificate, newspaper article confirming the natural disaster.
- 16) Refunds will not be approved or provided in the following circumstances:
 - a) where the student concerned has provided fraudulent, forged or misleading information.
 - b) if the request is submitted after the student has had their enrolment terminated due to non-payment of tuition fees.
 - c) if the student fails to submit their Application for Refund within 30 days of the end of the study period in which the tuition fee was applicable.
 - d) where the student’s visa status changes to Permanent Resident following commencement of their studies.
 - e) where the student has breached visa conditions.
 - f) if the student fails to comply with the conditions of enrolment and the College’s student-related policies.
 - g) if a student “fast tracks” and completes their course in a shorter time than what is specified in the letter of offer.
- 17) The Secretary will be notified of any student default and/or early completion of studies.

Student Default - Visa Application Rejection with consequent Non-commencement of Study

- 18) For international students, in accordance with S47E of the ESOS Act, the total amount of pre-paid tuition fees will be refunded in full if the visa application is rejected by the relevant embassy or Australia’s Department of Home Affairs or its successors.
- 19) The amount of unspent pre-paid fees that the College will refund the student is the total amount of the pre-paid fees the College has received for the course in respect of the student less the following amount worked out by Ministerial legislative instrument:
 - a) the lesser of:
 - 5% of the total amount of pre-paid fees that the provider received in respect of the student for the course before the default day; or
 - the sum of \$500.
- 20) The College will require a signed Application for Refund Form in satisfactory form, together with a notarised copy of the Australian Government’s rejection letter to be supplied to the College to confirm the visa rejection and validate the refund application.

Student Default – due to Disciplinary Reasons and/or Visa Cancellation

- 21) No refund will be issued if a student’s enrolment is cancelled because of student academic or behavioural breaches, suspension or expulsion from studies, or if a student visa is cancelled due to breaches of visa conditions.

Provider Default

- 22) In the unlikely event that the College is unable to deliver your course in full, you will be offered a refund of the amount of any unspent pre-paid fees received by the College worked out in accordance with Section 46D of the ESOS Act.

- 23) The refund will be paid to you within 14 days of the day on which the course ceased being provided. Alternatively, you may be offered enrolment in an alternative course by the College at no extra cost to you. You have the right to choose whether you would prefer a refund of the unspent pre-paid fees, or to accept a place in another course. If you choose placement in another course, we will ask you to sign a document to indicate that you accept the placement.
- 24) If the College is unable to provide a refund or place you in an alternative course our membership of the Tuition Protection Service (TPS) for international students or ITECA for domestic students will place you in a suitable alternative course with another provider at no extra cost to you.
- 25) Finally, if this is not possible, you will be eligible for a refund as calculated by the relevant authorities.

Issue of Refund

- 26) Refund applications will not be processed where the signature on the Application for Refund Form does not match the student's signature as shown on other documents provided by the student for admission to the College.
- 27) Refunds will be paid only to the student unless the student has nominated another person, e.g. an education agent, on their relevant Student Enrolment Application Form or on the Application for Refund Form in which case the College may in its discretion pay the refund to the nominated party.
- 28) The date of the notification for Application for Refund is the date which the completed form is received by the College. If the Application for Refund is filed without the necessary supporting documentation (ie Withdrawal Form etc) then the date of filing will be when the final supporting documentation is received.

Appeal

- 29) Students may appeal a decision by the College to refuse a refund or appeal against the amount of refund given by accessing the College's complaints and appeals procedure. The student agreement and the availability of a complaints and appeals process does not remove the student's right to take further action under Australia's consumer protection laws.

Related Forms

- Refund application form

Related Policies

- Student complaints and appeals policy
- Student transfer policy
- Deferring, suspending or cancelling student enrolments' policy

Related Standards

- Standards for Registered Training Organisations (RTOs) 2015 – Standard 5 – Clause 5.3

Related Legislation

- Education Services for Overseas Students Act 2000
- Education Services for Overseas Students (Calculation of Refund) Specification 2014