

Policy Name:	International - Student Refund Policy
Document Number:	FIN 1.1.01
Approved by:	CEO
Last Approval Date:	June 2023
Review Date:	June 2025
Audience:	NIET (Australian Academy International) Staff and Students
Contact Officer:	Finance Manager
Related Documents:	ESOS Calculation of Refund Specification 2014.
Legislation:	Policy/Procedure – Suspending, Deferring and Cancellation Overseas Student (ESOS) Act 2020 ; National Code of Practice for Providers of Education and training to overseas students Act 2018 ESOS Act 2000

1. Purpose and Objective

This policy and procedure apply in regard to tuition fee refunds for international students in accordance with the Education Services for Overseas Student Act 2020 and the National Code 2018

2. Policy Scope/Coverage

This policy applies to new and continuing international students who are enrolled and study on and offshore at NIET (AAI); and college staff that assess the process fee refund requests. Each student acknowledges and agrees to the terms of Refund Policy for International Students when signing the Letter of offer document.

3. Policy Statement

This Refund Policy applies to overseas students studying on and offshore, and to those students who are 'overseas students' as defined in the National Code.

Except as provided by law, a refund of Tuition Fees will only be granted in accordance with this Refund Policy. Each Student acknowledges and agrees to the terms and conditions of the Refund Policy & Procedures on signing the NIET (AAI) Agreement.

The terms and conditions set out in this Refund Policy & Refund Procedures apply equally to commencing and continuing Students unless otherwise specified.

NIET (AAI) reserves the right to amend these terms and conditions at any time to ensure compliance with applicable State and Federal laws and/or to amend the non-refundable Administration Fee.

NIET (AAI) 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.

The funds paid for the Tuition Fees must be cleared at the time that an Application for Refund is made by the student and all debts to NIET (AAI) must be paid before any refund to the Student can be made.

NIET (AAI) may in its absolute discretion, refund to the student or specified person, some or all Tuition Fees where it determines that there are extenuating or compassionate circumstances.

This policy, the Student Agreement and the availability of complaints and appeals processes, do not remove the right of Students to take action under Australia's consumer protection laws.

4. Key terms

- Commence date means the date set for that teaching period to start.
- CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students.
- Period of Study means one quarter of one year unless otherwise stated.
- Tuition fees means the agreed amount of money charged to, and paid by, a student to undertake units of study as part of a course of study at NIET (AAI).
- International Student means a student who is holding an Australian student visa and is enrolled in a CRICOS registered course of study at NIET (AAI).

5. Refund Eligibility

NIET (AAI) will provide refunds based on circumstances surrounding student or provider defaults as specified below:

Number	Circumstance	Refund amount
1	Visa Rejection (before course commencement date)	Full Tuition Fee refund A Visa Rejection Administration Fee of \$500 or 5% of Tuition Fee will be applied, whichever is lower, as required by the Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Cth)
2	Visa Rejection (after course commencement date)	Pro-rated Tuition Fee refund (A Refund Administration Fee will not be applied to the student refund, as required by the Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Ct)
3	Withdrawal from course more than 12 weeks before course commencement date	80% Tuition Fee refund A Refund Administration Fee will be applied.
4	Withdrawal from course 5-11 weeks before course commencement date	60% Tuition Fee refund A Refund Administration Fee will be applied.
5	Withdrawal from course 0-4 weeks before course commencement date	40% Tuition Fee refund A Refund Administration Fee will be applied.

6	Withdrawal prior to acceptance of offer	Full Tuition Fee refund A Refund Administration Fee will be applied
7	Letter of Offer rescinded by NIET (AAI) due to a student's failure to provide the documents required for course commencement	Full Tuition Fee refund A Letter of Offer Rescinded Refund Administration Fee of \$500 will be applied
8	Student withdrawal after course commencement date	No refund for current or previous semesters (or study periods for ELICOS courses) Full Tuition Fee refund for future study semesters (or study periods for ELICOS courses) An Administration Fee of \$500 will be applied if a student withdraws after Course Commencement Date.

Student requesting a transfer to another provider	In accordance with the National Code, an international student who has not completed six calendar months of his or her Principal Course at NIET (AAI) and who wishes to transfer to another CRICOS provider in Australia must be approved for release by NIET (AAI), Refer NIET (AAI) International Student Release to another Provider Policy and Procedures for refund approval/refusal).
--	--

* **Refund Administration Fee** refers to the prescribed International Student Refund Administration and Enrolment Fee to the reimbursement of costs in NIET (AAI) processing student refund applications.

6. Refunds on Default

Student Default

An international student or prospective international student defaults, in relation to a course, if:

- The course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn).
- The student withdraws from the course (either before or after the agreed starting day).
- The student does not meet the conditional course requirements (including does not pass a Working with Children Check or Police Check), or
- The college refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:
 - the student failed to pay an amount they were liable to pay to the college, directly or indirectly, in order undertake the course.
 - the student breached a condition of his or her visa.
 - misconduct by the student (refer to Student Handbook)

Tuition Protective Service (TPS): International students are protected by the Tuition Protective Service under Australian Government legislation. This 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). The TPS ensures that students have the option to either complete their studies in another course or with another provider (Transfer to Another Provider Policy) or receive a refund of their unspent tuition fees. Refer **ESOS Amendment Bill 2015**,

Under legislation the College must notify the Secretary, Department of Education and the Tuition Protection Scheme (TPS) Director of the student default within thirty-one (31) business days of the default occurring.

Only the following student defaults should be reported:

- Where a student's visa is refused, even if there is a compliant written agreement.
- Where there is no compliant written agreement in place.

7. Provider Default

After a student has accepted an offer of enrolment at NIET (AAI) and in the unlikely event that the College is unable to deliver the course as offered, the College will notify the student in writing and offer the student the following options to choose from:

- The College may offer an enrolment place in an alternative course for a cost no greater than the cost of the original course of study. If the student chooses to accept placement in an alternative course, the student must agree to this in writing.
- The College will provide a refund based on tuition fees paid for the course. Refund amounts will be compliant with the **ESOS (Calculation of Refund) Specification 2014**.
- A student can request a transfer to another provider (Refer NIET (AAI) International Student Release Transfer to Another Provider Policy and Procedure)

In the event of provider default, NIET (AAI) will abide by the notification and discharge of obligations to student clauses as specified in Section 46 of the **ESOS Act 2000**.

Step 1 – Provider default occurs.

NIET (AAI) is deemed in default if:

- The course did not start on the agreed starting day.
- The course ceased to be provided at any time after it commenced but before its completion.
- The course was not provided in full because a condition has been imposed on the registration of the college on CRICOS, or the registration has been suspended or cancelled, and the student has not withdrawn before the occurrence of any one of the events stated above.

Step 2 – Notifying the Secretary, the TPS Director and students.

Under Section **46B of the ESOS Act**, the College must notify the Secretary and the Tuition Protection Scheme (TPS) Director of the default within 3 business days of the default occurring. NIET (AAI) must also notify affected students. All notices of any such default must be in writing.

Step 3 – Provider obligation period

Under Section **46D of the ESOS Act**, NIET (AAI) has 14 days after the day of the default (the provider obligation period) to satisfy its tuition protection obligations to affected students. If the College fails to discharge your obligations to the student under Section 46D, it is an offence under Section 46E of **the ESOS Act** and serious penalties apply.

Step 4 – Notification of the outcome – discharge of obligations

Under Section 46F of the *ESOS Act*, NIET (AAI) has 7 days after the end of its obligation period to give notice to the Secretary and the TPS Director of the outcome of the discharge of its obligations. This notice must comply with the requirements of Section 46F of the *ESOS Act*. If the College does not meet its obligations affected students studying on a student visa may be assisted by the TPS Director.

8. Non-Refundable Fee:

NIET (AAI) will not process a refund in relation to our enrolment fee as per our confirmation within Letter of Offer.

9. Refund Application Process

- NIET (AAI) will only process a refund request if:
 - NIET (AAI) has received student payments into its accounts as cleared funds, and
 - The student's course cancellation/withdrawal has been processed.
- Students are advised to contact NIET (AAI) student services to determine if a refund is valid.
- Students are required to complete the Student Refund Request form which is available from Student Services. The completed and signed form together with relevant documentary evidence documentation (e.g., a letter from DIBP regarding visa refusal) must be submitted to NIET (AAI).
- Once the Student Refund Request form has been received and the approval process completed, the Student Service Officer will contact the student with information regarding the status of the refund request.
- If a refund request is approved, refund payments will be made within four (4) weeks of the College receiving the Student Refund Request form.
- Refunds will be paid to the nominated person in this agreement who paid for the student fees.
- Refunds will be made by Electronic Funds Transfer (EFT) in AUS or USD dollars only.
- Refunds above those specified in this policy are at the discretion of the NIET (AAI) CEO and may be negotiated on a case-by-case basis if exceptional circumstances apply as deemed by the CEO.
- Appeal – Grievance: - If a student is not satisfied with the outcome of the refund request, the student may lodge an appeal with NIET (AAI) within 20 working days of being informed of the status of the refund request. Students who wish to appeal a decision made on a refund request may do so under the NIET (AAI) Complaints and Appeals Policy available at the College website.
- Should students wish to appeal any decision made concerning a refund, the accepted Letter of Offer/Written Agreement and the availability of NIET (AAI) complaints and appeals procedures do not remove the rights of a student to take action under Australia's **consumer protection laws**.

10. Definitions

Letter of offer: the letter of offer including the terms and conditions of a student's enrolment to study at the college. By signing the Letter of Offer a student acknowledges that they accept the terms and conditions to be admitted to a NIET (AAI) course.

Census date (for the purposes of this Protocol): the date after which no tuition fees for that session will be refunded to students who withdraw from a course.

Commencement date: the first date of a session or any other date decided by the NIET (AAI) from time to time.

Commencing student: an international student who has returned a valid and signed acceptance form to the college and will commence study at the college in the near future, or who is undertaking the first session.

Continuing student: an international student who has completed at least one session at the college.

Course: the same meaning as "award course".

Deposit: the tuition fee amount specified in a letter of offer and payable by a commencing student upon acceptance of an offer of enrolment.

OSHC: Overseas Student Health Cover.

Policy: this policy on fees and refunds for international students and incorporates

Session: a period of study of up to six (6) months (or as otherwise determined by NIET (AAI)).

Special circumstances: Where a commencing student applies for a refund and makes an appeal for special circumstances, the decision will be made by the Academic Director.

Student: an international student enrolled in a course of study through the college. Student includes commencing students, continuing students and/or offshore students of the college.

Off-shore student: a student who will or does undertake their college course of study away from the college campus for the duration of the course of study. Off-shore students do not require and are not issued a CoE.

Tuition fees: Tuition fees means the agreed amount of money charged to, and paid by, a student to undertake units of study as part of a course of study at NIET (AAI).

College: NIET (AAI)

Approval and Review

This policy was approved and endorsed by NIET (AAI) in June 2023. This policy will be reviewed after two years or sooner if required.

Version History				
Review Period:		2 years from date of last approval		
Version Number:	Approved by:	Approval Date:	Effective Date:	Sections Modified:
D1				New policy developed April 2022
1.0	CEO	April 2022	April 2022	Updated template
2.0	CEO	March 2023	March 2023	Reviewed and revised to incorporate. International Student release to another provider references.
3.0	CEO	June 2023	June 2023	Reviewed and changes made to incorporate Non-refundable Fee and Administration Fee in relation to refunds.