

Policy Name:	International Student Refund Policy
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Approved by:	Academic Director – Jason Yang
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Audience:	NIET Staff
Contact Officer:	Jason Yang Academic Director
Related Documents:	ESOS Calculation of Refund Specification 2014.
Legislation:	Overseas Student Act 2020: National Code 2018 ESOS Amendment Bill 2018 ESOS Act 200

## 1. Purpose and Scope

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**.

This policy applies to new and continuing international students who are enrolled and study at National Institute of Education and Technology; and college staff that assess the process fee refund requests. Each student acknowledges and agrees to the terms of the **International Student Refund Policy** when signing the Letter of offer document.

## 2. 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 National Institute of Education and Technology.
- International Student means a student who is holding an Australian student visa and is enrolled in a CRICOS registered course of study at National Institute of Education and Technology.

### 3. Refund Eligibility

National Institute of Education Technology will provide refunds based on circumstances surrounding student or provider defaults as specified below.

Circumstance of enrolment cancellation/withdrawal	Refund Entitlement
<p><b>Student visa application is unsuccessful</b></p> <ul style="list-style-type: none"> <li>- Withdrawal prior to commencement date</li> <li>- After the commencement of education</li> <li>- Fraudulent, Forged or Misleading Information and Or Document provided by the students</li> </ul>	<p>Full refund (Less Administration Fee &amp; any Agent Fee)</p> <p>Where a student's application for a visa is unsuccessful, and on the provision of evidence of decision, the student is entitled to a refund of tuition fee paid in advance, less an administration fee.</p> <p>Total tuition fee paid minus the lesser of \$450</p> <p>Pro-rated Tuition fee Refund, as per <b>ESOS Calculation of Refund Specification 2014.</b></p> <p>In the event, student provided internationally misleading or incomplete information, and it is not considered to be a result of a college default, the student is entitled to a refund of any tuition fee paid in advance, less an administration Fee of 50% of tuition fee payment and any payment to an agent who recruited the student.</p>
<p><b>Student visa is granted but withdraws**</b></p> <ul style="list-style-type: none"> <li>- <i>Withdrawal before the acceptance of offer</i></li> <li>- <i>Withdrawal before course commencement</i> <ol style="list-style-type: none"> <li>1. <i>10 weeks before commencement*</i></li> <li>2. <i>More than 4 weeks and up to 10 weeks before commencement*</i></li> <li>3. <i>4 weeks or less before commencement*</i></li> </ol> </li> <li>- <i>Withdrawal after course commencement</i></li> </ul> <p><i>* In the case of deferrals, refunds will be</i></p>	<p>Tuition fee paid minus \$250 administration fee</p> <p>Tuition fee less an administration charge of \$800.</p> <p>70% of first study period of tuition Fee, less an administration fee of \$800</p> <p>40% of tuition fee paid minus an administration fee of \$800</p> <p>No refund</p>

<p><i>assessed in accordance with the original commencement date.</i></p> <p><i>**The terms of this policy with regard to withdrawal from study, also apply if:</i></p> <ul style="list-style-type: none"> <li>- <i>You are granted Permanent Resident status during your formal studies.</i></li> <li>- <i>If National Institute of Education and Technology excludes you from continuing your formal studies.</i></li> <li>- <i>Your application for a visa extension is rejected or your existing visa is cancelled by the Department of Home Affairs</i></li> <li>- <i>Same refund policy also applies to students who hold other visas</i></li> </ul>	
<p><b>Default</b></p> <p><b>By Student</b></p> <ul style="list-style-type: none"> <li>- Student failure to pay an amount due to National Institute of Education and Technology</li> <li>- Student breached a condition of their visa</li> <li>- Misconduct by the student</li> </ul> <p><b>By Provider</b></p> <ul style="list-style-type: none"> <li>- Course cancelled by National Institute of Education and Technology and did not commence on time</li> <li>- Failed to enter into compliance written agreement with the students</li> </ul>	<p>No Refund</p> <p>Any course fees paid for subsequent terms will be refunded less than \$800 administration fee.</p> <p>Refund amount is weekly tuition fee times numbers of weeks in default period</p>
<p><b>Visa extension refused</b></p>	<p>Unspent tuition fees will be refunded minus an administration of \$250</p>
<p><b>Credit Transfer</b></p>	<p>Where a student applies for course credit and is granted credit transfer after the payment of tuition fees, the student is not entitled to refund of tuition fees for those units, including any paid in advance, However the amount will be held by National Institute of Education and Technology and Credited towards the next period of study fee.</p>

## 4. Conditional Offers

It is your responsibility to provide National Institute of Education and Technology with evidence that you have satisfied the conditions of entry to your course as stated in the Letter of Offer, before that course begins.

Penalties may apply if you fail to satisfy these conditions of entry or if you fail to advise National Institute of Education and Technology and subsequently have to withdraw from your conditional offer.

## 5. Refunds and the Tuition Protection Service

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. The TPS ensures that international students are able to either:

- complete their studies in another course or with another education provider, or
- receive a refund of their unspent tuition fees

Australia has a well-established international education sector with over 1200 education providers delivering high quality education to international students. For many years now, Australia has been a world leader in protecting the tuition fees of international students studying in Australia on a student visa. Recent changes to the Education Services for Overseas Students (ESOS) Act have further strengthened protections for international students through the introduction of the Tuition Protection Service (TPS).

Source: <https://tps.gov.au/StaticContent/Get/StudentOverview>

## 6. Fast Tracking

If you 'fast track' and complete your course in a shorter time than that specified in your Letter of Offer, you are not entitled to any refund of tuition fees. If you have not paid your total tuition fees you will not be eligible to graduate.

## 7. 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)
  -

Under the **ESOS Amendment Bill 2015**, 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.

## 8. Provider Default

After a student has accepted an offer of enrolment at National Institute of Education and Technology 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**.

In the event of provider default, National Institute of Education and Technology 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

National Institute of Education and Technology is deemed to be 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. National Institute of Education and Technology 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**, National Institute of Education and Technology 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**, National Institute of Education and Technology has 7 days after the National Institute of Education & Technology\_NSS7.1.01 POL International Student Refund\_0422\_v1

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.

## 9. Refund Application Process

- National Institute of Education and Technology will only process a refund request if:
  - National Institute of Education and Technology has received student payments into its accounts as cleared funds, and
  - The student's course cancellation/withdrawal has been received in writing
  - All requests for refunds or credit transfers are subject to approval by the National Institute of Education and Technology
- Students are advised to contact National Institute of Education and Technology 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 National Institute of Education and Technology.
- Once the Student Refund Request form has been received and the approval process completed, the finance team 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/refund form who paid for the student fees
- Refunds will be made by Electronic Funds Transfer (EFT) in Australian dollars only
- Refunds above those specified in this policy are at the discretion of the National Institute of Education and Technology CEO, and may be negotiated on a case-by-case basis if exceptional circumstances apply as deemed by the CEO.
- If a student is not satisfied with the outcome of the refund request, the student may lodge an appeal National Institute of Education and Technology 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 National Institute of Education and Technology 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 National Institute of Education and Technology complaints and appeals procedures do not remove the rights of a student to take action under Australia's **consumer protection laws**.

### Approval and Review

This policy was approved and endorsed by NIET Management in April 2022. This policy will be reviewed after two years or sooner if required.

<b>Version History</b>				
<b>Review Period:</b>		2 years from date of last approval		
<b>Version Number:</b>	<b>Approved by:</b>	<b>Approval Date:</b>	<b>Effective Date:</b>	<b>Sections Modified:</b>
D1				New policy developed April 2022
1.0	NIET Management Team	April 2022	April 2022	Updated template