International Students - Enrolment and Refund Policy and Procedure

Purpose
The TAFE Queensland Region will provide a written agreement which clearly sets out the obligations and rights of both the Region and the International student, including the course money payable and services the provider is obliged to supply.

Scope
This policy applies to International students.

Policy
A copy of this policy will be provided to the student before a contract/agreement is signed or an amount of money is paid for a registered course.

Payment of fees
TAFE Queensland East Coast cannot request more than 50 per cent of the total tuition fees for a course before a student commences, unless the course is 24 teaching weeks or less. After commencement of the course TAFE Queensland East Coast cannot require a student to pay any remaining tuition fees until two weeks before the second study period.

- Requests for refunds must be submitted in writing using the Refund Request Form.
- Refunds will be made to the person who entered into the contract/written agreement with the Region and will be paid in Australian dollars only. All bank fees/charges incurred in issuing the refund will be deducted from the refund amount. Students are not permitted to transfer course fees to another student.
- This agreement, and the availability of complaints and appeals process, does not remove the right of a student to take action under Australia’s consumer protection laws.
- Students are obligated to pay outstanding course fees and understand the Region will pursue outstanding fees under Australian Law.
- This policy is provided to the students via hyperlinks on the Letter of Offer/Written Agreement and on the Region’s website: http://tafeeastcoast.edu.au/

TAFE Queensland East Coast will:

- Notify students of the outcome of the refund request within 10 working days of receipt of a completed and signed application for refund.
- Make payment of the refund request within 4 weeks from approval of a completed and signed application for refund.
- Attempt to contact students who have not requested a refund within 4 weeks of the student leaving the provider and keep this evidence on the student file.
- Not issue a ‘Letter of Release’ if fees are owed for the current study period/semester. For further details refer to International Students - Transfer Between Registered Providers Policy and Procedure and Standard 7 of the National Code 2007.

Note: All fees are in Australian dollar amounts (AUD)

1. Visa
   1.1. Where your initial student visa application is rejected prior to course commencement the Region will refund tuition fees paid less the enrolment fee. The refund application must be supported by a copy of the visa rejection letter from the Department of Immigration and Border Protection (DIBP) or visa processing office.
   1.2. If the student visa application is rejected after course commencement, the Region will charge pro-rata tuition fees for the period of study in addition to the enrolment fee, if applied.
   1.3. The terms of this agreement, with regard to withdrawal from study, also apply where:
       (a) A student is granted permanent resident status
       (b) An application for a visa extension is rejected or Department of Immigration and Border Protection (DIBP) cancels the student’s existing visa.
       (c) A student withdraws or cancels their course before commencing any subsequent semester of studies.
   1.4. If a student requires a refund for Overseas Student Health Cover, the student must contact their health fund provider to arrange their own refund.

2. English language course/s
2.1 The enrolment fee, if applied, is non-refundable.

2.1.1 If a student withdraws or receives a Letter of Release from their English language course (General English and/or English for Academic Purposes) for any reason, excluding visa rejection:

(a) More than 28 days before course commencement: the Region will refund tuition fees paid, less an administration charge of 20% or $500, whichever is greater, of tuition fees paid.

(b) Less than 28 days before course commencement: the Region will refund tuition fees paid, less an amount equivalent to 12 weeks of English language tuition. If student is enrolled for less than 12 weeks, no refund will be paid.

(c) After commencement of General English and/or English for Academic Purposes: tuition fees will not be refunded.

2.2. If during their English language studies a student successfully meets the English language entry requirements and all other conditions for entry to an Region formal course, the student may apply to credit the remaining balance of their English language tuition fees to their formal course fees with the Region. This applies where a student has 3 or more full weeks of English language study remaining. The Region will adjust the English language tuition fee payable according to the actual number of weeks of English language study completed and transfer the remaining balance to the formal course. Written notice must be received by the Region at least 3 weeks prior to the new English language end date. Part weeks are counted as full weeks; money is not transferable to any other student and is otherwise non-refundable.

2.3. Prior to refunding fees, the Region will adjust the original English language tuition fees charged to the student in line with actual English language weeks studied. The enrolment fee is non-refundable.

3. Formal course/s

3.1. The enrolment fee is non-refundable.

3.2. If a student withdraws or receives a Letter of Release from their formal course for any reason, excluding visa rejection:

(a) More than 28 days before course commencement.

i. If the student has paid the full semester tuition fee the Region will refund the semester tuition fees paid, less an administration charge of 20% or $500, whichever is greater.

ii. If the student has paid a deposit towards tuition fees to secure a place in the course, (generally 20%) this deposit is non-refundable.

(b) Less than 28 days before course commencement.

iii. If the student has paid the full semester tuition fee the Region will refund the semester tuition fees paid, less an administration charge of 30% or $500, whichever is greater.

iv. If the student has paid a deposit towards tuition fees to secure a place in the course (generally 20%), this deposit is non-refundable.

(c) After course commencement: the Region will not refund tuition fees except in the event of death of the student. Such refunds will be calculated based on the amount of study already completed.

(d) If the semester fees have not been paid prior to withdrawal or cancellation, the student will still be required to pay the full tuition fees.

v. Once the tuition is paid the student may apply for a refund of the semester tuition fees paid, less an administration charge of 30% or $500, whichever is greater.

4. Packaged courses

4.1. The enrolment fee is non-refundable.

4.2. If a student has accepted a Letter of Offer and paid English tuition fees in full and a deposit towards their packaged courses (e.g. English plus Certificates and/or Diploma package) the above penalties apply.

4.3. If a student ‘fast tracks’ their Certificate or Diploma course and completes their studies in a period less than the timeframe specified in the Letter of Offer, the student will not be entitled to any refund of tuition fees.

4.4. Tuition fees may be reduced if the student is granted sufficient Transfer Credits or Exemptions from an Australian registered training organisation within 2 weeks of course commencement. Any reduction will be credited to the last semester tuition fees. Tuition fees will not be reduced or refunded if Recognition of Prior Learning is granted.

5. Provider default

In the unlikely event that the Region is unable to deliver your course in full, you will be offered a refund of all the tuition only money you have paid to date. The refund will be paid to you within 2 weeks of the day on which the course ceased being provided. Alternatively, you may be offered enrolment in an alternative course at the Region you are enrolled into or another TAFE Queensland Region at no extra cost to you. You have the right to choose whether you would prefer a full refund of course 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.
6. Tuition Protection Service

If the Region is unable to provide a refund or place a student in an suitable alternate course our Tuition Protection Service (TPS) will offer students a suitable alternate place with another provider or refund the student the unused portion of the prepaid tuition fees.

The TPS Director may recover from the Region as a debt, the amount equal to the amount paid for a student under the TPS.

Refer to Tuition Protection Service: [https://tps.gov.au/StaticContent/Get/Faqs](https://tps.gov.au/StaticContent/Get/Faqs)

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<thead>
<tr>
<th>Timelines/Requirements- Refer Sections 46 and 47 of the ESOS Act 2000</th>
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<tr>
<td><strong>Provider default:</strong></td>
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<tr>
<td>• The Region must notify DIBP and the TPS Director within 3 business days if we default and notify students in writing.</td>
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<tr>
<td>• Within 14 days either offer an alternate place at the Region's expense (student must accept in writing) or refund the student's unused fees.</td>
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<tr>
<td>• Notify DIBP and TPS Director of provider default outcomes within 7 days of the alternative course or provide a refund to the student/s.</td>
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<tr>
<td>• If a registered provider of an alternative course offers the student a place in the course, the student may accept the offer in writing within 30 days after the end of the provider obligation period unless the period is varied by the TPS Director.</td>
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<td>• The TPS Director may recover from a provider as a debt, the amount equal to the amount paid for a student under the TPS.</td>
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<td><strong>Student default:</strong></td>
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<td>• The Region written agreement /acceptance of offer must include refund requirements in the case of student default.</td>
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<tr>
<td>• The Region must notify DIBP and TPS Director of student default within 5 business days.</td>
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<td>• The Region must refund in 4 weeks except for student visa refusal (2 weeks).</td>
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<td>• If the Region does not have a compliant written agreement, or if a student's visa is refused, refunds are calculated as per 47E(4) of the ESOS Act 2000</td>
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<tr>
<td>• Notify DIBP and TPS Director within 7 days for student default of the Region's discharge obligations within 7 days of the default period.</td>
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Procedure

### Standard 3 – Formalisation of enrolment
#### Letter of offer and agreement

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<th>Applicant / Agent</th>
<th>• Read and return signed ‘Letter of Offer’ containing Overseas student terms, conditions and refund policy, plus any other required documentation as listed on ‘Letter of Offer’</th>
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| International Unit | • Ensure prospective student receives copy of Overseas student terms, conditions and refund policy  
• Has recorded on student’s file a copy of the signed agreement to the Overseas student terms, conditions and refund policy |

### Payment of refunds
- All requests for refund of monies paid must be made in writing to the Senior International Business Officer at the Region using a Refund Request Application [0329]. Eligible refunds will be paid to the overseas student unless the student requests that payment be made to an immediate family member.
- All requests for refunds or transfer credits are subject to the approval of the Senior International Business Officer and subject to the conditions of the refund policy.
- Refunds will be processed in accordance with the refund conditions and are subject to provision of appropriate documentation from the student, and Faculty.
- Approved refunds will be paid within 4 weeks of receiving the completed and accurate refund request (or transferred to another Region if requested by the student). If the student is under the age of 18, payment will be made to the parent/legal guardian of the student.
- Students may appeal refund decisions by writing to the General Manager within 5 working days of receiving written notification. Any refund due to a default of the Region, as the registered provider, is covered by the provisions of the Education Services of Overseas Students Act 2000 (the ESOS Act) (as amended) and as stated in our policy.
- Students may refer to the guide ‘Are you an international student studying in Australia on a student visa?’ for additional information on refunds at: https://aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOS-Review/Documents/TPSStudentBrochure03.pdf

### Timelines/Requirements - Refer Sections 46 and 47 of the ESOS Act 2000

#### Provider default:
- The Region must notify DIBP and the TPS Director within 3 business days if we default and notify students in writing.
- Within 14 days either offer an alternate place at THE REGION’s expense (student must accept in writing) or refund the student's unused fees
- Notify DIBP and TPS Director of provider default outcomes within 7 days of the alternative course or provide a refund to the student/s.
- If a registered provider of an alternative course offers the student a place in the course, the student may accept the offer in writing within 30 days after the end of the provider obligation period unless the period is varied by the TPS Director.
- The TPS Director may recover from a provider as a debt, the amount equal to the amount paid for a student under the TPS.

#### Student default:
- The Region written agreement /acceptance of offer must include refund requirements in the case of student default.
- The Region must notify DIBP and TPS Director of student default within 5 business days.
- The Region must refund in 4 weeks except for student visa refusal (2 weeks).
- If the Region does not have a compliant written agreement, or if a student’s visa is refused, refunds are calculated as per 47E(4) of the ESOS Act 2000
- Notify DIBP and TPS Director within 7 days for student default of the Region’s discharge obligations within 7 days of the default period.
References

National Legislation (www.comlaw.gov.au)
- Education Services for Overseas students Act 2000
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students (Registration Charges) Act 1997
- Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012

Other
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

Related Publications
- Tuition Protection Service

Glossary

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<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
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<tr>
<td>ESOS</td>
<td>Education for Overseas Students</td>
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Authorisation

This policy has been approved by the TAFE Queensland East Coast General Manager or delegate. This policy’s effective date is the same as the date of approval. This policy supersedes any previous versions.

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<tr>
<th>Approved by</th>
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<tr>
<td>Carolyn Jalal</td>
<td>22/09/2014</td>
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