



Refund Policy

Introduction

Australian Technical College Western Australia (ATCWA) ensures that it can manage requests for refunds from international students as they arise.

Purpose

To ensure that all clients of ATCWA are made aware of the *Refund Policy* for international students before a student accepts enrolment, and to ensure compliance in line with SRTO 2015 5.3 and 7.3 and ESOS National Code Part B Standard 2 and 3. All staff are provided with a copy of the Refund Policy as part of their induction.

Scope

This policy and procedure applies to all ATCWA operations as they relate to international students including unused portions of tuition fees, which have been paid in advance and includes fees collected by approved education agents on behalf of ATCWA.

Responsibilities

Student Administration, Accounts Department

Definitions

International student means international students or intending international students on a student visa under the Migration Act 1958.

Provider Default means where ATCWA is not able to provide the CRICOS registered course that it has offered to an international student. This may include where ATCWA is no longer registered to offer CRICOS or any CRICOS registered course that might be relevant to an international student's enrolment at ATCWA.

Student Default means:

- The course starts on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- The student withdraws from the course (either before or after the agreed starting day); or
- The registered provider of the course refuses to provide, or continue to provide, the course to the student because of one or more of the following:
 - The student failed to pay an amount he or she is liable to pay directly or indirectly in order to undertake the course;
 - The student breached a condition of his/her student visa;
 - Misbehaviour by the student.

Study Period means one (1) term (10 weeks) of scheduled classes.

Alignment

National Code of Practice for Providers of Education and Training to Overseas Students 2018

Part B (Standard)	2.1.7 ,3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.4.5
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Document Control

Version	Date	Author	Change Description
001	6 June 2019	ATCWA	Creation of policy
002	29 August 2019	ATCWA	Review of Policy
003	20 February 2020	ATCWA	Review of Policy
004	12 February 2021	ATCWA	Review of Policy

Policy Statement

Australian Technical College Western Australia (ATCWA)'s *Refund Policy* includes provision for refunds of tuition fees, resource fees, accommodation services (where relevant), airport pickup (where relevant), textbooks or other learning materials. Refunds for OSHC should be referred to the OSHC provider (where relevant).

This policy applies to all intending, commencing and continuing international students. As soon as an international student accepts a place offered by ATCWA and pays the associated fees, a binding contract is created between the student and ATCWA.

Where an application for an initial student visa is refused, the Department of Home Affairs (DHA) processing office will issue a letter to confirm that the student visa application has been refused. A copy of this letter must be provided to ATCWA as evidence of visa refusal and in order for the student to obtain a refund in accordance with the *Refund Policy*. Where the refusal letter is not provided, the refund will be calculated as per a student withdrawal in accordance with the table on the following pages.

Where a student defaults in accordance with the meaning given in this policy, the cancellation and refund fees in the tables that follow will prevail. In all cases of student default, international students will have access to ATCWA's *Complaints and Appeals Policy and Procedure*.

All international students who apply for a refund under this policy are afforded the principles of natural justice, including the ability to lodge a complaint or appeal against any decision relevant to an application for refund request.

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

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.

In the unlikely event that ATCWA is unable to deliver a course international students have paid for and ATCWA does not meet its obligations to either:

- Offer international students an alternative course that they accept; or
- Pay international students a refund of their unspent prepaid tuition fees (this is called a provider's 'default obligations');

the TPS will assist those international students in finding an alternative course or to get a refund if a suitable alternative is not found.

Requirements for Applying for a Refund

All international students seeking a refund for any purpose must complete the *Application for Refund Form* and supply any supporting evidence as required. It should be noted that making an application for a cancellation of enrolment or a letter of release are not indicators that you are also seeking a refund and an *Application for Refund Form* must be completed at all times a refund is being sought.

A refund will not be provided in the following circumstances:

1. Where the international student still has fees outstanding;
2. Where equipment and/or resources on loan to the international student from ATCWA have not been returned;
3. A complaint or appeal is in progress that is related or linked to the application for a refund.

Refunds will be provided into the international student's nominated bank account in their own name unless they are under the age of 18 years, in which case, the refund will be provided to the parent or legal guardian responsible for the international student. In the event that the international student is deceased or incapable of nominating a bank account, the refund will be provided to the parent or legal guardian as nominated on the international student's emergency contact details form. Under no circumstances will an international student's refund be paid to an education and/or migration agent or other third party without the international student's written consent and that consent is written in the English language.

Where a refund is processed for overseas payments for international students in accordance with this policy, international students will be charged any bank fees associated with the transfer of funds. This is because ATCWA absorbed the costs of the bank fees in receiving the fees upon initial payment.

In all cases where a refund is approved and processed, the international student will receive a written statement that details how the refund was calculated and where it was paid into. In all cases where an international student applies for a refund and the refund is declined, a written statement will be provided to the international student outlining the reasons for the decision by ATCWA to reject the application for a refund.

The student agrees to repay ATCWA (on demand) any payments credited to the student in error. ATCWA reserves the right to offset the amount of any over-payment made in error against any liability (including any future debt) owing to ATCWA by the student.

All refunds will be processed within twenty eight (28) days.

Refunds after ATCWA Default

In the unlikely event of ATCWA default, then all unspent pre-paid tuition fees to date will be refunded to the student within twenty eight (28) days of the default day. Other associated fees may be refunded. Alternatively, the student may be offered enrolment in an alternative course (this course may or may not be with an alternative provider) at no extra cost with any unspent tuition fees transferred to the new course and where relevant, the new provider. The student reserves the right to accept either the refund amount or a place in another course.

Where the student accepts a refund of unexpended pre-paid tuition fees from the TPS, they will be required to comply with all relevant immigration requirements and should note that this may have an impact on their student visa. Where the student wishes to obtain further information about the Tuition Protection Service (TPS), it can be found at the following website:

<https://tps.gov.au/StaticContent/Get/StudentInformation>

Finally, if the ATCWA cannot place the student in a suitable alternative course and is unable to offer a refund of unspent tuition fees, the Tuition Protection Service (TPS) will attempt to place the student in a suitable alternative course or, if this is not possible, students will be eligible for a refund as calculated by the TPS.

If ATCWA is not in a position to refund the unexpended pre-paid tuition fees, ATCWA will notify the TPS Director within three (3) business days of the default or intention to default. At this time, ATCWA will have fourteen (14) days to satisfy its tuition protection obligations to current students. Subsequent to the fourteen (14) days lapsing, ATCWA will have a further seven (7) days to advise the TPS Director of the final outcome.

For further information relating to the Tuition Protection Service (TPS), see Appendix A for a diagram provided for international students by the TPS. Appendix B has a more comprehensive overview of these arrangements as provided by the TPS.

THIS POLICY APPLIES TO ALL COURSES AT ATCWA			
ATCWA calculates refunds of fees based on a Study Period Fee (10 weeks study period) .			
Reason for Refund	Notification Period	Cancellation Fee	Refund Amount
Application for visa is unsuccessful	Before Study Period/Course Commences	\$250 enrolment fee and \$250 cancellation administration fee and bank fee if applicable	Full refund less the \$250 enrolment fee and \$250 cancellation administration fee and bank fee if applicable
Application for visa is unsuccessful	After Study Period/Course Commences	\$250 enrolment fee and \$250 cancellation administration fee and bank fee if applicable and Pro-rate of tuition fee used calculated on a weekly basis	Full refund less the \$250 enrolment fee and \$250 cancellation administration fee and bank fee if applicable and Pro-rate of tuition fee used calculated on a weekly basis
Student Default Or Student with a student visa withdraws Or Student is cancelled for breach of ATCWA rules or breach of student visa rules	<i>More than ten (10) weeks before study period/course commences</i>	10% of a study period fee	Full refund less cancellation fee
	<i>More than 4 weeks and up to ten (10) weeks before study period/course commences</i>	30% of a study period fee	70% of a study period fee
	<i>Four (4) weeks or less before study period/course commences</i>	40% of a study period fee	60% of a study period fee
	After study period/course commences	100 % of a study period fee. For subsequent study periods/course refer to Notification Period	No Refund on current study period/course fees. For subsequent study periods/course Refer to Cancellation Penalty

THIS POLICY APPLIES TO ALL COURSES AT ATCWA			
ATCWA calculates refunds of fees based on a Study Period Fee (10 weeks study period) .			
Reason for Refund	Notification Period	Cancellation Fee	Refund Amount
If ATCWA withdraws a student from the college due to submission of fraudulent documents	Before and After Study Period/Course Commences	100 % of a study period fee	No Refund on current study period/course fees
<p>NOTE:</p> <p>A student who has paid fees for more than 2 study periods in advance and withdraws during a study period and more than four weeks before the commencement of the following study period, would receive no refund of fees for the current study period, at least 70% of the following study period fees and a full refund of fees paid for any subsequent study period; less cancellation fees.</p> <p>Where an international student cancels their enrolment and has tuition fees outstanding (in other words, they have not maintained their course fee payments in accordance with their payment plan and visa conditions), the cancellation fees above still apply and the fees owing would still be payable by the international student.</p>			

Non-Tuition Fee Payments

THIS POLICY APPLIES TO ALL NON-TUITION FEE PAYMENTS AT ATCWA			
Reason for Refund	Notification Period	Cancellation Fee	Refund
Accommodation Service	Contact Accommodation Provider Direct	Contact accommodation service provider directly	Contact accommodation service provider directly
Airport Pickup Service	Minimum 24 hours pre-expected flight arrival Less than 24 hours pre-expected flight arrival	Nil 100% of fee paid.	100% of fee refunded Nil
OHSC	Contact OSHC Provider Direct		
Resource Fee	After education commences Before education commences	Material fee is non-refundable Material fee pre-paid for any future enrolled course will be 100% refunded	Nil 100% of fee refundable

THIS POLICY APPLIES TO ALL NON-TUITION FEE PAYMENTS AT ATCWA

Reason for Refund	Notification Period	Cancellation Fee	Refund
NOTE: If students have paid money directly to an accommodation/homestay provider/booking service, this refund policy does not apply and students should contact the accommodation service provider directly.			

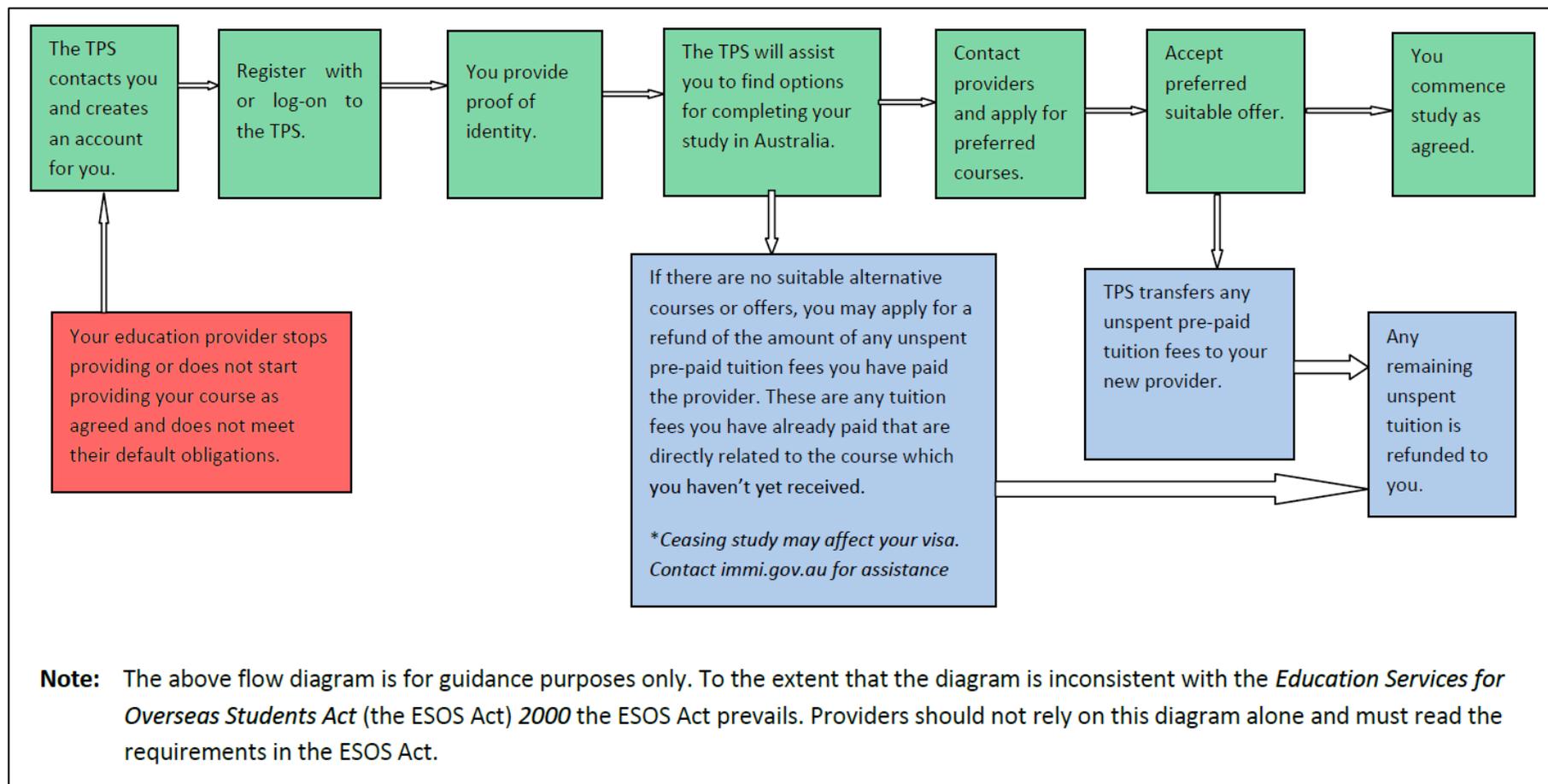
Application for Refund and Process

- If students are eligible for a refund they should apply in writing using the Application for Refund Form. This form can be delivered in person to Student Administration or alternatively by email to admissions@atc.wa.edu.au or returned by post to:
Student Administration
Australian Technical College Western Australia
8 Francis Street
Perth WA 6000
- Students should attach any supporting documents with their claim.
- Student Administration will review the application for refund and the supporting evidence. It is the student's responsibility to provide ATCWA with all relevant documentation to support their claim.
- Student Administration will make a decision whether to refund the paid fees based on the student's claims.
- Student Administration will write to the student, normally within fourteen (14) days, advising the student of the outcome. If the student's application for refund is successful, a direct deposit will be made into the international student's nominated bank account. Students must allow up to twenty eight (28) working days for a refund to be processed.

Related Documents

- Deferment, Suspension and Cancellation Policy & Procedure;
- Complaints and Appeals Policy and Procedure;
- Student Engagement before Enrolment Policy & Procedure;
- Student Fees and Charges Policy.

Appendix A | The TPS Overview - How Does It Work for International Students?



Appendix B | TPS Student Brochure



Your responsibilities – some tips to make sure you're covered

- Read your written agreement carefully before you sign it – it is a legal contract
- Make sure you are clear about the number of study periods in your course, how the fees are distributed throughout the course and the difference between tuition fees and other types of unprotected fees such as accommodation
- Understand the terms of any refund you may be entitled to if you do not meet the conditions of the written agreement or in the situation where your visa is not approved
- Keep a copy of all receipts for money you have paid to a provider
- Make sure your provider gives you (and you keep) a record of all study completed at each stage of your course
- Let your provider know as soon as any of your contact details change.

Visit www.aet.gov.au or phone (+61 2) 6240 5069 to find out more about your rights and responsibilities.



Australian Government

Are you an international student studying in Australia on a student visa?

The Australian Government has brought in new rules to better protect you



Fees paid in advance

Under the changed rules, providers are not allowed to collect more than 50 per cent of the total tuition fees for the whole course before you start, unless your course is 24 weeks or less.

After you start your course, your provider cannot require you to pay any remaining tuition fees until two weeks before your second study period.

Any money you pay to a provider that is not directly related to your course, such as for homestay accommodation, is not protected under the TPS.

Keep your contact details up to date

It is very important that your provider has your correct contact details and we encourage you to update these whenever they change, however these must be updated at least every six months. The details required are a current residential address, and a mobile phone number and email address (if you have one). Having current contact details will ensure you can be reached in an emergency or if you need to be assisted by the TPS.

Where can I go if I need help?

The Australian Government is committed to ensuring you have a great education experience here.

If, however, you have a complaint about your education provider you may take the matter to an independent complaints handling body. This will be the relevant State Ombudsman if you are enrolled with a publicly-funded provider or the **Overseas Student Ombudsman** if you are enrolled with a private provider. Visit the relevant state ombudsman's website or www.oso.gov.au, for more information.

Stronger, Simpler, Smarter ESOS – Protecting International Students

Appendix B | TPS Student Brochure (Cont.)



What is the ESOS Act?

The *Education Services for Overseas Students Act 2000* (the ESOS Act) and related laws set out the requirements for education institutions (providers) who deliver education services to international students on a student visa. These laws are there to protect international students and also help ensure students meet student visa conditions for attending classes and making satisfactory progress in their studies while in Australia.

What is the TPS?

The TPS will help you quickly find another course, if your provider can't deliver the course you have paid for. The TPS will use an online placement service to give you all the information you need so you understand your options and can choose an alternative course that best suits you. Additional assistance will be available if you need it. You will still have to meet all the course entry requirements of another provider and any extra costs if the provider is more expensive than the one you originally enrolled with.

What if I can't find a course that I like?

If you are unable to find an alternative course after a reasonable period of time set by the TPS, the TPS will refund you the tuition fees you have paid for the part of the course that you haven't yet received. If you do receive a refund, you are still required to meet all the conditions of your student visa in terms of having a current enrolment. For more information on your student visa obligations, please visit the Department of Immigration and Citizenship (DIAC) website: www.immi.gov.au.

What if I need a new student visa?

If you require a new student visa as a result of a closure of an education provider, you should contact DIAC immediately. Contact details are available on the DIAC website: www.immi.gov.au.

Written agreements

Under Australian law, when you accept an offer of a course, it must be in the form of a written agreement. This is the document that you sign when you enrol with an education provider.

In your written agreement, providers must give you detailed information on:

- the course you are enrolled in
- payment plan for tuition fees including the number and length of each study period
- any non-tuition fees
- refund entitlements in different situations
- course requirements including minimum English language
- requirements on attendance and making satisfactory progress
- any services that can support you or keep you safe.

Studying in Australia

Australia has been providing high quality education to students from around the world for many years.

Over 1200 Australian providers teach international students who are in Australia on a student visa. Before an education provider can enrol any international student they have to meet all the same high quality standards required for Australian students, as well as extra requirements to protect the interests of international students. These requirements are in the ESOS Act, which was reviewed in 2009 and since updated to make it simpler, smarter and stronger.

Both publicly-funded and private education providers must meet the same quality requirements and be registered under the ESOS Act.

Providers who deliver education and training to international students may be large or small, deliver one level of course or a mix of courses from basic English language programs through to higher education awards.

What's changed?

For many years Australia has been a world leader in protecting the tuition fees of international students studying in Australia on a student visa.

Changes to the ESOS Act make these protections even stronger. Additionally an Overseas Students Ombudsman was established in 2011 to assist overseas students who have a complaint about a private provider. Students of publicly-funded providers already have access to the relevant State Ombudsman.

Most international students have a positive study experience in Australia and one of the reasons they choose to come to study here is because they are well-protected by providers and the Government. On the rare occasions that a provider is unable to deliver a course you have paid for and does not meet their legal obligations to make alternative course placements or provide you with a refund, it is good to know there is help available.

From 1 July 2012 a Tuition Protection Service (TPS) will operate, backed by all education providers who enrol international students.

Additionally, providers:

- must meet stricter requirements to be registered with the Australian Government
- face tougher penalties if they don't assist or refund students according to the law
- must keep accurate records of student contact details and any units of study completed.