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1. PURPOSE

To explain the policy conditions under which the TAFE Queensland Gold Coast may apply a refund or transfer of credit (for fees paid) to International Students are administered according to the ESOS Framework including: *Education Services for Overseas Students Act 2000*, *Education Services (Overseas Students) Regulation 2001* and *The National Code of Practice for Registered Authorities and Providers of Education and Training to Overseas Students 2007* (The National Code).

TAFE Queensland Gold Coast will apply this refund policy consistently and fairly across all International Students enrolled or intending to enrol at TAFE Queensland Gold Coast. As outlined in The National Code this policy “does not remove the overseas or intending overseas student’s right to take further action under Australia’s consumer protection laws”. “The registered provider’s dispute resolution processes does not circumscribe the student’s rights to pursue other legal remedies.”

This policy is rated as a medium risk to TAFE Queensland Gold Coast in relation to its ability to correctly and accurately determine when to apply a refund. The major risk is non-compliance in the application and interpretation of the legislation, regulation or department and TAFE Queensland Gold Coast policies may lead to situations where refunds are processed inappropriately and not within the legislative timeframes.

2. SCOPE

This policy applies to:

- Individual International Students on international student visas, for Tuition and Non Tuition fees and charges for program enrolment(s); and
- Any third party or guarantor responsible for an International Student’s fees and charges for program enrolment(s).

3. POLICY

Making a Request for a Refund

All TAFE Queensland Gold Coast International refunds will be made in accordance with the refund process as outlined below and with the conditions contained in this policy.

An International Student must make any request for a refund in writing to the relevant teaching division of TAFE Queensland Gold Coast. Refund request forms can be submitted:

- In person;
- By ordinary mail; or
- By email from the International Student’s listed contact email address. If email is received outside of business hours the receipt will be deemed as 9.00am on the next business day (Monday to Friday, except Public Holidays, 9am – 5pm).

The TAFE Queensland Gold Coast staff member dealing with a face-to-face refund request must sight recognised identification from the student (i.e. Passport, TAFE Queensland Gold Coast student ID or an Australian drivers’ licence) in order to process the application for a refund. If the refund request is not submitted in person, then the International Student must provide a certified photocopy or certified scanned copy of their identification to TAFE Queensland Gold Coast along with the Refund Request form, to reduce the risk of fraudulent applications.

Applications for full or partial refunds must:

- a) Be made in writing using the Request for Refund/Credit Form (FM-400); and
- b) Set out the reasons for the request and these to be attached to the Request for Refund/Credit Form.

A notice of withdrawal due to: illness or disability; death of a close family member; or political or civil events that warrant a withdrawal, might be accepted as grounds for partial refund of fees. Supporting documentary evidence must be provided, for consideration.

The information provided by the Request for Refund/Credit Form (FM-400) and attached documentation must include:

- a) The date of the claim;
- b) The International Student's full name and student number;
- c) The course in which the International Student was enrolled;
- d) The basis for making the claim;
- e) The amount claimed;
- f) The address to which the refund is to be forwarded or the International Student's payment details;;
- g) The International Student's signature; and
- h) All documents relevant in consideration of the claim.

Refund applications will not be processed where the signature on the Request for Refund/Credit Form does not match the International Student's signature as shown on other documents provided by the student for admission to TAFE Queensland Gold Coast.

The date of the notification for Request for Refund/Credit Form is the date upon which the completed form is received by the Faculty or Customer Service Unit (as written in the top right of the form). If the Request for Refund/Credit is filed without the necessary supporting documentation (e.g. reasons for withdrawal/course information) then the date of filing will be when the final supporting documentation is received.

All debts to TAFE Queensland Gold Coast must have been settled and paid before any refund can be calculated with any outstanding amounts to be deducted from the refund.

Where an International Student is dissatisfied with a decision to provide or not to provide a refund he or she may appeal that decision in accordance with TAFE Queensland Gold Coast's Complaints and Appeals process.

Refunds in the event of Provider Default

To comply with the *Education Services for Overseas Students (ESOS) Act 2000* and Tuition Protection Service (TPS) requirements, if one of the following 'Provider Default' events from the ESOS Act occurs, i.e. (these being subject to change according to the ESOS Act and any amendments):

- a) The course does not start on the agreed started date;
- b) TAFE Queensland Gold Coast stop running the course after it starts and before it is completed; or
- c) The course is not provided fully to the student because TAFE Queensland Gold Coast has a condition imposed by the regulator,

and the International Student has requested a full refund of fees rather than placement in an alternate course, then the refund of fees will be paid in full to the student within **2 weeks (14 calendar days)**.

Refunds in the event of Student Default

To comply with the ESOS Act and other related legislative requirements, if one of the following 'Student Default' events occur (these being subject to change according to the ESOS Act and any amendments):

- a) The International Student withdraws or does not arrive;
- b) Visa refusal; or
- c) Other valid circumstances consistent with the refund policy table outlined below,

TAFE Queensland Gold Coast will refund the amount within **4 weeks (28 calendar days)** after receipt of the completed and signed Request for Refund/Credit Form together with the appropriate supporting documents.

Non-Refundable - Material Fees

TAFE Queensland Gold Coast will not refund material fees and other charges that are considered to be supplied to and/or used by the International Student. For example, kits purchased by the International Student at the time of enrolment and may include, but not limited to, such items as T shirts, textbooks, instruments used for practical exercises conducted as part of the program (e.g. knives, musical instruments, hard disk drives etc.) Materials also include all uniforms that are measured for, ordered by the Institute or supplied to the International Student.

Administration Fee

TAFE Queensland Gold Coast will charge an Administration Fee for a successful refund request. This amount will be deducted from the amount to be refunded to the International Student.

The Executive Director of Business Development and Student Services (EDBDSS) has the discretion to waive or reduce the Administration Fee if the EDBDSS considers there to be special circumstances which justify that occurring.

Refund Process at TAFE Queensland Gold Coast

Course/Tuition Fees

Reason for Refund of Course Fees Paid	Refund Payable by TAFE Queensland Gold Coast
Visa unsuccessful (certified evidence required) – non commencement	<p>Refund of tuition fees in accordance with the following formula:</p> <p>The amount of unspent pre-paid fees that the provider must refund the International Student for the purpose of subsection 47E(2) of the ESOS Act is the total amount of the pre-paid fees the provider received for the course in respect of the International Student less the following amount:</p> <p>The lesser of:</p> <p>(a) 5% of the total amount of pre-paid fees that the provider received in respect of the International Student for the course before the default day;</p> <p>Or</p> <p>(b) \$500.</p> <p>An Administration Fee of A\$200 will also be applied to the calculated amount.</p>
International Student's visa application is delayed by circumstances beyond the student's control and is not ready in time for the student to begin the program for which they applied; and the student presents independent documentation or evidence of the delay (this circumstance does not cover a visa delay caused by the student's own action or inaction).	100% refund less A\$200 Administration Fee
If the International Student does not meet the Minimum Entry Requirements, or the conditions set out in the Letter of Offer.	100% refund less A\$200 Administration Fee
International Student provides false or misleading information	No refund

<p>If the International Student's enrolment is cancelled for any of the following reasons:</p> <ul style="list-style-type: none"> • Failure to maintain satisfactory course progress (visa condition 8202); • Failure to maintain satisfactory attendance (visa condition 8202); • Failure to maintain approved welfare and accommodation arrangements (visa condition 8532); • Failure to pay tuition fees; • Any behaviour identified as resulting in enrolment cancellation in the Institute's Code of Behaviour/Student Rules. 	No refund
<p>Withdrawal prior to commencement: 10 weeks or more (70 or more calendar days) before the Agreed Start Date of the course or semester</p>	100% refund less A\$200 Administration Fee
<p>Withdrawal prior to commencement: Between 4-10 weeks (29-69 calendar days) before the Agreed Start Date of the course or semester</p>	75% refund less A\$200 Administration Fee
<p>Withdrawal prior to commencement: Less than 4 weeks (1-28 calendar days) before the Agreed Start Date of the course or semester</p>	50% refund less A\$200 Administration Fee
<p>If the International Student withdraws on or after the Agreed Start Date of the course or semester</p>	No refund applies, but 100% can be transferred to next semester.
<p>If the International Student withdraws on or after the Agreed Start Date of the course or semester due to compassionate reasons</p>	75% refund, less A\$200 Administration Fee (medical certificates and/or other supporting documentation will be required), based on the authorisation of the Institute Director or nominated delegate.
<p>If the International Student commences a course but receives TAFE Queensland Gold Coast approval to commence a new course (i.e. transfer to another TAFE Queensland Gold Coast course)</p>	No refund payable but tuition fees will be transferred to the new course. Adjustment Fee of A\$150 charged if there are more than two changes during the student's enrolment with TAFE Queensland Gold Coast. Fee does not apply to upgraded or extended courses or programs.
<p>If the International Student commences a course but receives TAFE Queensland Gold Coast and DIAC approval to commence a new course with another TAFE Queensland Institute or Registered Training Organisation in Australia.</p>	75% refund, less A\$200 Administration Fee. Remaining fees may be transferred to the new training provider.
<p>If the International Student cancels IELTS test registration with TAFE Queensland Gold Coast more than 5 weeks (34 calendar days) prior to test date</p>	75% refund, less A\$200 Administration Fee

If the International Student cancels IELTS test registration with TAFE Queensland Gold Coast less than 5 weeks (34 calendar days) prior to test date	No refund
Late Arrival	No refund for missed classes
Change of status to Permanent Resident after commencement of studies	No refund
International Student applies for refund, defers study, then reapplies for refund for following semester	New refund request will be processed using the timelines of the original refund application and not the new refund application.
International Student applies for deferral, then does not enrol, and requests a refund.	Refund processed using the timelines of the original deferral request.
Successful Credit or RPL (Recognition of Prior Learning) Assessment reducing study load but not duration	Refund calculated on the actual course credit assessment hours, in accordance with the program hourly charge rate + A\$200 Administration Fee
If an International Student 'fast tracks' and completes their course in a shorter time than what is specified in the Letter of Offer	No refund. Please be aware DIAC will be notified of your early completion of studies
PROVIDER DEFAULT	
In the unlikely event that TAFE Queensland Gold Coast is unable to deliver the agreed course in full, or to commence the course on the scheduled/agreed course start date. <i>In these circumstances the student may also be offered enrolment in an alternative program at no extra cost to the student. Students have the right whether to accept the place in the alternative program of the full refund of the tuition fee paid.</i>	100% refund

4. DEFINITIONS

International Student includes an enrolled international student, a prospective international student and the parent or guardian of an enrolled or prospective international student, if the international student is under the age of 18.

5. DOCUMENTATION AND REFERENCES

FM-011 New Employee Induction Checklist
 FM-030 International Student Agreement
 FM-540 International Student Enrolment Checklist
 FM-007 International Student Exit Interview Checklist
 FM-424 International Student Attendance and Academic Contract
 GD-005 International Student Handbook
 PR-011 Attendance Management Procedure International Students

6. COMPLIANCE REFERENCES

Anti-Discrimination Act 1991

Education Services for Overseas Students Act 2000

Education Services for Overseas Students Regulations 2001

Migration Act 1958

Migration Regulations 1994

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