

Source of Obligation

Standard 3.4.2 of the National Code of the Education Services for Overseas Students (ESOS) Act requires the College to have processes in place for claiming a refund of tuition or non-tuition fees.

Education Services for Overseas Students (Calculation of Refund) Specification 2014

The Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Refund Specification) is a federal legislative instrument that sets out the methods for calculating refunds of fees by a registered provider in the following circumstances:

- provider default
- student default where the provider has not entered into a written agreement with the student that meets the requirements of section 47B of the ESOS Act
- student default owing to visa refusal.

The College as a registered provider is required to comply with the Refund Specification.

Thomas Carr College's Policy

The College will provide a refund to an overseas student or intending overseas student in the event that the default is by a student or a registered provider and the College is required under the provisions of the ESOS Act, to provide a refund.

Student Default and Refund

Refer to our Default Policy (Overseas Students) for the meaning of student default.

Under section 47D of the ESOS Act the College must provide a refund if an overseas student or intending overseas student defaults.

The amount of the refund (if any) is the amount set out in the written agreement entered into between the College and the student in accordance with Standard 3 of the National Code. Refer to our Formalisation of Overseas Student Enrolment and Written Agreements Policy.

If the College pays a refund to an overseas student under section 47D, the College must pay the refund within the Provider Obligation Period.

Registered Provider Default and Refund

Refer to our Default Policy (Overseas Students) for the meaning of Registered Provider Default.

Under section 46D, the College may pay the students a refund of the amount, worked out in accordance with the Refund Specification, of any unspent tuition fees received by the College in respect of the students.

Providing a Refund in Other Cases

Under section 47E of the ESOS Act the College will also provide a refund if the overseas student or intending overseas student defaults and either:

- the College has not entered into an agreement that sets out refund obligations in relation to student default and meets the obligations of the National Code; or
- the College is not required to pay a refund because the student was refused a student visa.

The amount of the refund will be determined in accordance with the Refund Specification.

If the College provides a refund under section 47E, it must give notice to the TPS Director and the Victorian Registration and Qualifications Authority (VRQA) within seven days after the end of the Provider Obligation Period (see below).

The notice must include the following:

- whether the College provided a refund under section 47E
- details of the student the refund was provided to
- details of the amount of the refund provided.

Provider Obligation Period

The ESOS Act requires that all refunds must be made within the period of four weeks after receiving a written claim from the student.

Right to Refuse a Refund

Section 47D(5) of the ESOS Act allows the College to refuse to provide a refund if the overseas student or intending overseas student:

- was refused a student visa; and
- the refusal was due to a following act or omission by the student that directly or indirectly caused the student to default in relation to the course. The acts or omissions are their:
 - failure to start the course on the agreed start day
 - withdrawal from the College course
 - failure to pay course fees.

Procedure for Providing a Refund

The College will only grant a refund when the following process is followed:

1. An overseas student or intending overseas student applies for a refund, in writing, from the *Business Manager* at the College.
2. An overseas student or intending overseas student pays any outstanding debts to the College or authorises any outstanding debts to be deducted from the refund.
3. The College approves the refund under this policy.
4. After approval, the refund is paid to the overseas student or intending overseas student, or the same person that initially made the payment of course fees.

Refund Specification

If a refund is granted to an overseas student or intending overseas student, it must be calculated in accordance with the Refund Specification.

The Refund Specification requires that the amount of refund must be the course fees, minus the lesser of the following amounts:

- 5 per cent of the amount of the course fees received by the College in respect of the student before the default day;
- or
- \$500.

Failure to Provide a Refund

It is an offence under the ESOS Act for the College to fail to provide a refund to an overseas student or intending overseas student in accordance with the College's obligations under sections 47D or 47E of the ESOS Act.

Notification of Discharge of Obligations

Under section 47H of the ESOS Act the College must provide notice to the Cth DET and the Director of the TPS within seven days after the end of the Provider Obligation Period.

The notice must include the following:

- whether the College provided a refund under section 47E
- details of the student the College provided a refund to
- details of the amount of the refund provided.

Record Keeping

The College maintains evidence of compliance with this policy by maintaining records of refund decisions and notifications made under this policy. Records will be maintained in accordance with our Overseas Students Records Management and Retention Policy.

Policy status: New

Key Stakeholders: College staff, students and parents

Endorsement Body: College Executive

Ratification Body: College Board Policy

Author: Director of International Programs

Date of Approval: 2018

Date of Scheduled Review: 2021

The content of this policy can be changed at the College Board's discretion at any time without notification.

August 2018