



Refund Policy and Procedure

Purpose

1. The Australian International Institute of Higher Education ("the Institute") recognises that students may not always be able to complete all or part of the studies for which they have applied/enrolled. This may be due to:
 - a) the student's personal circumstances changing, or
 - b) the Institute is unable to offer the course.
2. This policy explains how refunds of student tuition fees are managed at the Institute.

Scope

3. This Policy applies to all commencing and continuing students at the Institute and staff concerned with assessing student refund applications.

Definitions

4. For the purposes of this Policy:
 - a) **Commencement date** is the date on which classes commence in any semester.
 - b) **Census date** is the last day in each study period on which a student may vary enrolment into subjects without incurring an academic penalty and being liable for the full amount of fees associated with the subject.
 - c) **Domestic student** is a student who is an Australian or New Zealand citizen or holds an Australian permanent visa.
 - d) **Institute default** is where the Institute fails to start providing a course to an international student at the location on the agreed starting day; or after the course starts but before it is completed, the course ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.
 - e) **International student** is any overseas student, including those who have student visas, temporary residency, bridging visas and provisional residency (as falling under the *Education Services for Overseas Students Act 2000* (ESOS Act)).
 - f) **Non-tuition fees** are fees that are only indirectly related to the provision of a course.
 - g) **Student default** has the meaning given under Section 47A of the ESOS Act, which is if:
 - i. 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the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn) (and the Institute has not defaulted); or
 - ii. the student withdraws from the course (either before or after the agreed starting day); or
 - iii. the Institute refuses to provide, or continue providing, the course to the student because of one or more of the following events:
 - the student failed to pay an amount he or she was liable to pay the Institute, directly or indirectly, in order to undertake the course



- the student breached a condition of his or her student visa
 - misbehaviour by the student (as upheld by the Institute's internal or external appeal processes).
- h) **Study period** is a discrete period of study within a course; one study period at the Institute is equivalent to one semester.
- i) **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.
- j) **Tuition fees** are fees that are directly related to the provision of a course.
- k) **Written Agreement** is a document accompanying the Letter of Offer outlining the terms and conditions for enrolment into a course at the Institute and which a student must accept before, or at the same time as, payment of fees relating to the course.

Policy

Principles

5. The Institute will refund tuition fees according to the following principles:
- a) Students will be fully informed about tuition fees and this policy prior to their enrolment
 - b) The Institute approves refunds of tuition fees where the student has withdrawn from the course or subject(s) within the specified time frames
 - c) Students will receive refunds of tuition fees paid where the Institute cancels or fails to deliver a course or subject in which the student is enrolled
 - d) The Institute will not refund student tuition fees paid where a refund application is submitted after the published census date except where the student can show compassionate or compelling circumstances through the Institute's *Application for Special Consideration* process.

Course withdrawal

6. If after paying the tuition fee, a student withdraws:
- a) from a course or subject on, or before, the census date for a semester, the student will receive all tuition fees
 - b) from a course or subject less than 1 month prior to the course starting, 50 per cent of the tuition fees minus the application fee will be refunded
 - c) from a course on or after the commencement date, but **before the** census date, per cent of the tuition fees minus the application fee will be refunded
 - d) from a subject **after** census date for the semester, no refund is applicable.
7. All tuition fees will be refunded to the original source of payment

Scenarios where no refund is possible

8. The Institute will not refund the unspent tuition fees to any student (domestic or international) whose enrolment is terminated due to the student's misconduct, non-payment of outstanding debt owed to the Institute, or, for international students:
- a) there has been a breach of international student regulations, or
 - b) the student did not comply with his/her visa conditions.



Procedures

Student withdraws from course

9. All students seeking to withdraw from courses or subjects in which they are enrolled must complete the *Discontinuation of Enrolment Form* available on the website and from Campus Reception. Students may submit a *Discontinuation of Enrolment Form* and *Application for Refund Form* simultaneously which they submit prior to the published census date.
10. All applications for refund of tuition fees must be submitted by completing the Institute's *Application for Refund Form* available on the Institute's website and from Campus Reception. Applications for refunds should be accompanied by appropriate documentation supporting the case for refund.
11. Application forms should be submitted via email and will be reviewed and considered by the Student Services Manager. If a student is not satisfied with the decision made, he or she can refer to the Appeals section of the policy to appeal their application.
12. Students may seek the support of any staff from Student Services in completing and submitting the *Discontinuation of Enrolment Form* and *Application for Refund Form*.
13. Approved applications for refund will be paid within 4 weeks of submission of application (or earlier in accordance with applicable statutory timeframe) and will include written notification to the student of how the refund was calculated.
14. The approved refunds will be paid back to the original source of payment.

Refunds – Course is discontinued or Institute defaults

15. In the unlikely circumstance where the Institute is unable to deliver a course or subject, and the student does not accept the Institute's offer of enrolment in another course, whether at the Institute or with another registered higher education provider, the student is entitled to a refund of the unspent tuition fees.

International students¹

16. For international students, the Institute is required to refund, within 14 days of the default, an amount that must be calculated according to the following formula:²

$$\text{Refund amount} = \text{weekly tuition fee} \times \text{weeks in default}$$

Where:

$$\text{Weekly tuition fee} = \left(\frac{\text{total tuition fees for the course}}{\text{number of calendar days in the course}} \right) \times 7$$

$$\text{Weeks in default} = \frac{\text{no. of calendar days from the default period to the end of the period to which payment relates}}{7}$$

¹ Examples of calculations can be found in *Explanatory Guidance on the Education Services for Overseas Students (Calculation of Refund) Specification 2014*, prepared by the Department of Education, Skills and Employment

² The formula is as specified in the *Education Services for Overseas Students (Calculation of Refund) Specification 2014* (Sections 5, 6 and 7) made under the ESOS Act on 26 June 2014.



Refunds – International student default due to visa refusal

17. In this policy, student defaults have the meaning given under Section 47A of the ESOS Act (See the Definitions section above).
18. Where a student defaults because the application for a student visa is refused and the student has not commenced the course, the Institute must pay the refund amount calculated according to the following formula:³

Refund amount = Total tuition fees MINUS lesser of the following amounts:

5% of the tuition fees paid by the student to the Institute or

\$500

19. Where the student visa is refused **after** the student commences the course, the Institute must pay the refund amount calculated according to the following formula:⁴

Refund amount = weekly tuition fee × weeks in default

Where:

$$\text{Weekly tuition fee} = \left(\frac{\text{total tuition fees for the course}}{\text{number of calendar days in the course}} \right) \times 7$$

$$\text{Weeks in default} = \frac{\text{no. of calendar days from the default period to the end of the period to which payment relates}}{7}$$

20. Refunds will be made within 4 weeks of receiving the refund application to:
- the student; or
 - if a person (other than the student) is specified in the Written Agreement to receive any refund under this section, this person

Appeals

21. A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.

³ The formula is as specified in the *Education Services for Overseas Students (Calculation of Refund) Specification 2014* (Section 9) made under the ESOS Act on 26 June 2014.

⁴ The formula is as specified in the *Education Services for Overseas Students (Calculation of Refund) Specification 2014* (Section 9) made under the ESOS Act on 26 June 2014.



Associated information

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| Approving body | Governing Council |
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| Policy contact | Chief Executive Officer |
| Related AIIHE Documents | Admission Policy and Procedure Fees Policy and Procedure Student Appeals Policy and Procedure |
| Higher Education Standards Framework (Threshold Standards) 2021 (Cth) | Standard 1.1, ss 2 Standard 6.2, ss 1 |
| Other related external instruments/documents | Related Legislation <ul style="list-style-type: none">• Tertiary Education Quality and Standards Agency Act 2011 (Cth)• Education Services for Overseas Students Act 2000 (Cth)• National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)• Education Services for Overseas Students Regulations 2001 (Cth)• Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Cth)• Education Services for Overseas Students Legislation Amendment (Tuition Protection Services and Other Measures) Act 2012 (Cth) |

Document history

| Version | Author | Changes | Approval Date |
|---------|--------------------|---|-----------------|
| 1.0 | Not applicable | Original version | 23 October 2020 |
| 1.1 | Compliance Officer | Reviewed to align with the HESF 2021 and the footer was updated with current addresses. | 30 August 2024 |

N.B. The document is uncontrolled when printed! The current version of this document is maintained on the AIIHE website at www.aiihe.edu.au.