



## Refund Policy and Procedure

Category	Formalisation of enrolment and written agreement
Policies and Procedure Code	WCE_S3_2
Approved By	CEO
Approval Date	6 <sup>th</sup> March 2020
Next Review Date	6 <sup>th</sup> March 2023
Policy Base	<ul style="list-style-type: none"><li>• ESOS Act 2000</li><li>• National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code), Standard 3</li><li>• ELICOS Standard 2018, P1</li></ul>
Related Documents	<ol style="list-style-type: none"><li>1. Letter of Offer</li><li>2. Application Form</li><li>3. Genuine Student &amp; Genuine Temporary Entrant (GTE) Verification Form</li><li>4. Refund Request Form</li><li>5. Homestay Booking Form (External Form)</li><li>6. Student Handbook</li><li>7. Written Agreement Information Checklist</li><li>8. Admissions Checklist</li></ol>



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## Purpose

These policies and procedures are in place to provide guidelines for the eligibility of an assessment for cancellation and refunds for Whitsundays College of English (“WCE”)’s overseas students and to comply with the ESOS Act 2000, the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) and ELICOS standard 2018.

## Scope

This document applies to all international students studying at WCE.



## Definitions

- **Confirmation of Enrolment (CoE)** refers to the electronic confirmation of enrolment, generated through PRISMS. This is issued as evidence of enrolment and contains information about the institution, course, and duration of study in which the student has enrolled. It is provided to students to be used in their application for a student visa.
- **PRISMS** refers to Provider Registration and International Student Management System.
- **Entry requirements** refers to the minimum criteria set by WCE to determine which level students can enrol in when commencing their course of study.
- **General Temporary Entrant (GTE) criteria** refers to the admissions process by which the potential student is assessed against established criteria by WCE, which comprises a Statement of Purpose, background and potential financial checks. This assessment is used to determine if the student has genuine intentions to study in Australia.
- **The principal course** refers to Higher AQF level course the student is planning to study in Australia.
- **Terms and conditions of enrolment** refers to the set of rules and regulations established by the College which applies to the student's enrolment with WCE.
- **Provider default** defined by the *ESOS Act 2000 under section 46A in relation to an overseas student or intending overseas student refers to in relation to a course at a location when WCE:*

  - fails to start providing the course to the student at the location on the agreed starting day; or
  - After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

- **Student default** defined by the *ESOS Act 2000 under section 46A in relation to an overseas student or intending overseas student refers to in relation to a course at a location when WCE:*

  - 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); or
  - the student withdraws from the course at the location (either before or after the agreed starting day); or
  - refuses to provide, or continue to provide the course to the student at the location because of one or more of the following:
    - the student failed to pay an amount payable to the provider for the course;
    - the student breached a condition of his/her student visa;
    - misbehaviour by the student (Note: the student is entitled to natural justice under subsection 47A (3) of the *ESOS Act 2000*).

- **Tuition Protection Service (TPS)** refers to an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study under the ESOS Act 2000. TPS framework will ensure that overseas students are able to either complete their studies in another course or with another education provider or receives a refund of their unspent tuition fees.



## Policy

WCE will ensure that all students are provided with its cancellation and refund information prior to enrolment so that students can make an informed decision about studying at WCE. WCE will ensure that fees and charges, cancellations and refunds are collected and administered in accordance with the provisions of applicable legislative and contractual requirements.

### 1. Refund prior to commencing study

The Institute will provide a full refund of any tuition fees paid upon receipt of evidence if:

- The student visa is refused
- WCE cancels the enrolled course
- Political or civil unrest or natural disasters prevent the student leaving their home country
- The student is unable to commence their course because of a serious and/or prolonged illness,
- Disability or death of a parent, sibling, spouse or child;
- The offer of a place is withdrawn;
- Principal course application has been denied

Requests for withdrawal for reasons other than those mentioned above will be eligible for a refund in accordance with the table below:

Withdraw request lodge date	Refundable Portion
4 weeks (28 days) or more before commencement of studies	80% of the initial tuition fee paid
Before the commencement of studies, but less than 4 weeks (28 days) before the commencement of studies.	70% of the initial tuition fee paid
On or after the commencement of studies	No refund available

When the refund is granted below fees are non-refundable.

1. Enrolment fee is non-refundable under any circumstances.
2. Accommodation and Airport pickup service arrangement fee are non-refundable if the arrangement has already been made.

### 2. Refund Unavailable

WCE will not refund fees in the following circumstances:

- The terms and conditions of the enrolment agreement entered into by the student and the Institute are breached, including breach of the Institutes policies;
- The student is found to have supplied fraudulent, forged or deliberately misleading documentation to the Institution;
- The student's enrolment is cancelled by WCE, including cancellation caused by a breach of student visa conditions or any illegal or unlawful conduct by the student;
- Where the student has had their enrolment terminated due to either academic or behavioural misconduct; or
- The student visa is refused by the Department of Home Affairs due to the submission of fraudulent documents by or on behalf of the student.



### 3. Overseas Student Health Cover (OSHC)

OSHC refund is provided upon evidence of visa refusal only. Receipt of refund is subject to the OSHC provider's refund policies and procedures.

### 4. Payment of Approved Refunds

All approved refunds will be paid within 28 days from the date of receipt of the written request. All refunds are paid in Australian dollars into the bank account nominated in the written request. WCE will not authorise tuition fee transfers to any other institution or to other students.

For under 18 students, refunds will be paid to the parent(s) or guardian(s) of the student unless the Institute receives written approval from a parent or guardian consenting for the refund to be paid directly to the student.

### 5. Tuition protection

In the unlikely event that WCE is unable to deliver the course in full, students will be offered the option to receive a refund of any remaining fees. This amount will be paid within 14 days after the course finished in accordance with the Education Services for Overseas Students Act 2000 (ESOS Act)

Alternatively, students may be offered an enrolment at a different provider at no extra cost, within 14 days. It will then be up to the student to decide which option they prefer.

If WCE is unable to offer a refund or a place at another institution, then the Tuition Protection Service (TPS) will assist the student to find an alternative course or obtain a refund if a course is not found.

### 6. Appeals

If the student's refund application request is denied, the student may appeal the outcome by following the *Complaints and Appeals Policy and Procedure*. If the student is not satisfied with the decision, then the student can appeal externally through the Overseas Student Ombudsman [www.ombudsman.gov.au](http://www.ombudsman.gov.au). This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

### 7. Refund Application

Requests for refunds must be made in writing by completing the Request for Refund Form and emailing it to WCE. The refund applications must be accompanied with supporting documents setting out the reasons for the request. All approved refunds will be paid within 20 working days from the date of receipt of the written request. All refunds are paid in Australian dollars to the original payment source i.e. directly to the student or the student's nominated agent. Bank charges will be deducted from the refund.

WCE will not authorise tuition fee transfers to any other institution or student.

### 8. Provider Default

Under section 46A of the *ESOS Act 2000*, WCE is in default in relation to an overseas student or intending overseas student and a course at a location:

- a) if WCE fails to start providing the course to the student at the location on the agreed starting day; or



- b) After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

Under section 46B of the *ESOS Act 2000*, WCE must notify the Secretary and TPS Director (via PRISMS) in writing of the provider default within 3 business days after the default occurring. Under this section WCE must also notify students in writing in relation to whom it has defaulted. Under section 46D of the *ESOS Act 2000*, WCE will have 14 days after the day of the default (the provider obligation period) to satisfy its tuition protection obligations to the student as set out in this section.

Under section 46F of the *ESOS Act 2000*, WCE will have 7 days after the end of its obligation period to give a notice to the Secretary and the TPS Director of the outcome of the discharge of its obligations. This notice must comply with the requirements of section 46F of the *ESOS Act 2000*.

## 9. Student Default

Under section 47A of the *ESOS Act 2000*, an overseas student or intending overseas student defaults, in relation to a course at a location, if:

- a) 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); or
- b) the student withdraws from the course at the location (either before or after the agreed starting day); or
- c) WCE refuses to provide, or continue to provide the course to the student at the location because of one or more of the following:
  - o the student failed to pay an amount payable to the provider for the course;
  - o the student breached a condition of his/her student visa;
  - o misbehaviour by the student (Note: the student is entitled to natural justice under subsection 47A (3) of the *ESOS Act 2000*).

## Refund Procedure

### 1. Refund

STEPS	PROCEDURE	RESPONSIBILITY
1	Refund Request Form is submitted to WCE together with below items for consideration: <ul style="list-style-type: none"> <li>o Visa refusal letter; or</li> <li>o Evidence of WCE not offering the enrolled course; or</li> <li>o Offer rejected by the principal College and/or University; or</li> <li>o Evidence of compassionated or compelling circumstances as stated in the Cancellation and Refund Policy and Procedure.</li> </ul>	Student/Agent
2	Notify the student within 14 days of the outcome of the request.	Admissions
3	Process the refund within 20 working days from the date the Refund Request Form has been received. Email the refund receipt to the Admissions. All refunds are paid in Australian dollars to the original payment source i.e. directly to the student or the student's nominated agent. Bank charges to be deducted from the refund.	Accounts
4	Admissions emails the refund receipt to the student/agent. The receipt is kept on the student file along with the completed <i>Refund Request Form</i> and relevant documents.	Accounts



## 2. OSHC Refund

STEPS	PROCEDURE	RESPONSIBILITY
1	Refusal of student visa application is confirmed. Sends OSHC requests to WCE.	Student/Agent
2	Sends OSHC provider's refund form to the student/Agent and informs the student/agent to contact the OSHC provider directly to receive the refund.	Admissions
3	Submit completed OSHC provider's refund form directly to the OSHC provider together with the visa refusal letter and other documents as required by the OSHC provider.	Student/Agent
4	Processes the refund as per the OSHC provider's policy and procedure.	OSHC
5	Receives OSHC refund directly from the OSHC provider.	Student/Agent

## 3. In the Event of Provider or Student Default

STEPS	PROCEDURE	RESPONSIBILITY
1	Notify the Secretary and TSP Director by PRISMS in writing of WCE default within 3 business days after the default has occurred.	CEO/Principal
2	Notify overseas students in writing in relation to whom it has defaulted as per the section 46D of the ESOS Act 2000 within 3 business days after the default has occurred.	CEO/ Principal
3	Satisfy WCE's tuition protection obligation (paying the remaining fee) to the student as set out in the section 46D of the ESOS Act 2000 within 14 days after the day of the default.	CEO/ Principal
4	Notify the Secretary and the TPS Director of the outcomes of the discharge of its obligation within 7 days after the end of its obligation period. This notice will comply with the requirements of the section 46F of the ESOS Act 2000.	CEO/ Principal



## Refund Request Form

For information on fees and refunds, refer to WCE’s Refund Policy and Procedure. Please email the completed Refund Request Form to WCE. **Parents or Legal Guardian’s must complete this form for underage students.** The refund will be processed as per the Cancellation and Refund Policy and Procedure.

STUDENT DETAILS			
Given Name(s):		Family Name:	
Student Number:	Date of Birth:	Passport Number:	
Telephone Number:		Mobile:	
Postal Address:		Suburb or Town:	
State		Postcode:	
Email Address:			
REASONS FOR REQUESTING A REFUND (Please tick one of the boxes below)			
Read this section carefully and tick the appropriate reason(s). Please ensure that all required documentation is attached to this form. Failure to submit all required documents will delay authorisation and processing of the refund.			
Reason		Required Documents	
<input type="checkbox"/> Withdrawal from course		<input type="checkbox"/> Copy of Withdrawal form approved by	
<input type="checkbox"/> Leave of absence		<input type="checkbox"/> Copy of leave of absence form approved by Education Hub	
<input type="checkbox"/> Student visa rejected/cancelled		<input type="checkbox"/> Proof of inability to meet conditions (Administrative fee applies if proof is not submitted)	
<input type="checkbox"/> Student didn't meet the conditions of offer		<input type="checkbox"/> Copy of letter(s) from the Australian Embassy/High Commission/DHA verifying the cancellation or rejection of visa	
<input type="checkbox"/> Change of visa status: Permanent residency		<input type="checkbox"/> Copy of Passport; and <input type="checkbox"/> Copy of permanent residency visa	
<input type="checkbox"/> Student has overpaid			

**AUSTRALIAN BANK ACCOUNT DETAILS (Select one of the following options)**

Account Holder's Name			
Name of Bank		Branch	
BSB		Account Number	

**OVERSEAS BANK ACCOUNT DETAILS**

Account Holder's Name			
Bank Address		IBAN/Routing	
City		Country	
Name of Bank		Branch	
Account Number		BANK/SORT/SWIFT Code	

Complete the details below if you made payment using a Credit or Debit Card. The card details provided must be the same as those used for the initial payment.

Card Number	
Expiry Date	

**DECLARATION**

I have read and understood the Refund Policies and Procedures for WCE. I \_\_\_\_\_ the Student/ or Parent or Legal Guardian (for underage students only) authorise WCE to pay the refund into the nominated bank account I have provided on this form. I confirm the information I have provided in this form is correct and true to the best of my knowledge. I understand the payment made by Credit or Debit Card is subject to the Payment Card Industry Data Security Standards and will only be refunded back to the original card.

Student Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**OFFICE USE ONLY**

Comments:

Refund amount:

Refund Approved By: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Document Control

The policies and procedures, and the forms included in this document are approved and implemented by WCE. This document will be electronically available to WCE staff in protected format (PDF file) in the designated folder. Any ongoing changes made to this document will be documented as per below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>CEO</i>	<i>Created the Cancellation and Refund Policy and Procedure</i>	<i>6<sup>th</sup> March 2020</i>	<i>6<sup>th</sup> March 2020</i>