



POLICY TITLE: INTERNATIONAL STUDENT REFUND POLICY

DEVELOPED / REVIEWED BY

Policy Committee
Director of Business Services and Advancement
Head of Admissions
Risk and Compliance Manager
HR Manager

REVIEW SUMMARY

Policy to be presented to the Policy Committee for the first time at the May 2024 meeting. Policy to be reviewed in the first twelve months to ensure accuracy to current legislative components.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Director of Business Services and Advancement and the Head of Admissions in 2024.

RATIONALE

Standard 3.4.2 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) requires the College to have processes in place for claiming a refund of tuition or non-tuition fees.

DEFINITIONS

ESOS Act	Education Services for Overseas Students (ESOS) Act (2000)
National Code	National Code of Practice for Providers of Education and Training for Overseas Students (2018)
Provider Obligation Period	Period within which the College must discharge its obligations (within 14 days after the default day).



<p>Refund Specification</p>	<p>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:</p> <ul style="list-style-type: none"> • 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 Education Services for Overseas Students Act 2000 (ESOS Act) • student default owing to visa refusal. <p>The College as a registered provider is required to comply with the Refund Specification.</p>
<p>TPS</p>	<p>The Tuition Protection Service (TPS) is an Australian Government initiative which supports international students on student visas and eligible domestic students whose education providers are unable to fully deliver their course of study.</p>

PRINCIPLES / GUIDING PRINCIPLES

The College will provide a refund to an international student or intending international student in the event that the default is by a student or a registered provider. The ESOS Act requires that all refunds must be made within the period of four weeks after receiving a claim in writing from the student.

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

PROCEDURES

Student Default and Refund

For the meaning of student default, refer to our **Default Policy (International Students)**.

Under section 47D of the ESOS Act the College must provide a refund if an international student or intending international 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. For more information, refer to our **Formalisation of International Student Enrolment and Written Agreements Policy**.

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



Registered Provider Default and Refund

For the meaning of Registered Provider Default, refer to our **Default Policy (International Students)**.

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 international student or intending international 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 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 international student or intending international 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.

For further information on Refunds refer to **International Student Enrolment Agreement**.

Procedure for Providing a Refund

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

1. An international student or intending international student applies for a refund, in writing, from the Business Manager at the College.
2. An international student or intending international 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 international student or intending international student, or the same person that initially made the payment of course fees.



Refund Specification

If a refund is granted to an international student or intending international 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 international student or intending international 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 Commonwealth Department of Education Skills and Employment (DESE) and the Director of the Tuition Protection Service (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 **International Students Record Management and Retention Policy**.

RESPONSIBILITY

- Principal
- Director of Business Services and Advancement
- Head of Finance and Services

RELATED LEGISLATION

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000 (Cth)
- Education Services for Overseas Students Regulations 2001 (Cth)
- Migration Act 1958 (Cth)

RELATED SIENA COLLEGE POLICIES

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Name of Document: 17. International Student Refund Policy	Revision No.: 1	Authorised by: College Board



- Default Policy (International Students)
- Formalisation of International Student Enrolment and Written Agreements Policy
- International Student Records Management and Retention Policy.

RISK

In the Committee's deliberations it is important to consider the College's main strategic processes and the identification of associated risks. Some sample questions are included for referral. Answers are to be documented as part of the policy.

1. **Faith and Catholic Identity.** Identify any risks to Catholic Identity or Dominican charism of the College. How will this policy harm or enhance either?
2. **Reputation.** Identify if there are any reputational risks to the College. How will this policy impact Siena and wider communities?
3. **Financial.** Identify any financial risks to the College. How will this policy impact the financial stability of the College?
4. **Contemporary Learning and Teaching.** Identify any risks to learning and teaching. How will this policy impact the academic performance of the College?
5. **Wellbeing.** Identify any risks to safety and wellbeing. How will this policy impact the mental and physical wellbeing of the College community?
6. **Community Engagement.** Identify any risks to building community engagement. How will this policy impact community relationships?
7. **Governance and Leadership.** Identify any risks to governance and leadership in the College. How will this policy affect the strategic direction of the College?

Do any risks identified above warrant changes to the proposed policy? If so the policy should be referred back to the developer/s.

NEXT REVIEW

May 2025

POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/homepage/3452>
www.siena.vic.edu.au