

Frequent Asked Question -

Requirements for Refund Policies

*National Code – Standards 2.1(e), 3.1(c) and 3.2
ESOS Act – sections 46, 47*

- There must be evidence that a copy of the refund policy has been provided to parents/students in marketing material prior to the Written Agreement being signed e.g. via website, part of an application package.
- The refund policy must be included in the written agreement – in full. It must not be a separate attachment or referred to by an electronic link.
- The refund policy must include:
 - An explanation of how to claim a refund.
 - An explanation of the refunds/actions that apply to applicable tuition and non-tuition fees for each type of default scenario (as outlined below).
 - An explanation of how the refund amount is to be calculated.
 - The statement that: *“This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws”*.
 - Information about how the provider will respond to each of the following student default and provider default scenarios:

Student default scenarios:

- **Student visa refusal** (under ESOS, section 47E)
NB : For this particular type of student default, the written agreement does not apply. Providers’ policies may specify that they will either:
 - a) refund all tuition and non-tuition fees **OR**
 - b) retain a portion of unspent fees to cover administrative costs - calculated using the legislative instrument under ESOS, section 47E(4).
 - *Visa refusal prior to commencement* - use *Education Services for Overseas Students (Calculation of Refund) Specification 2014*, section 9 (link recommended). The refund specification is based on both tuition and non-tuition fees received (course fees).
 - *Visa refusal after commencement* - use *Education Services for Overseas Students (Calculation of Refund) Specification 2014*, section 10 (link recommended). The refund specification is based on tuition fees, but providers should also account for any non-tuition fees received.

- **Student default** (as described under ESOS, section 47A)
 - Non-commencement with no notice of withdrawal
 - Non-commencement with notice of withdrawal
 - Withdrawal after commencement of a course
 - Provider-initiated cancellation of enrolment due to:
 - Failure to maintain satisfactory attendance
 - Failure to maintain satisfactory course progress
 - Failure to maintain approved welfare and accommodation arrangements
 - Failure to pay course fees
 - Any behaviour identified in the school's Behavioural Policy / Code of Conduct

In the event of any student default scenario above, refunds are to be given within 4 weeks of receiving the written request from the parent.

Provider default scenarios

- As described in ESOS, section 46A where there is provider failure to:
 - Start to provide a course at the school on the agreed starting day
 - Complete delivery of the course at the school at any time after commencement, but before completion.

In the event of provider default:

- The student must be advised that they may accept (in writing) an offer by the provider to access an alternative course that complies with the rules under ESOS 46D(4);
- If an alternative course cannot be arranged, or if the alternative course is not accepted by the student in writing, a refund must be given with the amount to be paid calculated in accordance with the legislative instrument under ESOS section 46D(7) i.e. *Education Services for Overseas Students (Calculation of Refund) Specification 2014*, Section 7. Link recommended.
- **In both cases above, the provider obligation period (to either offer an alternative course with signed acceptance from the student OR pay a refund is 14 days).**
- Where the provider cannot fulfil its obligations (either arrange an accepted alternative course, or offer a refund), the student will receive assistance from the Tuition Protection Service. A link to information about this service should be included.

Note: Providers have specific reporting requirements in the event of either student or provider default. Because failure to adhere to these requirements can result in financial penalties, providers must ensure that they have procedures in place to ensure that these reporting requirements will be met.

For questions regarding this advice, please contact the International Quality (Schools) Unit at cricosreg@dete.qld.gov.au or via telephone on (07) 3513 6748