



# Refund Policy & Procedure

## Introduction

This policy and procedure assures that ILLOURA COLLEGE manage and process all refund requests in a fair and consistent manner.

## Purpose

To ensure that all clients of ILLOURA COLLEGE are made aware of the *Refund Policy* for international students before a student accepts enrolment, and to ensure compliance in line with RTO 2015 5.3 and 7.3 and ESOS National Code Part B Standard 2 and 3. All staff are provided with a copy of the Refund Policy as part of their induction.

## Scope

This policy and procedure applies to all ILLOURA COLLEGE operations as they relate to international students including unused portions of tuition fees, which have been paid in advance and includes fees collected by approved education agents on behalf of ILLOURA COLLEGE.

## Responsibility:

Admission Team and Accounts

## Definitions:

**International student** means international students or intending international students on a student visa under the Migration Act 1958.

**Provider Default** means where ILLOURA COLLEGE is not able to provide the CRICOS registered course that it has offered to an international student. This may include where ILLOURA COLLEGE is no longer registered to offer CRICOS or any CRICOS registered course that might be relevant to an international student's enrolment at ILLOURA COLLEGE.

**Student Default** means:

- The course starts on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or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 (either before or after the agreed starting day); or
- The registered provider of the course refuses to provide, or continue to provide, the course to the student because of one or more of the following:
  - The student failed to pay an amount he or she is liable to pay directly or indirectly in order to undertake the course;
  - The student breached a condition of his/her student visa;
  - Misbehaviour by the student.

**Study Period** means one (1) term (10 weeks) of scheduled classes unless specified in a Training and Assessment Strategy.

## The Policy

ILLOURA COLLEGE's *Refund Policy* includes provision for refunds of tuition fees, resource fees, accommodation services (where relevant), airport pickup (where relevant), textbooks or other learning materials. Refunds for OSHC should be referred to the OSHC provider (where relevant).

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This policy applies to all intending, commencing and continuing international students. As soon as an international student accepts a place offered by ILLOURA COLLEGE and pays the associated fees, a binding contract is created between the student and ILLOURA COLLEGE.

Where an application for an initial student visa is refused, the Department of Home Affairs (DHA) processing office will issue a letter to confirm that the student visa application has been refused. A copy of this letter must be provided to ILLOURA COLLEGE as evidence of visa refusal and in order for the student to obtain a refund in accordance with the *Refund Policy*. Where the refusal letter is not provided, the refund will be calculated as per a student withdrawal in accordance with the table on the following pages.

Where a student defaults in accordance with the meaning given in this policy, the cancellation and refund fees in the tables that follow will prevail. In all cases of student default, international students will have access to ILLOURA COLLEGE's *Complaints and Appeals Policy and Procedure*.

All international students who apply for a refund under this policy are afforded the principles of natural justice, including the ability to lodge a complaint or appeal against any decision relevant to an application for refund request.

This policy and the availability of complaints and appeals processes, do not remove the right of any student to take action under Australia's consumer protection laws.

## Tuition Protection Service

The 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. The TPS ensures that international students are able to either:

- Complete their studies in another course or with another education provider; or
- Receive a refund of their unspent tuition fees.

In the unlikely event that ILLOURA COLLEGE is unable to deliver a course international students have paid for and ILLOURA COLLEGE does not meet its obligations to either:

- Offer international students an alternative course that they accept; or
- Pay international students a refund of their unspent prepaid tuition fees (this is called a provider's 'default obligations');

The TPS will assist those international students in finding an alternative course or to get a refund if a suitable alternative is not found.

## Requirements for Applying for a Refund

All international students seeking a refund for any purpose must complete the *Application for Refund Form* and supply any supporting evidence as required. It should be noted that making an application for a cancellation of enrolment or a letter of release are not indicators that you are also seeking a refund and an *Application for Refund Form* must be completed at all times a refund is being sought.

A refund will not be provided in the following circumstances:

1. Where the international student still has fees outstanding;
2. Where equipment and/or resources on loan to the international student from ILLOURA COLLEGE have not been returned;
3. A complaint or appeal is in progress that is related or linked to the application for a refund.

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Refunds will be transferred into the international student's nominated bank account in their own name unless they are under the age of 18 years, in which case, the refund will be provided to the parent or legal guardian responsible for the international student. In the event that the international student is deceased or incapable of nominating a bank account, the refund will be provided to the parent or legal guardian as nominated on the international student's emergency contact details form. Under no circumstances will an international student's refund be paid to an education and/or migration agent or other third party without the international student's written consent and that consent is written in English.

Where a refund is processed for overseas payments for international students in accordance with this policy, international students will be charged any bank fees associated with the transfer of funds. This is because ILLOURA COLLEGE absorbed the costs of the bank fees in receiving the fees upon initial payment.

In all cases where a refund is approved and processed, the international student will receive a written statement that details how the refund was calculated and where it was paid into. In all cases where an international student applies for a refund and the refund is declined, a written statement will be provided to the international student outlining the reasons for the decision by ILLOURA COLLEGE to reject the application for a refund.

The student agrees to repay ILLOURA COLLEGE (on demand) any payments credited to the student in error. ILLOURA COLLEGE reserves the right to offset the amount of any over-payment made in error against any liability (including any future debt) owing to ILLOURA COLLEGE by the student.

All refunds will be proceeded within twenty-eight (28) days.

## **Refunds after ILLOURA COLLEGE Default**

In the unlikely event of ILLOURA COLLEGE default, then all unspent pre-paid tuition fees to date will be refunded to the student within twenty eight (28) days from the day which occurred the default. Other associated fees may be refunded. Alternatively, the student may be offered enrolment in an alternative course (this course may or may not be with an alternative provider) at no extra cost with any unspent tuition fees transferred to the new course and where relevant, the new provider. The student reserves the right to accept either the refund amount or a place in another course.

Where the student accepts a refund of unexpended pre-paid tuition fees from the TPS, they will be required to comply with all relevant immigration requirements and should note that this may have an impact on their student visa. Where the student wishes to obtain further information about the Tuition Protection Service (TPS), it can be found at the following website:

<https://tps.gov.au/StaticContent/Get/StudentInformation>

If the ILLOURA COLLEGE cannot place the student in a suitable alternative course and is unable to offer a refund of unspent tuition fees, the Tuition Protection Service (TPS) will attempt to place the student in a suitable alternative course or, if this is not possible, students will be eligible for a refund as calculated by the TPS.

If ILLOURA COLLEGE is not in a position to refund the unexpended pre-paid tuition fees, ILLOURA COLLEGE will notify the TPS Director within three (3) business days of the default or intention to default. At this time, ILLOURA COLLEGE will have fourteen (14) days to satisfy its tuition protection obligations to current students. Subsequent to the fourteen (14) days lapsing, ILLOURA COLLEGE will have a further seven (7) days to advise the TPS Director of the final outcome.

For further information, relating to the Tuition Protection Service (TPS), see Appendix A for a diagram provided for international students by the TPS. Appendix B provides a comprehensive overview of these arrangements as provided by the TPS.

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<b>THIS POLICY APPLIES TO ALL COURSES AT ILLOURA COLLEGE</b> <b>ILLOURA COLLEGE calculates refunds of fees based on a Study Period Fee</b> <b>(Unless specified, each study period includes 10 weeks)</b>			
Reason for Refund	Timeline for Request of Refund	Deductable Fees and Charges	Refund Amount
<b>Application for visa is unsuccessful</b>	Before Study Period/Course Commences	\$250 enrolment fee and \$250 cancellation administration fee and bank fee if applicable	Full refund after deducting the deductible amount
<b>Application for visa is unsuccessful</b>	After Study Period/Course Commences	\$250 enrolment fee and \$250 cancellation administration fee and bank fee if applicable and Pro-rate of tuition fee used calculated on a weekly basis	Full refund after deducting the deductible amount
<b>Student Default</b>  Or  <b>Student with a student visa withdraws</b>	More than ten (10) weeks before study period/course commences	10% of a study period fee	Full refund after deducting 10% of a study period fee
	Or  <b>Student is cancelled</b>	More than 4 weeks and up to ten (10) weeks before study period/course commences	30% of a study period fee

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Reason for Refund	Timeline for Request of Refund	Deductable Fees and Charges	Refund Amount
<b>for breach of ILLOURA COLLEGE rules or breach of student visa rules</b>	<i>Four (4) weeks or less before study period/course commences</i>	60% of a study period fee	40% of a study period fee
	After study period/course commences	100 % of a study period fee. For subsequent study periods/course refer to Notification Period	No Refund on current study period/course fees. For subsequent study periods/course Refer to Cancellation Penalty
If ILLOURA COLLEGE withdraws a student from the college due to submission of fraudulent documents	Before and After Study Period/Course Commences	100 % of a study period fee	No Refund on current study period/course fees
<p><b>NOTE:</b></p> <p>A student who has paid fees for more than 2 study periods in advance and withdraws during a study period and more than four weeks before the commencement of the following study period, would receive no refund of fees for the current study period, at least 70% of the following study period fees and a full refund of fees paid for any subsequent study period; less cancellation fees.</p> <p>Where an international student cancels their enrolment and has tuition fees outstanding (in other words, they have not maintained their course fee payments in accordance with their payment plan and visa conditions), the cancellation fees above still apply and the fees owing would still be payable by the international student.</p>			

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## Non-Tuition Fee Payments

THIS POLICY APPLIES TO ALL NON-TUITION FEE PAYMENTS AT ILLOURA COLLEGE			
Reason for Refund	Notification Period	Cancellation Fee	Refund
<b>Accommodation Service</b>	Contact Accommodation Provider Direct	Contact accommodation service provider directly	Contact accommodation service provider directly
<b>Airport Pickup Service</b>	Minimum 24 hours pre-expected flight arrival	Nil	100% of fee refunded
	Less than 24 hours pre-expected flight arrival	100% of fee paid.	Nil
<b>OHSC</b>	Contact OSHC Provider Direct		
<b>Resource Fee</b>	After education commences	Material fee is non-refundable	Nil
	Before education commences	Material fee pre-paid for any future enrolled course will be 100% refunded	100% of fee refundable
<p><b>NOTE:</b> If students have paid money directly to an accommodation/homestay provider/booking service, this refund policy does not apply and students should contact the accommodation service provider directly.</p>			

## The Procedure

- If students are eligible for a refund they should apply in writing using the Application for Refund Form. This form can be delivered in person to Student Administration or alternatively by email to [admissions@illoura.edu.au](mailto:admissions@illoura.edu.au) or returned by post to:
 

Student Administration  
Illoura Collage  
113 Wharf St.  
Cannington, WA 6107
- Students should attach any supporting documents with their claim.
- Student Administration reviews the application for refund and the supporting evidence. It is the student's responsibility to provide ILLOURA COLLEGE with all relevant documentation to support their claim.

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- Student Administration makes a decision whether to refund the paid fees based on the student's claims.
- Student Administration informs the student, normally within fourteen (14) days, advising the student of the outcome. If the student's application for refund is successful, a direct deposit will be made into the international student's nominated bank account. Students must allow up to twenty-eight (28) working days for a refund to be processed.

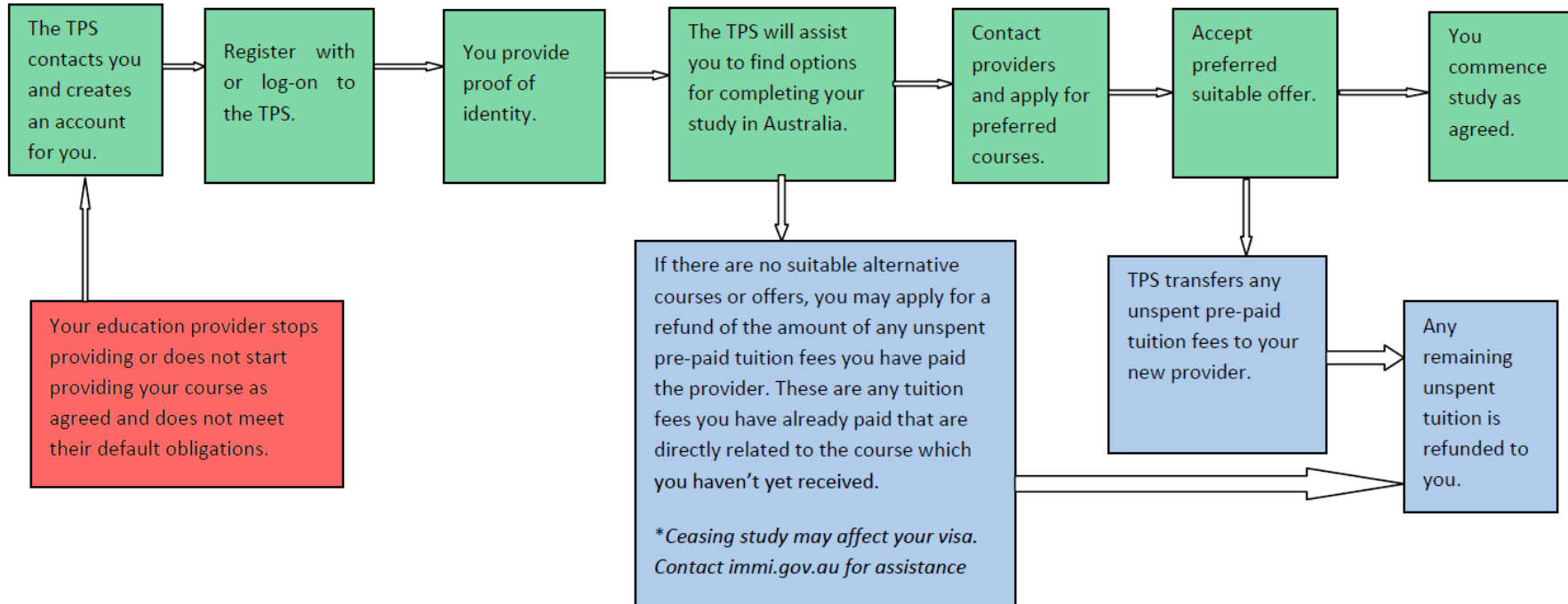
## Related Documents;

- Deferment, Suspension and Cancellation Policy & Procedure
- Complaints and Appeals Policy and Procedure
- Fees and Charges Policy and Procedure

Document Version Control History			
Version	Date	Author	Change Description
1.0	2021	Illoura College	Document Created
2.0	2023	Academic/Compliance	Policy Review
2.1	2024	Operations/Compliance	Policy Review



## Appendix A | The TPS Overview - How Does It Work for International Students?



**Note:** The above flow diagram is for guidance purposes only. To the extent that the diagram is inconsistent with the *Education Services for Overseas Students Act (the ESOS Act) 2000* the ESOS Act prevails. Providers should not rely on this diagram alone and must read the requirements in the ESOS Act.





## Appendix B | TPS Student Brochure



### Fees paid in advance

Under the changed rules, providers are not allowed to collect more than 50 per cent of the total tuition fees for the whole course before you start, unless your course is 24 weeks or less.

After you start your course, your provider cannot require you to pay any remaining tuition fees until two weeks before your second study period.

**Any money you pay to a provider that is not directly related to your course, such as for homestay accommodation, is not protected under the TPS.**

### Keep your contact details up to date

It is very important that your provider has your correct contact details and we encourage you to update these whenever they change, however these must be updated at least every six months. The details required are a current residential address, and a mobile phone number and email address (if you have one). Having current contact details will ensure you can be reached in an emergency or if you need to be assisted by the TPS.

### Where can I go if I need help?

The Australian Government is committed to ensuring you have a great education experience here.

If, however, you have a complaint about your education provider you may take the matter to an independent complaints handling body. This will be the relevant State Ombudsman if you are enrolled with a publicly-funded provider or the **Overseas Student Ombudsman** if you are enrolled with a private provider. Visit the relevant state ombudsman's website or [www.oso.gov.au](http://www.oso.gov.au), for more information.



Are you an international student studying in Australia on a student visa?

The Australian Government has brought in new rules to better protect you

### Your responsibilities – some tips to make sure you're covered

- Read your written agreement carefully before you sign it – it is a legal contract
- Make sure you are clear about the number of study periods in your course, how the fees are distributed throughout the course and the difference between tuition fees and other types of unprotected fees such as accommodation
- Understand the terms of any refund you may be entitled to if you do not meet the conditions of the written agreement or in the situation where your visa is not approved
- Keep a copy of all receipts for money you have paid to a provider
- Make sure your provider gives you (and you keep) a record of all study completed at each stage of your course
- Let your provider know as soon as any of your contact details change.

Visit [www.aei.gov.au](http://www.aei.gov.au) or phone (+61 2) 6240 5069 to find out more about your rights and responsibilities.



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Stronger, Simpler, Smarter ESOS – Protecting International Students



## Appendix B | TPS Student Brochure (Cont.)



### What is the ESOS Act?

The *Education Services for Overseas Students Act 2000* (the ESOS Act) and related laws set out the requirements for education institutions (providers) who deliver education services to international students on a student visa. These laws are there to protect international students and also help ensure students meet student visa conditions for attending classes and making satisfactory progress in their studies while in Australia.

### Studying in Australia

Australia has been providing high quality education to students from around the world for many years.

Over 1200 Australian providers teach international students who are in Australia on a student visa. Before an education provider can enrol any international student they have to meet all the same high quality standards required for Australian students, as well as extra requirements to protect the interests of international students. These requirements are in the ESOS Act, which was reviewed in 2009 and since updated to make it simpler, smarter and stronger.

Both publicly-funded and private education providers must meet the same quality requirements and be registered under the ESOS Act.

Providers who deliver education and training to international students may be large or small, deliver one level of course or a mix of courses from basic English language programs through to higher education awards.

### What's changed?

For many years Australia has been a world leader in protecting the tuition fees of international students studying in Australia on a student visa.

Changes to the ESOS Act make these protections even stronger. Additionally an Overseas Students Ombudsman was established in 2011 to assist overseas students who have a complaint about a private provider. Students of publicly-funded providers already have access to the relevant State Ombudsman.

Most international students have a positive study experience in Australia and one of the reasons they choose to come to study here is because they are well-protected by providers and the Government. On the rare occasions that a provider is unable to deliver a course you have paid for and does not meet their legal obligations to make alternative course placements or provide you with a refund, it is good to know there is help available.

From 1 July 2012 a Tuition Protection Service (TPS) will operate, backed by all education providers who enrol international students.

Additionally, providers:

- must meet stricter requirements to be registered with the Australian Government
- face tougher penalties if they don't assist or refund students according to the law
- must keep accurate records of student contact details and any units of study completed.

### What is the TPS?

The TPS will help you quickly find another course, if your provider can't deliver the course you have paid for. The TPS will use an online placement service to give you all the information you need so you understand your options and can choose an alternative course that best suits you. Additional assistance will be available if you need it. You will still have to meet all the course entry requirements of another provider and any extra costs if the provider is more expensive than the one you originally enrolled with.

### What if I can't find a course that I like?

If you are unable to find an alternative course after a reasonable period of time set by the TPS, the TPS will refund you the tuition fees you have paid for the part of the course that you haven't yet received. If you do receive a refund, you are still required to meet all the conditions of your student visa in terms of having a current enrolment. For more information on your student visa obligations, please visit the Department of Immigration and Citizenship (DIAC) website: [www.immi.gov.au](http://www.immi.gov.au).

### What if I need a new student visa?

If you require a new student visa as a result of a closure of an education provider, you should contact DIAC immediately. Contact details are available on the DIAC website: [www.immi.gov.au](http://www.immi.gov.au)

### Written agreements

Under Australian law, when you accept an offer of a course, it must be in the form of a written agreement. This is the document that you sign when you enrol with an education provider.

In your written agreement, providers must give you detailed information on:

- the course you are enrolled in
- payment plan for tuition fees including the number and length of each study period
- any non-tuition fees
- refund entitlements in different situations
- course requirements including minimum English language
- requirements on attendance and making satisfactory progress
- any services that can support you or keep you safe.