

Student Fees and Refunds Procedure

1. Contents

1.	Contents.....	2
2.	Preamble.....	3
3.	Purpose.....	3
4.	Scope.....	3
5.	Definitions.....	3
6.	Procedure.....	4
7.	Referred Legislation and References.....	8
8.	Relevant HEA Policies and Procedures.....	8
9.	Document and Version Details.....	9
10.	Procedure Inquiries.....	9

2. Preamble

This Procedure must be read in conjunction with the *Student Fees and Refund Policy*. HEA has responsibilities to ensure mechanisms are in place to financially protect domestic and overseas Students by complying with:

Education Services for Overseas Students Act 2000 (ESOS Act)

FEE-HELP or HECS-HELP – Higher Education Support Act 2003 (HESA) and the

Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)

including compliance with the *Tuition Protection Service (TPS) requirements under the Education Services for Overseas Students Act 2000 (Cth)*.

In addition, this procedure complies with the *Higher Education Standards Framework (Threshold Standards) 2021*, and outlines the obligations for providers to ensure there are credible business continuity plans and adequately resourced financial and tuition strategies to prevent disadvantage to students who, due to changes in a provider's operations, cannot progress in a course of study due to unexpected changes to the higher education providers' operations.

3. Purpose

This procedure supports the *Student Fees and Refund Policy* and outlines the details and processes to be used by HEA to manage Tuition Fees and Student Contributions and when and how refunds are processed in compliance with relevant legislation.

4. Scope

This Procedure applies to all relevant staff involved in the administration and management of student fees. It also applies to all domestic and international students enrolled at HEA, students previously enrolled, prospective students and students on leave where the relevant fee was incurred while they were enrolled.

5. Definitions

Please refer to the Glossary of Terms.

6. Procedure

6.1 Domestic and International Students and Fees

- 6.1.1 All domestic and international students enrolled at HEA are liable for tuition and student services fees.
- 6.1.2 In addition to fees, student may face additional costs – for example study outcome assessments, deferral of study application fees, requirements to have access to appropriate technology in order to complete their studies (e.g. laptops) and specifications or requirements of technology, specific software or other resources will be advised to students prior to admission to avoid any unexpected financial barriers for students (through the website, Student Handbook, Student Agreement etc).
- 6.1.3 Fees paid by students will be held in a separate account until such time that those fees are due, at which point the relevant fees will be dispersed into HEA's operating account where required under the ESOS Act.
- 6.1.4 The Application fee of \$200 is a non-tuition fee. It is not a refundable fee in any circumstance.

6.2 Application for Refund

All applications for refunds must be made in writing on the *Refund Request Form* and submitted by the student to the Finance Department in accordance with the directions listed on the form. In the case of special circumstances, documentary evidence must also be supplied. The application is assessed by the responsible Finance Officer and if it meets the conditions laid out in the Policy, the requested fees will be refunded accordingly as below.

6.3 Refund of Tuition Fees

- 6.3.1 A student is entitled to refund of tuition fees under the following circumstances:
 - *When a student withdraws their enrolment prior to the Census Date, they are eligible for a full refund of tuition fees less any administrative fees, paid upfront.*
 - *A student who is granted "Withdrawal without Academic penalty and with fee reversal" is eligible for a full reversal of student tuition fees less any administrative fees.*
 - *When the offer of a place is withdrawn by HEA, a full refund of the tuition fees paid less any administrative fees will be refunded to the prospective Student subject to applicable legislation and the Student Fees and Refund Policy.*
 - *If the offer of a place is withdrawn due to incomplete or incorrect information being provided by or on behalf of the student, a refund will be provided at HEA's discretion.*
- 6.3.2 Student refunds will be payable to the student's nominated account except in the following limited circumstances:
 - *If the student is supported by a recognised third-party sponsor and that sponsor is entitled to part of the refund (as per the ESOS Act, s. 47D(3)(b), OR*
 - *In the event a country is subject to financial sanctions, refunds cannot be paid to a bank in a sanctioned country.*
 - *If the original payment was made by a credit/debit card, the refund will be processed back to the original credit/debit card. The merchant surcharge*

fee will also be refunded unless a partial refund is being made, in which case the surcharge fee will not be refunded.

6.4 Refund of Tuition Fees in Special Circumstances

Students who withdraw from a course due to special circumstances after the Census Date may apply in writing for a *Special Circumstances Refund*. Evidence must be provided with the application and it must be submitted to the HEA in accordance with the instructions provided on the Special Circumstances Refund Form.

6.5 HEA Default

In the unlikely event that **Higher Education Australia (HEA)** is unable to deliver a course of study, the Australian Government's **Tuition Protection Service (TPS)** will assist eligible students.

The TPS ensures that affected 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 (for international students), or a re-credit of their FEE-HELP balance for units of study commenced but not completed (for domestic students).

Where fees have been paid by a student directly, any refund will be repaid to that student only. Where fees have been paid by another person on behalf of the student (e.g. family or agent), any refund will be directed back to the student unless the student authorises payment to that other person. No other person shall be entitled to receive any refund on behalf of the student.

Where HEA is unable to continue delivery of a course, eligible students will be supported in accordance with the requirements of the **Education Services for Overseas Students Act 2000 (Cth)** and the **Tuition Protection Service** arrangements.

Further information about the Tuition Protection Service is available at:

<https://www.education.gov.au/tps>

Students have a right to choose whether to accept the place or not, and if not, they must make their request for a full refund of their fees in writing on the *Student Refund Form*. This form must be submitted to HEA in accordance with the instructions provided on the Student Refund Form.

6.6 Refunds Not Payable

Refunds are **not** payable in the following circumstances:

- *For administrative fees, including Admission Fees and Confirmation of Enrolment fees which do not include any tuition fees.*
- *When a student withdraws from a course for which the student was enrolled after the census date, and no special circumstances apply.*
- *When a student's visa is cancelled by the Department of Home Affairs.*
- *When a student does not complete the requirements of a unit or course, and no special circumstances apply.*
- *If the terms and conditions of the enrolment agreement entered into by the student and HEA are breached, including breach of HEA Policies.*
- *The student's enrolment is cancelled by HEA, including cancellation caused by breach of student visa conditions or any unlawful or illegal conduct by the student.*

- *Where the student has had their enrolment suspended or terminated due to academic misconduct or behavioural misconduct including due to the breach of an HEA policy.*
- *If the request is submitted after the student has had their enrolment terminated due to non-payment of fees.*
- *If the student has been found to have submitted fraudulent, forged or deliberately misleading documentation to HEA*

6.7 Payment of refunds

When a refund is payable, and the application for a refund has been completed and submitted using the appropriate form, the refund will be processed within 14 days of the refund form being received by HEA.

Refunds will be made according to Australian banking regulations. If payment was received by credit card, the refund will be transferred by electronic funds transfer EFT) and in the name of the person who made the initial payment. All refunds will be paid in Australian dollars. The merchant surcharge fee will also be refunded unless a partial refund is being made, in which case the surcharge fee will not be refunded.

6.8 Additional circumstances applicable to International Students

6.8.1 International students may be eligible for a full refund of their tuition fees less any administrative fees where:

- *An international student is refused a student visa and provides evidence of such refusal.*
- *The written contract or agreement is terminated prior to the commencement of the program.*

6.8.2 An international student may be eligible for a partial refund where:

- *The international student withdraws from enrolment after the student visa was issued and prior to the Census date.*
- *The international student can provide evidence of special circumstances beyond their control.*

6.8.3 No refund will be given to an international student where:

- *HEA terminates or suspends the international student's enrolment.*
- *The student is in breach of HEA policies, contracts, or agreements.*

- 6.8.4 As with Domestic students, refunds will normally be processed within 14 days of receipt of the application. This follows the ESOS Act, Section 28 (3). In compliance with the Australian legislation for the education of overseas students, refunds may not be paid to an agent.
- 6.8.5 HEA has an obligation to report the students who do not comply with attendance or course progress requirements of their visa where required under the ESOS Act and National Code 2018. The report is made through the *Provider Registration and International Student Management System (PRISMS)*.
- 6.8.6 Students must be informed in writing of HEAs intention to report Student non-compliance through PRISMS and be able to access a complaints and appeals process under the *National Code of Practice for Providers of Education and Training for Overseas Students*

6.9 Refund of Overseas Student Health Cover

- 6.9.1 An international student may apply for a refund of their paid and unused portion of their Overseas Student Health Cover (OSHC) where the student:
- *Paid their OSHC premium and did not come to Australia;*
 - *Could not or did not apply for a further Student Visa;*
 - *Returned to their home country before the end of their approved stay for reasons beyond their control;*
 - *Completed their studies at HEA and are returning home; or*
 - *Have been granted Permanent Residence status in Australia.*

- 6.9.2 If the monies for OSHC are held by HEA, the refund will be processed by HEA. Where HEA had an agreement with an agency provider, the student will apply directly to the provider for the applicable total or partial refund.

6.10 Withdrawal or Deferrals

If a domestic student defers the commencement of their program to a future study period, their payment will be transferred to that future start date. Withdrawal by students will be dealt with in accordance with the Student Fees and Refunds Policy and Procedure.

6.11 Complaints and Appeals Process

Students who wish to complain about a decision made by HEA in accordance with this policy or procedure must do so in accordance with the *Student Complaints and Appeals Policy and Procedure*.

6.12 Records

All records must be kept, consistent with the *Records and Information Management Policy*.

Note: This procedure must be read in conjunction with the *Student Fees and Refund Policy*.

7. Referred Legislation and References

Australian Competition & Consumer Commission (ACCC)

<https://www.accc.gov.au/consumers/problem-with-a-product-or-service/repair-replace-refund-cancel>

Higher Education Support Act (2003) (2022)

<https://www.legislation.gov.au/Series/C2004A01234>

Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003 <https://www.legislation.gov.au/Details/C2005C00023>

Higher Education Funding Act 1988 (2016)

<https://www.legislation.gov.au/Series/C2004A03750>

Higher Education Standards Framework (Threshold Standards) 2021

<https://www.teqsa.gov.au/higher-education-standards-framework-2021>

International Education <https://internationaleducation.gov.au/Pages/default.aspx>

International Student Course Variation <https://immi.homeaffairs.gov.au/programs-subsite/files/student-course-variation-report-options-reference-guide.pdf>

National Code of Practice of Providers of Education and Training for Overseas Students 2018 <https://www.legislation.gov.au/Details/F2017L01182>

TEQSA - Tertiary Education Quality and Standards Agency 2011 (2022)

<https://www.legislation.gov.au/Details/C2022C00004>

TEQSA Tuition Protection - Information for Providers <https://www.teqsa.gov.au/provider-registration/maintaining-provider-registration/tuition-protection-information>

Tuition Protection Services <https://www.education.gov.au/tps/about-tuition-protection-services-tps>

8. Relevant HEA Policies and Procedures

- Aboriginal and Torres Strait Islander Peoples Policy
- Academic Documentation and Graduation Policy
- Admissions Policy
- Admissions Procedure
- Credit and Recognition of Prior Learning Policy
- Credit and Recognition of Prior Learning Procedure
- Enrolment Variation Policy
- Equity and Diversity Policy
- Marketing Policy
- Records and Information Management Policy
- Student Fees and Refund Policy
- Student Complaints and Appeals Policy
- Student Complaints and Appeals Procedure
- Student Handbook

- Student Orientation Policy
- Student Orientation Procedure

9. Document and Version Details

Approval Authority	Board of Directors
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10. Procedure Inquiries

For any inquiries about this procedure, please email us. (studentsupport@heau.edu.au)