

Refund Policy for Higher Education Domestic Students

1. Purpose and Scope

This policy outlines the circumstances where a refund of Tuition Fees may apply for commencing and continuing Students at the Australian Performing Arts Conservatory (“APAC” or “the Conservatory”).

This policy applies to all domestic Students enrolled in the Conservatory’s higher education courses.

Administrative, miscellaneous, and incidental fees and fines are non-refundable.

This policy does not remove the right to take further action under the *Australian Consumer Law* if the *Australian Consumer Law* applies.

2. Objectives

The objectives of this policy are to:

- provide transparent processes for refunds of tuition fees, where applicable
- set out the circumstances where a full refund or a partial refund may apply
- comply with relevant legislation

3. Implementation

The Administration Manager and CEO are responsible for implementation of this policy.

Students should ensure they are familiar with the Conservatory’s fees, charges and circumstances for refunds before accepting an offer for admission to the Conservatory’s higher education courses.

Staff of the Conservatory who have access to information relating to fees and refunds must maintain the confidentiality of Students’ information in accordance with the Conservatory’s *Privacy Policy*. The disposal of records relating to fees and refunds should be in accordance with the *Records Management Policy*.

3.1. Non-refundable Fees and Charges

Administrative fees and incidental charges, fines and penalties are non-refundable, and are additional to Tuition Fees.

The *Fee Schedule* shows non-refundable fees and charges, noting that fees and charges may vary from time to time. The APAC website has a complete list included with the *Fee Schedule*.

4. Procedure

4.1. Withdrawal from a Unit / Course

Students of APAC who wish to withdraw from a Unit or Course must do so by completing an *Application for Withdrawal Form* available on our website: www.apac.edu.au and sending it to the Administration Manager at: admin@apac.edu.au.

Where a Student gives notice that they wish to withdraw from a Unit, cancel their enrolment in a Course or cancel their request for Commonwealth assistance, APAC will ensure that the withdrawal or cancellation is effective from the time of notification.

APAC will not charge any fees for a Student to withdraw or impose any barriers on a Student that seeks to withdraw from a Unit or Course.

4.2. Refunds – Students who are eligible for FEE-HELP assistance

This section is applicable to Students who are Australian citizens, New Zealand citizens that meet the long-term residency requirements¹ or permanent humanitarian visa holders (who are resident in Australia for the duration of the Unit) enrolled in a Course offered by APAC.

In the event of a Student withdrawing from a Unit on or before the Census Date for that Unit:

- 100% of tuition fees paid for that Unit will be refunded to the Student; and
- the Student will not incur a FEE-HELP debt.

In the event of a Student withdrawing from a Unit after the Census Date for that Unit:

- no refund is applicable; and/or
- the Student will incur a FEE-HELP debt.

4.3. Refunds – Students who are not eligible for FEE-HELP assistance

This section is applicable to Students who are permanent residents (who are not permanent humanitarian visa holders who are resident in Australia for the duration of the Unit of Study) and New Zealand citizens that do not meet the long-term residency requirements enrolled in a Course offered by APAC.

In the event of a Student withdrawing from a Unit on or before the Census Date for that Unit, 100% of tuition fees paid for that Unit will be refunded to the Student.

¹ New Zealand citizens who are Special Category Visa holders (as defined by section 32 of the Migration Act 1958) who first entered Australia as a dependent minor; and at least 10 years before applying for FEE-HELP assistance have been physically present in Australia for at least eight of the previous 10 years at the time of application for FEE-HELP assistance; and have been physically present in Australia for at least 18 months out of the last two years at the time of application for FEE-HELP assistance.

In the event of a Student withdrawing from a Unit after the Census Date for that Unit, no refund is applicable.

4.4. Students who withdraw After Census Date

This section relates to Students who withdraw after Census Date and may have a case for special circumstances.

A student who has claimed FEE-HELP assistance, withdrawn from a Unit after the Census Date, and not successfully completed the Unit due to special circumstances, may apply for a re-credit of their FEE-HELP balance and remission of their FEE-HELP debt in relation to the Unit in accordance with the *Student Review Procedures for Re-crediting a FEE-HELP Balance*.

Students who have not claimed FEE-HELP assistance; have withdrawn after the Census Date for a Unit are required to complete an *Application for Refund Form* if they wish to claim a refund under special circumstances.

Applications for a refund when withdrawing after Census Date must be made in writing to the Administration Manager at admin@apac.edu.au stating the reasons and relevant details. The *Application for Refund Form* must be completed and should be accompanied by all relevant documentation. The form must be signed by the student or by the student's parent or guardian in circumstances where the student does not have the legal capacity to do so. Students should apply for a refund within 14 days of an event that qualifies the student for a refund.

Special Circumstances

There may be special circumstances that may make a refund possible in relation to a Unit. Table 1 outlines special circumstances where refunds may apply if found eligible according to this policy. The student must have submitted a written application for special circumstances together with an *Application for Refund Form* and supporting evidence.

Table 1 Special circumstances may apply

| Circumstances | Refund | Process |
|--|--|---|
| Withdrawal from a Unit due to Special Circumstances beyond the control of the student. See <i>Guidelines for Special Circumstances</i> in the section in this Policy | Possible if special circumstances approved | Complete an Application for Refund Form, and request special circumstances if eligible. |
| The Conservatory cancels a student's enrolment due to reasons of unsatisfactory progress, misconduct, lack of attendance or a student has | Possible if special circumstances approved | Complete an Application for Refund Form, and request special circumstances if eligible. |

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| provided fraudulent or misleading information. | | |
| The Conservatory cancels a student's enrolment due to non-payment of tuition fees or other fees and charges. | Possible if special circumstances approved | Complete an Application for Refund Form, and request special circumstances if eligible. |
| After submitting a formal complaint in accordance with the Student Grievance Policy. | Possible if grievance upheld | Submit a formal complaint in writing AND an Application for Refund Form. Tuition fees may be refunded in full or in part, depending on the outcome of the grievance process. |

Guidelines for Special Circumstances

The special circumstances:

- were beyond the Student's control; and
- did not make their full impact on the person until on or after the Census Date for the Unit in question; or
- would make it impractical for the Student to complete the requirements of the Unit in the period during which the person undertook, or was to undertake, the Unit/s; and may include (but are not limited to):
 - medical circumstances that have changed to such an extent that the student is unable to continue studying, or new medical circumstances arose.
 - family/personal circumstances such as death, significant medical issues, unforeseen financial difficulties, or other circumstances that are unreasonable to expect a person to continue their studies.
 - employment related circumstances the employment status or arrangements have changed so that the student is unable to continue their studies and this change is beyond their control.
 - course related circumstances where the Conservatory has changed the Unit offered, and the student is disadvantaged by either not being able to complete the Unit, or not being given credit towards other Units or Courses.
 - extenuating circumstances of reasonable significance that interfere with the student's ability to meet a course's requirements. For example, carers' responsibilities, legal commitments, military service, accidents or natural disasters.

Special circumstances do not include:

- lack of knowledge or understanding of this policy or government legislation; or

- failure to follow correct procedures; or
- academic ability that was less than expected.

Supporting Documentation

Students should ensure that their supporting documentation complies with the Conservatory’s requirements and is:

- in English, or has been translated and certified as an official translation from an official authority
- an original document or certified by a Justice of the Peace or equivalent
- an original medical certificate that details the condition where medical circumstances apply
- a statutory declaration, where relevant
- a detailed account of the circumstances or events that are relevant to the application, including specific dates, and demonstrates how it meets the special circumstances outlined in this policy
- a true and honest representation of the circumstances
- other documentation requested by the Conservatory.

4.5. Other Circumstances where a refund may be applicable

There may be other circumstances where a refund may be possible as outlined in Table 2.

Table 2 - Other circumstances where a refund may apply

| Circumstances | Refund | Process |
|---|---|---|
| <p>The Conservatory withdraws the offer of enrolment prior to the Census Date:</p> <ul style="list-style-type: none"> • if the student fails to meet the entry requirements, such as the stated level of English. • based on incorrect or incomplete information provided by the applicant. | <p>Yes. Full refund of tuition fees.</p> | <p>Complete an Application for Refund Form.</p> |
| <p>The Conservatory defaults (unable to deliver the Unit). The Conservatory may offer students a place in an alternative course at the Conservatory or another registered provider. In such circumstances there will be no additional cost to the student, and a refund will not be paid.</p> | <p>Yes. Full refund of tuition fees if an alternative Unit cannot be found.</p> | <p>Complete an Application for Refund Form to advise the Conservatory of bank details to enable a refund to the student.</p> <p>No refund will be given if the student accepts an alternative Unit or Course.</p> |

4.6. Payment of Refunds

Refunds related to withdrawals on or before Census Date will be made within 28 days of the Census Date of the Unit to which the withdrawal applies.

Refunds related to withdrawals after Census Date will be made within 28 days of an application being assessed as eligible for a refund. Incomplete forms or applications without sufficient supporting documentation may cause delays in processing refunds.

Refunds will be paid:

- in Australian dollars.
- If the tuition fee was paid by credit card within the last 12 months, then under Australian banking regulations the refund must be credited to the credit card from which the fee was initially paid.
- directly to the person who entered into the contract with APAC, unless that person gives written direction to pay someone else.

Student Administration will record the transaction in the Student Records Management System.

4.7. Appeals

Students may seek a review of any decision related to a refund application, by submitting an appeal to the Administration Manager within 28 days of receiving the notice. The appeal must be accompanied by the following information:

- The date of the original decision
- Details of the person/position that made the original decision
- Reasons for applying for the review
- Any additional relevant evidence

Receipt of the application will be acknowledged in writing. The CEO will consider appeals; will not have been involved in the original decision; and will be senior to the person who made the original decision. Students will be notified of the decision within 28 days of receiving the application. If Students are not satisfied with the reviewed decision, then they can make an appeal according to the process in the *Student Grievance Policy*, which allows for external reviews.

5. Definitions

Admission: The process for admitting an applicant into a course at a college, following a successful application and acceptance of the offer of a place in the course.

Applicant: A person who applies for a place in a course at a college. An applicant becomes a student upon enrolment.

Census Date: The last date in the study period for domestic students to withdraw without incurring financial liability for tuition fees.

Commencement date: The date the course officially starts and the date that the tuition fee is due for domestic students who are not claiming FEE-HEP assistance. Commencement dates are determined for each Term and are published on a college's website.

Course of Study: A single course leading to an Australian higher education award for which a Student may access FEE-HELP assistance to pay for all or part of their Tuition Fees.

Course Entry Requirements: The entry requirements that an applicant must satisfy to be admitted into a particular course, that are additional to the general entry requirements.

Deferment: A student with an unconditional offer requesting to postpone the commencement of study to a later session.

Domestic Student: An Australian Citizen, Australian Permanent Resident or a New Zealand Citizen.

Due Date: The deadline for payment of fees as shown on the invoice for international students, and also listed in the *Letter of Offer* and *Student Agreement*.

EFTSL: EFTSL values calculated for each unit based on what fraction of a standard full time load the unit represents.

Full-time Study Load: Standard full-time study load for a particular course.

Incidental, Administrative and Other Charges: Fees for a good or service related to the provision of a course that is additional to the tuition fee.

Letter of Release: A letter that formally advises a student that they have been granted a release from the Conservatory and may enrol at their intended education provider.

Offer: The offer of a place in a course to a successful applicant.

Student: refers to domestic students enrolled in a Course of Study with the Institute.

Tuition Fees: The fee a domestic student pays for each Unit of Study, not including incidental, administrative and other charges.

Unit: A discrete unit of study, where a combination of units make up a course of study.

Withdrawal: A formal procedure where a student decides to discontinue a course without the intention of returning or discontinues a unit with the intention of enrolling in it at a later date.

6. Related Documents

The following policies and procedures are related to this policy:

- Admissions Policy
- Fee Schedule
- Fees Policy
- Letter of Offer
- Letter of Release
- Records Management Policy
- Student Agreement
- Student Code of Conduct
- Student Grievance Policy

The following forms are related to this policy:

- Application for Refund Form
- Application for FEE-HELP Re-Credit and Remission Form
- Application for Deferment Form
- Application for Withdrawal Form
- Feedback Form

7. Review

Three years from commencement.

8. Accountabilities

The Board of Directors is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and the Conservatory's higher education community via the website and other publications.

9. Revision History

| Approval Authority | Contact Person | Revision Due Date | Revision Date | Approved Date | Version No. | Revision Description |
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| Board of Directors | Chair | 01/07/19 | | 15/4/16 | 1 | New document |

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| Board of Directors | Chair | 01/07/2021 | 15/02/2019 | 26/02/2019 | 2.0 | Revised for FEE-HELP Guidelines for Application |
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