

International Student Refund Policy and Procedure

1. Introduction

The Australian Performing Arts Conservatory (APAC) International Student Refund Policy outlines the circumstances where a refund of tuition fees may apply for commencing and continuing international students at APAC.

1.1. Purpose

The purpose of this document is to prescribe refund entitlements to APAC's international students. The refund amount is determined by an assessment of the reason for refund, supporting documentation and when a refund is applied for, relative to the Course Commencement or trimester Census date.

1.2. Scope

This Policy and Procedure applies to all prospective, current and former APAC higher education international students.

1.3. Principles

- APAC provides transparent processes for refunds of pre-paid tuition fees and set out the circumstances where a full refund or partial refund may apply.
- Students should ensure they are familiar with APAC's fees, charges, and circumstances for refunds before accepting an offer for admission to APAC's higher education courses.
- APAC staff will follow the Domestic Student Fees Policy and Procedure whilst exercising their professional judgement to assess each refund application on its individual merits.
- Staff who have access to information relating to fees and refunds must maintain the confidentiality of students' information in accordance with APAC's *Privacy Policy and Procedure*. The disposal of records relating to fees and refunds should be in accordance with the *Records Management Policy and Procedure*.

2. Policy Statements

2.1. Compassionate and Compelling Circumstances

Compassionate and compelling circumstances are generally those beyond the control of the student and have a detrimental impact on the student's capacity or ability to progress through a course. In the context of this policy and procedure, they are used to assess eligibility for student pre-paid tuition fee refunds.

Compassionate and compelling circumstances can include:

- serious illness or injury where a medical certificate states that the student was unable to attend classes or study;

- bereavement of close family members such as parents or grandparents, with supporting documentary evidence;
- major political upheaval or natural disaster in the home country requiring a student's emergency travel to their home country or evidence from a psychologist that the situation in their home country has had a detrimental impact on the student's studies;
- a permanent or temporary disability which is supported by a medical assessment that recommends a break from study or a reduced study load;
- a traumatic experience which could include, but is not limited to, involvement in or witnessing of an accident or a crime committed against the student, or the student has been a witness to a crime, and this has had impact on the student. These cases should be supported by police or psychologists' reports.

The above are only some examples provided by the Department of Home Affairs of what may be considered compassionate or compelling circumstances. APAC staff exercise their professional judgement and assess each application on its individual merits. When determining whether compassionate or compelling circumstances exist, all documentary evidence provided to support the claim is considered. Copies of these documents, together with a detailed record of why the decision was made, is retained in the student's file.

2.2. Legislative and Regulatory Compliance

Refund application assessments and processes will be compliant with education provider obligations under the Higher Education Standards Framework (Threshold Standards) 2021 and Standard 3 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

2.3. Complaints and Appeals

APAC's international students have the right to appeal any refund outcomes outlined in this Policy and Procedure, in accordance with the *Student Complaints and Appeals Policy and Procedure*. The appeal must be lodged within twenty (20) working days of receiving the refund outcome.

This Policy and Procedure, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the *Australian Consumer Law* if the *Australian Consumer Law* applies.

3. Procedure

3.1. Refund Entitlements

Circumstances where a full or partial refund of pre-paid tuition fees may be possible are outlined in Table 1 below.

Where a student wishes to withdraw from their course either prior to or after the Course Commencement Date on their Electronic Confirmation of Enrolment (ECoE), the date the correspondence requesting the course withdrawal is submitted is considered the effective date and is used to calculate the monies to be refunded.

Where a commencing international student requests to defer their Course Commencement to a future trimester, all pre-paid tuition fees are moved forward and allocated to their future commencement date. No refund will be paid unless APAC assess the student has compassionate and compelling circumstances.

Table 1:

Circumstances	Refund	Process
<p>APAC withdraws the offer of enrolment prior to the commencement date:</p> <ul style="list-style-type: none"> if the student fails to meet the academic or English Language Proficiency entry requirements. the offer is found to be based on incorrect or incomplete information provided by the applicant or the applicant's approved education agent. 	<p>Yes.</p> <p>Full refund of pre-paid tuition fees.</p>	<p>Complete an Application for Refund Form.</p> <p>Student's Electronic Confirmation of Enrolment (ECoE) is cancelled for 'non-commencement of studies'</p>
<p>Student defaults - withdraws from the course prior to Course Commencement date on their Electronic Confirmation of Enrolment (ECoE):</p> <ul style="list-style-type: none"> A student has been refused a visa. Compassionate and compelling circumstances prevent the student from commencing the course. 	<p>Yes.</p> <p>Full refund of pre-paid tuition fees.</p>	<p>Complete an Application for Refund Form.</p> <p>Proof of visa refusal from the Australian Government must be sent to APAC upon visa refusal or cancellation.</p> <p>Supporting documentary evidence of compassionate or compelling circumstances must be sent to APAC for consideration and assessment</p> <p>Student's Electronic Confirmation of Enrolment (ECoE) is cancelled for 'non-commencement of studies'</p>
<p>1. Student defaults - withdraws from the course prior to Course Commencement date on their Electronic Confirmation of Enrolment (ECoE):</p>	<p>Yes.</p> <p>Full refund of pre-paid tuition fees.</p>	

Circumstances	Refund	Process
2. A student has been refused a visa on the grounds of fraud or the provision of incorrect, false, or misleading information.		
Student defaults – student wishes to withdraw from their course four (4) weeks or more before the Course Commencement Date on their Electronic Confirmation of Enrolment (ECoE).	Yes. Full refund of pre-paid tuition fees.	Complete an Application for Refund Form. Student’s Electronic Confirmation of Enrolment (ECoE) is cancelled for ‘non-commencement of studies.
Student defaults – student wishes to withdraw within four (4) weeks of the Course Commencement Date on their Electronic Confirmation of Enrolment (ECoE) up until and including the trimester Census Date.	Yes. Partial refund of 90% of pre-paid tuition fees.	Complete an Application for Refund Form. Student’s Electronic Confirmation of Enrolment (ECoE) is cancelled for ‘non-commencement of studies’ if student hasn’t undertaken any studies; ‘student notifies cessation of studies’ if student has undertaken any study.
Student defaults – student wishes to withdraw within (4) weeks of the Course Commencement Date on their Electronic Confirmation of Enrolment (ECoE) up until and including the trimester Census date: <ul style="list-style-type: none"> Compassionate and compelling circumstances prevent the student from continuing the course. 	Yes. Partial refund of 90% of pre-paid tuition.	Complete an application for a Refund Form. Supporting documentary evidence of compassionate or compelling circumstances must be sent to APAC for consideration and assessment. Student’s Electronic Confirmation of Enrolment (ECoE) is cancelled for ‘non-commencement of studies’ if student hasn’t undertaken any studies; ‘student notifies cessation of studies’ if student has undertaken any study.
Student defaults - wishes to withdraw from their course after the published trimester Census Date.	No. APAC will retain tuition fees paid	Complete an application for Refund Form.

Circumstances	Refund	Process
	for Trimester 1 unless APAC has assessed that the student has compassionate and compelling circumstances.	Supporting documentary evidence of compassionate or compelling circumstances must be sent to APAC for consideration and assessment. Student's Electronic Confirmation of Enrolment (ECoE) is cancelled for 'student notifies cessation of studies'.
Student whose enrolment is either suspended or cancelled by APAC under s 3.5 of this Policy and Procedure	No	The student may lodge an external appeal via the process outlined in the <i>Student Complaints and Appeals Policy and Procedure</i>

3.2. Provider Default

In the unlikely event that APAC is unable to deliver a course of study at the offered location to an international student or intending international student, APAC will assist students:

- To find an alternative course which may be a course currently offered at APAC or a course offered by a different education provider who has agreed to enrol the student; or
- where continuation of study is not possible, students are entitled to receive a refund of their unspent tuition fees within fourteen (14) days of the default date.

APAC will refund pre-paid tuition fees in full to international students who have not commenced the course impacted by the provider default within fourteen (14) days of the default date.

APAC will refund unspent tuition fees for international students who have commenced the course at the location impacted by the provider default and:

- have not been offered an alternative course at APAC or a different education provider; or
- have chosen not to accept the offered alternative course at APAC or a different education provider within fourteen (14) days of the default date.

Unspent tuition fees are calculated according to the number of weeks remaining in the pre-paid portion of the course after the day on which the provider student default occurred.

Refer to the Tuition Assurance Policy and Procedure for further information.

3.3. Tuition Protection Scheme (TPS)

If APAC is unable to assist with arrangements listed in Clause 3.2 of this Policy and Procedure, the Tuition Protection Service (TPS) will contact APAC students directly. The TPS will offer students the option to either receive a refund of tuition fees for affected parts of the course, or assistance to move to a similar replacement course.

The TPS Service Charter provides further information about the services provided by the TPS at: <https://www.education.gov.au/tps/resources/tps-service-charter>.

Student personal information that APAC may collect and disclose about you to the Department of Education in relation to upfront payment tuition protection includes your:

- Name, date of birth, contact details and identifiers (e.g., Unique Student Identifier);
- Study arrangements and details including enrolments and course progress; and
- Payment arrangements, including tuition fees paid or payable, scholarships and payments by third parties.

3.4. Refunds for Students Who Obtain Permanent Resident Visa Status

Australian permanent resident status is recognised as from the date of the Visa Grant Letter.

If a student is granted Australian permanent resident status before enrolling in a program but after the date of the Letter of Offer for the program:

- the fee-paying overseas place will be withdrawn;
- if the student still wishes to study at APAC, they must apply for a domestic place and will be subject to the selection criteria and fees applicable for domestic students
- if the student has already paid the program fees applicable to overseas students for the trimester, or any future trimesters, a total refund of these fees is payable to the student.

If a student is granted Australian permanent resident status after enrolling in a course but before the commencement date for the trimester:

- the student will be eligible for a domestic place and will be subject to the fees applicable to domestic applications for that course;
- if the student has already paid the program fees applicable to overseas students for the trimester, or any future trimesters, a total refund of these fees is payable to the student.

If a student obtains permanent resident status after the commencement date in a trimester, the student will remain classified as an international student for the remainder of that trimester and will be liable to pay the international student fees for that trimester. From the following trimester, the student will be classified as a permanent resident.

3.5. No Refunds

A student whose enrolment is either suspended or cancelled by APAC for whatsoever reason during a trimester, including but not limited to a breach of the code of conduct, failure to meet course progression requirements or non-payment of fees will not be eligible for a refund for that trimester.

A student whose visa is cancelled during a trimester will not be eligible for a refund.

3.6. Overseas Student Health Cover (OSHC)

Refunds for Overseas Student Health Cover (OSHC) policies are assessed and processed in accordance with where they are initially purchased:

- APAC will assess and process OSHC refund requests if the OSHC policy was purchased through them as a part of the acceptance process;
- the education agent will assess and process OSHC refund requests if the OSHC policy was purchased through them for the student visa application;
- the OSHC provider will assess and process OSHC refund requests if the OSHC policy was purchased through them for the student visa application.

3.7. Non-refundable Fees and Charges

Administrative and incidental fees and other charges, fines and penalties are non-refundable. Please refer to the *Australian Performing Arts Conservatory Fee Schedule* for more information on these fees and charges. From time-to-time APAC may choose to apply an enrolment, admissions or similar fee. Where applicable such non-tuition fees are not refundable.

3.8. Payment of Refunds

Refund application for full or partial refunds must:

- Complete an Application for Refund Form.
- Be accompanied by supporting documents as may be appropriate.

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.
- Processed back to the country of origin is paid via telegraphic transfer.

All debts to APAC must have been paid before any refund can be calculated with any outstanding amounts to be deducted from the refund.

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

3.9. Complaints and Appeals

If a student enrolled at APAC is dissatisfied with any aspect of the response to or outcome of their refund application, they may lodge a complaint through the process outlined in the *Student Complaints and Appeals Policy and Procedure*.

4. Responsibilities

4.1. Board of Directors

The Board of Directors are responsible for the review of and setting of tuition fees, administrative, incidental and other charges. Review of fees and charges will occur annually and will consider the impact of any increase on continuing students.

4.2. Chief Executive Officer (CEO)

The CEO is responsible for authorising all payment transfers, draw downs and approval of refund requests via the Finance Office.

4.3. Finance Office

The Finance Office is responsible for the administration and payment of approved refund monies.

4.4. Admissions and Compliance Manager

All withdrawal and refund requests will be managed by the Admissions and Compliance Manager for approval by the CEO.

4.5. International Students

Refund applicants are responsible for ensuring that all refund application documentation is complete and supporting documentation is submitted at the time of application.

5. Relevant Documents

- APAC Admissions Policy and Procedure
- APAC International Student Fees Policy
- APAC Privacy Policy and Procedure
- APAC Records Management Policy and Procedure
- APAC Student Code of Conduct
- APAC Tuition Assurance Statement
- APAC Tuition Assurance Policy and Procedure
- APAC Application for Deferment for Higher Education Domestic and International Students
- APAC Application for Refund Form
- APAC Application for Withdrawal for Higher Education Domestic and International Students
- APAC Letter of Offer and Acceptance of Offer and Student Agreement – International
- Australian Performing Arts Conservatory Fee Schedule
- Competition and Consumer Act 2010 (Cth)
- Education Services for Overseas Students Act 2000 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021

- National Code of Practice for Providers of Education and Training to Overseas Students 2018

6. Definitions

- **Census Date** is the effective final enrolment date and charges liability date for a course or units, after which a student cannot withdraw without significant academic or financial penalties.
- **International Student** is a student who holds an Australian student visa which provides approval to study in an APAC course. It refers to a student who is not an Australian citizen (including Australian citizens with dual citizenship), a New Zealand citizen, a permanent humanitarian visa holder or a holder of a permanent visa other than a permanent humanitarian visa.
- **Incidental, Administrative and Other Charges** are fees for a good or service related to the provision of a course that is additional to the tuition fee.
- **Tuition Fees** are fees payable for tuition as officially published or provided by APAC. Tuition fees and other charges are set each year and will apply at the time that a letter of offer is issued. Tuition fees do not include incidental, administrative and other charges.
- **Withdrawal** is 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.

Version Control and Document Owner

Policy Category	Operational	Approval Date	23 August 2023	
Document Owner	Chief Executive Officer	Approval Authority	The Board of Directors	
Audience	International Students and Staff	Review Date	21 August 2026	
Revision History				
Version	Author	Change Summary	Date Approved	Date Effective
1	APAC	New document.	15 April 2016	28 February 2020
2	APAC	Revision for CRICOS application	24 February 2020	28 February 2020
2.1	APAC	Minor terminology updates.		
3.0	APAC	Changes to fees and commence date data.	7 July 2021	13 September 2021
3.1	DVE Business Solutions Pty Ltd	Review and update of Policy and Procedure including minor changes to scope, definitions, and relevant documents.		6 June 2023
4.0	APAC	Update to refund table Minor administrative changes	23 August 2023	23 August 2023