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# Refund Policy & Procedure

## Scope

This policy applies to all Polytechnic Victoria staff involved in processing refund applications, arranging refund payments, collecting outstanding tuition fees, and responding to student enquiries related to refunds and tuition fees payable.

## Purpose

This policy ensures that Polytechnic Victoria provides students with clear, accurate, and accessible information about fees, refunds, and related obligations. It establishes a fair and transparent process for managing refunds in compliance with Part 2, Division 1 - Standard 2.1 of the NVR Revised Standards for RTOs 2025 and the relevant requirements of Standard 3 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (ESOS). The policy supports an inclusive learning environment by maintaining open communication and upholding students' rights throughout their enrolment.

## Policy

This policy outlines Polytechnic Victoria's process for managing student refunds in compliance with:Standard 2.1 of the NVR Revised Standards for RTOs, which requires RTOs to provide clear and accurate information to students concerning fees, refunds, and related obligations, and to ensure that students have easy access to this information before and during their enrolment.

Relevant requirements of Standard 2.1 of the National Vocational Education and Training Regulator NVR Revised Standards for RTOs 2025 the following information is easily accessible by VET students: all fees, costs and charges associated with the provision of the training product which VET students may incur, including payment terms and conditions, any applicable refund policies and the availability of any relevant government training entitlements and subsidies; and

- any obligations or liabilities which may be imposed on VET students undertaking the training product, including any obligations requiring VET students to acquire any materials, equipment or IT, any costs and processes associated with withdrawing from training, any costs and processes associated with obtaining a Student Identifier, and any requirements for VET students to undertake work placements;
- the organisation provides all VET students with documentation prior to their enrolment or before any fees are required to be paid which sets out:
- the training which the organisation or third parties will provide the VET student;
- all fees, costs and charges which the VET student will be required to pay; and
- any obligations or liabilities which may be imposed by the organisation or third parties on the VET student; and
- that it informs VET students, as soon as practicable, of any changes to training products or the organisation's operations that may affect VET students, including any changes relating to the transition of superseded, deleted, or expired training products.

- **Standard 3 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (ESOS)**, which requires Polytechnic Victoria to formalise enrolment through a written agreement with each overseas student. The written agreement must be signed or otherwise accepted by the student (or, if under 18, their parent or legal guardian) prior to accepting payment of tuition or non-tuition fees.

Relevant requirements of Standard 3 (ESOS) for refunds and written agreements include:

- The written agreement must:
  - List all tuition and non-tuition fees payable by the student, the periods to which those fees relate, and payment options (Standard 3.3.4).
  - Include details of any non-tuition fees the student may incur (Standard 3.3.5).
  - Set out the circumstances in which personal information about the student may be disclosed in accordance with the Privacy Act 1988 (Standard 3.3.6).
  - Outline the provider's internal and external complaints and appeals processes (Standard 3.3.7).
  - State that the student is responsible for keeping a copy of the written agreement and receipts of payments (Standard 3.3.8).

**Definitions**

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| **CRICOS:** | Commonwealth Register of Institutions and Courses for Overseas Students. |
| **ESOS Act:** | Education Services for Overseas Students Act 2000 of the Commonwealth of Australia. |
| **ESOS Regulations:** | Education Services for Overseas Students Regulations (made under the ESOS Act 2000). |
| **National Code:** | National Code of Practice for Education and Training to Overseas Students. |
| **Prospective Student:** | A person who intends to become, or who has taken any steps towards becoming, an overseas student, as defined by the ESOS Act. |
| **Agent:** | A person or organisation authorised by Polytechnic Victoria to promote its courses and ervices to students or intending students in nominated regions. |
| **Overseas Student:** | A person who holds a student visa and is enrolled, or intends to become enrolled, in a course with a registered provider in Australia, as defined by the ESOS Act. |

**Procedure**

This procedure outlines the steps Polytechnic Victoria will take to process student refunds in accordance with the organisation's Refund Policy, Standard 2.1 of the Standards for RTOs 2025, and Standard 3 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

**Overseas (International) Student Refund Procedure**

**1. Communication of Fees and Refund Information**

**Prior to Enrolment:**

- All students are provided with clear, accurate, and current information about fees, charges, payment terms, and refund policies.
- This information is made available through:
  - Course promotional materials;
  - The Polytechnic Victoria website;
  - The Student Handbook;
  - The 3.5 – Offer Letter and Acceptance Agreement.
- **Written Agreement:**
- Each student receives a written agreement before any payment is accepted.
- The agreement includes:
  - All tuition and non-tuition fees;
  - Payment terms and options;
  - The refund policy and process;
  - Information about the Tuition Protection Service (TPS);
  - Details of the complaints and appeals process.

**2. Refund Request Conditions**

All refund requests are subject to the following conditions:

- **Receipt of Funds -** Polytechnic Victoria must have received the student's payment in full before a refund request will be considered. This includes confirmation that all cheques have cleared and telegraphic transfers have been received.
- **Outstanding Fees -** Any outstanding fees owed to Polytechnic Victoria must be paid in full prior to the refund being processed. If not, the amount owed will be deducted from the total refundable amount.
- **Visa Refusal Documentation -** Refund requests due to visa refusal must be accompanied by official documentation from the Department of Home Affairs confirming the refusal.

**3. Refund Application and Calculation**

A. **Submitting a Refund Application**

- All refund requests must be submitted in writing using the official Refund Application Form (Form 3.2 – Refund Request Form), available from the Student Support Officer at Reception or online at www.pv.edu.au.
- The completed form is lodged with the Student Support Officer, who forwards it to the Administration Manager for processing.

B. **Calculation of Refund Period**

- **Counting of Days**
  - The counting of days for refund eligibility begins the day after Polytechnic Victoria receives the completed Refund Application Form.
  - The final day of calculation is one day before the course commencement date.
  - **Example:** If the application is received on the 1st of the month and the course starts on the 3rd, the refund period will be counted from the 2nd to the 2nd (1 day).
- **Visa Refusal Refunds**
  - Apply only to students applying from offshore (outside Australia).
  - Visa extensions or visa type changes are not eligible under visa refusal refund provisions.
  - Valid proof of visa refusal from the Department of Home Affairs must be attached to the refund application.

C. **Method of Refund Payment**
- Refunds will be paid in Australian Dollars (AUD) to the student or the nominated person listed on the Refund Application Form.
- Payment will be made via bank draft, electronic transfer, or another approved payment method.
- For international transfers, refunds will be made in AUD, with the amount received based on the exchange rate on the date of transfer.
- Bank charges and postage costs may apply.

D. **ESOS Compliance and Documentation**
- All refunds will be processed in accordance with the Education Services for Overseas Students (ESOS) Act and the refund agreement signed by the student.
- Records will be retained in the student's individual file, the Student Management System, and in MYOB.
- A written Refund Calculation Statement (Form 3.4) and a copy of the Letter of Offer and Acceptance Agreement (Form 3.5) will accompany each refund.

E. **Approval Process**
- The Administration Manager will calculate the applicable refund and forward the documentation to the Operations Manager or CEO for final approval.
- The decision must be made within 28 calendar days from the date the refund application is received.
- Payment to eligible students will be processed within 20 working days of approval.

F. **Recordkeeping**
- Full details of all refunds processed will be maintained in the student's individual file.

G. **Complaints and Appeals**
- The availability of Polytechnic Victoria's Complaints and Appeals Process does not limit the student's right to take further action under Australian consumer protection laws.

## 4. Refund Scenarios

- **Visa Refusal (Offshore Applicants)**
  - If a student's visa application or visa renewal is refused before the course commencement date, the student is entitled to a full refund of course fees, less the non-refundable enrolment fee.
- **Visa Refusal (Onshore Applicants)**
  - If a student's visa is refused after the course has commenced, or if a visa extension is refused, the refund will be assessed based on the following cases:
    - The student currently holds a Student Visa issued by the Australian Government.
    - The student is seeking to convert from another visa type to a Student Visa and holds study rights under their current visa conditions.
  - Refunds will be processed in accordance with the method outlined in the Refund Calculation Table.
- **Special Circumstances**
- In cases where a student withdraws from their course and returns to their home country due to exceptional and compassionate circumstances, such as the death or serious illness of an immediate family member, Polytechnic Victoria will refund 100% of any unspent tuition fees, less the non-refundable enrolment fee.
- **Refunds Due to Non-Delivery of Course (ESOS Standard 3.2)**
- Students are entitled to a full refund of tuition and application fees if:
  - Polytechnic Victoria cancels the course before it commences.
  - The course does not commence on the agreed start date as stated in the Letter of Offer and Acceptance Agreement.
- In such cases, refunds will be processed and paid in full within 14 calendar days of the default event.
- **Partial Refund – Course Ceased After Commencement**
- Students are entitled to a refund of any unused portion of tuition fees if:
- The course ceases to be provided after it has commenced, but before completion.
- Polytechnic Victoria is unable to fully deliver the course due to a sanction or directive imposed by a government regulator.
- **Alternative Course Arrangement**
- Instead of issuing a refund, Polytechnic Victoria may offer the student placement in an alternative course at no additional cost. If the student accepts this alternative arrangement, Polytechnic Victoria is no longer obligated to refund the tuition fees paid for the original course.

## 5. Refund Calculation Table

| Scenario | Refund Calculation |
|---|---|
| Enrolment Fee | Non-refundable |
| Tuition Fees | |
| Visa refused prior to course start date (Offshore students) | 100% refund of tuition fees |
| Visa refused after course start date / Visa extension refused (Onshore students) | Tuition fee received less:<br>- Enrolment fee<br>- Other non-tuition fees |

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| | - Tuition fee up to visa refusal date (calculated on a "monthly" basis)* |
| Withdrawal in writing, received 10 weeks or more before course commencement | 100% refund of tuition fees |
| Withdrawal in writing, received 28 days or more before initial course commencement | 70% refund of tuition fees |
| Withdrawal in writing, received less than 28 days before course commencement | No refund of current course tuition fees |
| Student fails to commence after the course start date | No refund |
| Student abandons course without notice | No refund; outstanding fees for the course to be invoiced to the student<br>No refund for durations/units missed due to abandoning the qualification |
| Refund requested after COE is deferred/changed | Refund calculated based on initial commencement date or first COE dates, not the deferred/changed dates |

* **Monthly Calculation Note:**
The unused portion of tuition fees is calculated based on the length of time the student has been enrolled in the course, with the remaining amount representing the tuition for the period in which the student did not participate in any training or assessment.

**Additional Notes**

- **Total Course Fee Components:**
  - **Tuition fees** received by Polytechnic Victoria for the student's enrolment.
  - **Non-tuition fees** (such as material fees), if applicable, received by Polytechnic Victoria in relation to the student.
- **Special Circumstances:**
  - Exceptional cases (e.g., compassionate or compelling circumstances) may be considered for a full or partial refund of unspent tuition fees, less the enrolment fee, as per Polytechnic Victoria's policy.

**6. Non-Refundable Circumstances**

Refunds will **not** be granted in the following situations:

(a) **Student-Initiated Non-Compliance**

- The student withdraws from the course without notifying Polytechnic Victoria.
- The student abandons the course without providing any notice.
- Tuition fees that are due but remain unpaid at the time of student default will not be refunded.
- Any initial deposit paid by the student is non-refundable once the student's visa has been granted.

(b) **Visa and Regulatory Issues**

- The student breaches their visa conditions, resulting in cancellation of their student visa by the Department of Home Affairs.
- The student's visa extension application is refused after the commencement of studies due to failure to meet visa requirements.
- The visa application is refused by the Department of Home Affairs due to the submission of misleading information or fraudulent documentation.

7. **Provider Default and Course Non-Delivery**
   - **If the course:**
     - Does not commence on the agreed start date and the student does not accept a new start date, the student will be entitled to a full refund of all course fees.
     - Ceases to be provided at any point after commencement but before completion, the student will be entitled to a full refund of unused course fees.
   - Refunds will be processed and paid in full within 14 calendar days of the default event.
   - Instead of issuing a refund, Polytechnic Victoria may offer the student placement in an alternative course at no additional cost. If the student accepts this alternative arrangement, Polytechnic Victoria is no longer obligated to refund the tuition fees paid for the original course.
8. **Advance Fee Collection Limit**
- Polytechnic Victoria will not collect more than $1,500 in advance for tuition fees unless:
  - It is necessary for visa application purposes, and
  - The student elects to pay more, in which case Polytechnic Victoria is covered by the Tuition Protection Service (TPS).
9. **Change in Visa Status**
   - If a student's visa status changes (e.g., from international student to permanent or temporary resident), they will continue to be charged full overseas student fees for the remainder of their current enrolment unless they choose to withdraw.
10. **Tuition Protection Service (TPS)**
    - The Tuition Protection Service (TPS) is an initiative of the Australian Government designed to protect overseas students in the event that their education provider is unable to fully deliver the course for which they have paid.
    - The TPS ensures that affected students are able to:
      - Continue their studies in a comparable course at Polytechnic Victoria or with another registered provider, or
      - Receive a refund of any unspent tuition fees for which the provider has not delivered services.
    - If Polytechnic Victoria is unable to deliver a course and does not meet its default obligations—either by arranging an acceptable alternative course or refunding the unspent tuition fees—the TPS will intervene to ensure students:
      - Are offered enrolment in a suitable alternative course, or
      - Receive a refund of their unspent prepaid tuition fees if no suitable alternative is available.
    - Key Features of the TPS Framework:
      - Establishment of a single national TPS system, replacing former tuition assurance arrangements.
      - A limit of up to 50% of total tuition fees may be collected before course commencement, unless the course duration is 24 weeks or less.
      - Providers must hold initial prepaid tuition fees in a designated account until the student commences study.
      - Refunds to students will be based on unexpended tuition fees, rather than total course costs.
      - For more information, visit the official TPS website: https://tps.gov.au/Home

**Refund Procedure for Domestic Students**

**A. Refund Application Submission**

- All refund requests must be submitted in writing using the official Refund Application Form (Form 3.2), available from the Student Support Officer at Reception or online at www.pv.edu.au.

**B. Calculation of Days for Refund Eligibility**

- The refund period is calculated from the day after Polytechnic Victoria receives the completed Refund Application Form.
- The last day counted is one day prior to the course commencement date.
- Example: If the form is received on the 1st of the month, and the course begins on the 3rd, the refund period will be counted from the 2nd to the 2nd (1 day).

**C. Refund Calculation Table**

| Scenario | Refund Calculation |
|---|---|
| Enrolment Fee | Non-refundable |
| Withdrawal before commencement date | 100% refund of tuition fees |
| Withdrawal on or after commencement date | No refund |
| Course withdrawn by Polytechnic Victoria | 100% refund of tuition fees |
| Polytechnic Victoria is unable to provide course | 100% refund of tuition fees |

**Procedure**

- Refund applications must be processed by the Administration Manager within 28 calendar days from the date the application is lodged.
- If the student is deemed eligible for a refund, the payment will be issued within 20 working days of the refund being approved.
- Refund amounts will be calculated in accordance with the Refund Calculation Table above.
- Any outstanding debts to Polytechnic Victoria will be deducted from the refundable amount.
- Refunds will be paid in Australian dollars, typically via electronic funds transfer, to the person or entity who made the original payment.
- A written explanation of the refund calculation and a copy of the signed Refund Agreement will accompany each refund.
- All refund details and associated documents will be recorded and maintained in the student's individual file, Student Management System, and MYOB.
- The Administration Manager is responsible for calculating the refund amount, and the Operations Manager or CEO for final approval.
- The availability of Polytechnic Victoria's Complaints and Appeals Process does not affect the student's right to pursue action under Australian consumer protection laws.

**Provider Default Scenario (Domestic Students)**

- If the course:
  - Does not commence on the agreed start date and the student does not accept a new start date, the student is entitled to a full refund of all course fees.
  - Ceases to be provided at any point after commencement but before completion, the student is entitled to a full refund of unused course fees.

**Roles and Responsibilities**

| Role | Responsibility |
|---|---|
| **Student Support Officer** | Receives and processes refund application forms; ensures required documentation is provided |
| **Administration Manager** | Calculates refund amount; prepares Refund Calculation Statement; forwards documentation for approval |
| **Operations Manager/CEO** | Reviews and approves refund applications |
| **Accounts Department** | Processes approved refund payments within required timeframes |

**Forms**

| Form Name | Purpose |
|---|---|
| **Refund Application Form (Form 3.2)** | Official form for submitting refund requests |
| **Refund Calculation Statement (Form 3.4)** | Explains how the refund amount was determined |
| **Letter of Offer and Acceptance Agreement (Form 3.5)** | Must be attached to each refund application; outlines fees, terms, and refund policy |

**Review and Compliance**

The refund process is reviewed every two years to ensure it continues to meet all regulatory standards.

All refund requests, decisions, calculations, and supporting documents are kept in the student's individual file, as well as in the Student Management System and MYOB. For international students, records are kept for at least two years after the student stops being enrolled, as required by ESOS.