



## REFUND OF TUITION FEES POLICY: OVERSEAS COUNSELLING STUDENTS

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### 1. PURPOSE

To stipulate the conditions and circumstances by which an overseas student may apply for a refund of upfront tuition fees.

### 2. DEFINITIONS

Key Term or Acronym	Definition
ESOS Act	Educational Services for Overseas Students Act 2000
National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018
MC	Morling College
TPS	Tuition Protection Service See <a href="https://tps.gov.au/">https://tps.gov.au/</a>

### 3. SCOPE

This policy applies to all overseas students on a student visa, enrolled in courses in Counselling, who wish to apply for a refund of upfront tuition fees for a unit/s of study.

### 4. POLICY STATEMENT

Morling College is committed to refunding upfront tuition fees in those circumstances consistent with the Educational Services for Overseas Students Act 2000 (ESOS Act) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).

## **5. PRINCIPLES**

### **Rights**

- 5.1 This policy, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.
- 5.2 The dispute resolution procedures of MC do not circumscribe the student's right to pursue other legal remedies, such as action under Australia's consumer protection laws.

### **Provide a copy of this policy prior to the payment of fees**

- 5.3 A copy of this policy must be made available to all intending and enrolling overseas students before any course fees are paid. This policy is available on the Morling College [website](#).

### **Fees**

- 5.4 Tuition fees for MC courses are subject to annual review and the tuitions fees applicable for a calendar year of study may change from 1 January each year.
- 5.5 Overseas students are required to pay tuition fees up-front in full for the first half-year of full-time study, unless other arrangements have been made in writing by the Finance Manager, in consultation with the Director of Student Services.
- 5.6 Overseas students are obliged to make up-front payments of tuition and other fees, normally no later than the first day in each study period of teaching of units in their course.

### **Study load**

- 5.7 Overseas students are required to complete their enrolled course within the timeframe stated on the student's Confirmation of Enrolment (CoE) document, and are therefore expected to enrol in a full-time unit load each study period. There may be unusual circumstances that necessitate an overseas student to take less than a full-time load in any study period. In this instance, the student needs to ensure that they are able to organise their unit load in future study periods in a way that allows them to complete the course on time to comply with the conditions of their student visa.

### **Student defaults**

- 5.8 A student may withdraw from a course any time after acceptance and from a unit at any time during the course of study. However, students need to be

aware of the consequences of such an action in relation to the National Code.

5.9 After enrolment, all students will be subject to the provisions of the Variation to Enrolment Policy: Education; Counselling, Chaplaincy and Spiritual Care as it relates to withdrawing from units and courses and the consequences according to the time in a study period that the action occurs. The Variation of Enrolment Policy is available on the MC [website](#).

5.10 A notice to withdraw due to special circumstances may be accepted as grounds for total refund of fees, subject to the provision of acceptable documentary evidence in support of the application for refund.

Special circumstances include, but are not limited to:

5.11.1 inability to obtain a student visa

5.11.2 illness or disability

5.11.3 failure to meet the English language requirement for admission

5.11.4 death of the student or a close family member (parent, sibling, spouse or child)

5.11.5 political, civil or natural event which prevents full payment of fees.

Refer to the Special Circumstances Policy: Education; Counselling, Chaplaincy and Spiritual Care on the MC [website](#).

5.11 A student will be deemed to be defaulted as per Section 47 of the ESOS Act 2000 where the following occurs:

5.12.1 the student does not start the course on the agreed starting day and has not previously withdrawn

5.12.2 the student withdraws from the course (either before or after the agreed starting date)

5.12.3 the registered provider of the course refuses to provide, or continue providing the course to the student because of one of the following events:

- the student failed to pay an amount he or she was liable to pay, directly or indirectly, in order to undertake the course
- the student breached a condition of his or her student visa;
- misbehaviour of the student

The provider will notify, in writing the Secretary and the Tuition Protection Service (TPS) Director of the default within 5 business days of the default occurring.

5.12 When a student does not start the course on the agreed starting date and has not previously withdrawn, any paid tuition fees will be refunded.

- 5.13 When a student withdraws from the course (either before or after the agreed start date) and prior to the census date, any paid tuition fees will be refunded. If a student withdraws after the census date, no fees will be refunded.

#### **Refund if the provider defaults**

- 5.14 Refunds if the registered provider defaults cannot be covered by a written agreement between the provider and the student. Such situations are covered by the provisions of the Tuition Protection Service (TPS). For more information about the TPS, please visit <https://tps.gov.au>.
- 5.15 The provider will notify, in writing, the Secretary and the TPS Director of the default within 3 business days of the default occurring. The provider will also notify the student, in writing, of the default.
- 5.16 The provider will discharge the following obligation within 14 days after the default day:
- 5.17.1 Provide a refund of the unspent tuition fees to all affected students calculated in accordance with the law, *or*
  - 5.17.2 Arrange for the student to be offered a place in an alternative course at the provider's expense (student will be required to accept the offer in writing prior to implementation).

#### **Payment of Refund**

- 5.17 MC must pay the refund or respond to the request for a refund within four (4) weeks of receipt of the student's written claim by the Director of Student Services of MC. Refunds will normally be made in the same currency as the fees were originally paid and will be made in the student's home country except in documented special circumstances.
- 5.18 As the student enters into the written agreement with Morling College, and no third party is normally involved, the refund will normally be paid to the student. If the refund is to be paid to someone else (e.g. in the event that the tuition fees were paid by another person), the student must provide a letter of authority signed by student and the receiving party, including account details of the receiving party to enable the college to make a direct payment. The letter should be attached to the request for refund.
- 5.19 In circumstances where the student is approved to study at another institution in Australia, any refund must be paid directly to the new institution. Refunds in the form of transfer of fees to another institution will be made subject to the student presenting evidence of an offer of a place to study in that institution.

## **6. RELATED DOCUMENTS AND LEGISLATION**

Educational Services for Overseas Students Act 2000 (Commonwealth)

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

Variation to Enrolment Policy: Education; Counselling Chaplaincy and Spiritual Care

Special Circumstances Policy: Education; Counselling Chaplaincy and Spiritual Care

Overseas Student Extension, Deferment, Suspension and Cancellation of Enrolment Policy: Counselling

## 7. REFERENCES

ACT Refund Policy for Overseas Students

## 8. VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Changes made
2.01	Policy Coordinator	March 2023	March 2023	Header table updated to latest version, including addition of keywords. Updated contact. Replaces references to the Registrar with the DSS.
2	Academic Board	4 March 2020	4 March 2020	Updated to new template. Amended to reflect provisions of the National Code 2018. Added Compliance References and removed superfluous references to Administration Date.
1	Academic Board	February 2015	February 2015	

*Download this policy anew with each use, as it may have changed.*