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## 1 PRELIMINARIES

### Commencement

This policy and procedure commence on 22 September 2023.

### Purpose

This policy and procedure outline how and when Polytechnic Institute Australia (“PIA”) will provide refunds to international students. The refund to be provided varies according to the times and circumstances in which it is sought, and the relevant milestones are delineated in this policy and procedure.

### Application

This policy and procedures apply to all international students seeking a refund of fees, and to all staff involved in processing requests for a refund at PIA.

## 2 DEFINITIONS

The following definitions apply in this document:

**Appeal** An application to reconsider a decision or determination made by the Institute.

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# Fees and Refunds Policy and Procedure (International)



**Census Date** The final day for withdrawal from a course or unit of study without incurring an academic penalty and/or a financial liability.

**CoE (Confirmation of Enrolment)** A document provided electronically, which is issued by PIA to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course at PIA.

**Commencement Date** The first day of teaching in the first study period in which the student has a valid enrolment.

**International student tuition fees** As defined by Section 7 of the ESOS Act 2000 means fees PIA receives, directly or indirectly, from an overseas student or intending overseas student; or another person who pays the fees on behalf of an overseas student or intending overseas student; that are directly related to the provision of a course that PIA is providing, or offering to provide, to the student.

**Misbehaviour** As defined as not meeting the expectation of the Student Code of Conduct and includes the provision of false, fraudulent, or misleading documentation or information.

**Overseas Student** A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act but does not include students of a kind prescribed in the ESOS Regulations.

**Principal Course of Study** The principal course of study is normally considered to be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.

**Provider Default** Provider default occurs when a student has not withdrawn their enrolment and either:

- the provider fails to start providing a course to an enrolled student on an agreed starting day, or
- the provider stops providing a course to a student at a location any time after the course has begun, but before it has completed.

**Student Default** An overseas student or intending overseas student **defaults**, in relation to a course at a location, if:

- (a) the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- (b) the student withdraws from the course at the location (either before or after the agreed starting day); or
- (c) the registered provider of the course refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:
  - (i) the student failed to pay an amount he or she was liable to pay the provider, directly or indirectly, in order to undertake the course;
  - (ii) the student breached a condition of his or her student visa;
  - (iii) misbehaviour by the student.

**Unit** Unit refers to a unit of study which forms part of any course offered at PIA.



## 3 POLICY

- 3.1 PIA is committed to ensuring that all students are informed of their formal relationship with the Institute regarding refunds.
- 3.2 All applications for refunds will be assessed and processed in accordance with the requirements of this policy and with regard to:
- The Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)
  - The Higher Education Standards Framework (Threshold Standards) 2021
  - The Education Services for Overseas Students Act (ESOS Act)
  - The National Code of Practice for Providers of Education and Training to Overseas Students 2018
  - Education Services for Overseas Students (Calculation of Refund) Specification 2014
  - Department of Home Affairs Visa Regulations
- 3.3 No refund will be given to applicants or students who provide false, fraudulent or misleading documentation and/or information in their application for admission, course and unit enrolment, or credit applications.
- 3.4 This Policy and the availability of PIA's complaints and appeals processes do not remove the right of the student to take action under Australia's consumer protection laws.
- 3.5 Refund applications will be accepted up to 6 months after the proposed commencement date for students who do not commence their studies or 12 months from the relevant study period for all other applications.
- 3.6 Before a student can apply for a refund:
- PIA must have received money into its accounts as cleared funds;
  - the student's course or unit cancellation must have been processed; and
  - the student must settle any other debts owing to PIA, such as library fines.
- 3.7 PIA reserves the right to deduct outstanding debts or fines owing from the refund amount.
- 3.8 Students subject to suspension or exclusion from PIA on account of late or non-payment of fees and charges may appeal the decision according to PIA's Student Grievance Handling Policy and Procedure.
- 3.8 An Appeals Committee's recommendation shall be adopted by PIA, subject to the respective ESOS Act and/or other legal and procedural considerations.
- 3.9 Refunds will only be made to a nominated person/sponsor who initially paid the student fees.
- 3.10 Scholarship and sponsored students' refunds will only be paid to the scholarship provider or sponsoring body.



## 4 RESPONSIBILITIES

4.1 Students have the responsibility to:

- request refunds in writing using the *Request for Refund Form*
- notify PIA of a withdrawal from a course of study by submitting an *Application for Withdrawal/Release* to the Registrar
- review this Policy and ensure that they have grounds for a refund
- ensure that their application for a refund contains all the required evidence and documentation.

## 5 PROCEDURES

### Applying for a Refund

- 5.1 Domestic non-FEE-HELP students, overseas students or prospective students must apply for a refund of fees by submitting a *Request for Refund Form*. The circumstances in which a refund will be granted and the specific requirements for a refund request are detailed in the later sections of these procedures.
- 5.2 Students will be notified if further information is required, and applications with insufficient evidence may be rejected. Staff may request additional evidence at their discretion and within reason to support an application.
- 5.3 Students should refer to the later sections of these procedures to check whether their refund claim is valid. If unsure, the student should seek advice from administration staff.
- 5.4 When completing a *Request for Refund Form*, students are to include the reason the request is being submitted and attach the applicable original documentary evidence.
- 5.5 Once the student's request has been received and the approval process is completed, PIA will contact the student with information regarding whether the requested refund has been approved or declined.

### Processing of Refunds

- 5.6 If a student's refund request is approved, a refund will be made within four (4) weeks of PIA receiving the request in writing.
- 5.7 Refunds will be made by cheque or EFT in Australian dollars only. Under banking regulations, if a student has made a payment with a credit card any refund must be credited to the original credit card.

### Grievances and appeals

- 5.8 If a student is dissatisfied with the outcome of the refund request, the student may appeal using PIA's *Student Grievance and Appeal Form* within twenty (20) working days of being informed of the decision.

### Overseas Students Ombudsman

- 5.9 International students who wish to lodge an external appeal or complain about a refund decision can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students (student visa holders

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only) who have a complaint or want to lodge an external appeal about a decision made by their education provider. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

## Refunds of Application Fee and Materials Fee

- 5.10 Applications to study at PIA are accompanied by an Application Fee. This fee is non-refundable except for provider default.
- 5.11 Any materials fees are non-refundable after the census date of a student's first study period.

## Refunds for Offshore Visa Refusal

- 5.12 If a student visa is refused prior to course commencement, PIA will retain \$500 of the tuition fees paid.
- 5.13 Where a student's application for a student visa has been refused, the student must supply proof of refusal. Upon receipt of proof of refusal and evidence of payment to PIA, fees paid in advance in respect of tuition will be refunded. No refund is given, if visa refusal is based on breaches of visa conditions or cancellations.

## Refunds for Onshore Visa Refusal

- 5.14 Where a student is an onshore student, they are taken as having study rights.
- 5.15 If a visa is refused prior to course commencement for students who are onshore, PIA will refund according to the schedule set out below.

Reason and timing of the cancellation	Refund
Cancellation within 48 hours of acceptance AND 30 calendar days or more notice is given prior to the course commencement date	A full refund of tuition fees
Cancellation with 30 calendar days or more notice is given prior to the course commencement date	A full refund of tuition fees less \$1000 cancellation fee
Cancellation with less than 30 calendar days' notice given prior to the commencement date	No refund of tuition fees
Cancellation of student's enrolment due to student default	No refund of tuition fees
Provider default	A full refund of tuition fees

- 5.16 If a student's visa is refused post-course-commencement, the student is not entitled to a refund.

## Refunds for Withdrawal from or Deferring a Course of Study

- 5.17 Refunds for withdrawal or deferring course commencement will be according to the schedule set out in 5.18 and processed according to the *Student Deferral, Suspension and Cancellation of Study Policy and Procedure*.

# Fees and Refunds Policy and Procedure (International)



- 5.18 If a student cancels enrolment or withdraws, a cancellation fee is charged. The refund is determined according to the schedule set out below.

Reason and timing of the cancellation	Refund
Cancellation within 48 hours of acceptance AND 30 calendar days or more notice is given prior to the course commencement date	A full refund of tuition fees
Withdrawal from or deferring with 30 calendar days or more notice is given prior to the course commencement date	A full refund of tuition fees less \$1000 cancellation fee
Cancellation with less than 30 calendar days' notice given prior to the commencement date	No refund of tuition fees
Cancellation of student's enrolment due to student default	No refund of tuition fees
Provider default	A full refund of tuition fees

## Protection of Student Fees in case of Provider Default

- 5.19 In the unlikely event that PIA stops delivering a course or is unable to deliver a course in full, students enrolled in that course will be offered a refund of their unspent tuition fees received by PIA. This refund will be paid within 14 days from the date on which the course ceased to be provided.

Students as an alternative may be offered enrolment in an alternative course at no extra cost to the student. Students have the right to choose whether they would prefer to accept a place in another course or be given a refund of the unspent fees. If a student chooses to be enrolled in another course, they will be issued with a new offer letter and enrolment agreement.

If PIA is unable to provide a refund or provide an alternative course in accordance with the ESOS Act and National Code, then the Tuition Protection Service (TPS) will assist overseas students in finding an alternative course or obtaining refunds if a suitable alternative course is not found. Further information regarding the TPS arrangements is provided at [www.tps.gov.au](http://www.tps.gov.au) and on the PIA website at <http://pia.edu.au>

PIA has Tuition Protection in place which provides protections and assistance to support FEE-HELP students in the event PIA stops delivering the student's course or closes entirely. More information on this scheme can be found at <https://www.employment.gov.au/provider-closures>

PIA charges domestic non-FEE-HELP students in arrears, that is, at the end of the unit. Therefore, in the event PIA stops delivering the student's course or closes entirely during the study period, no fees are payable. More information can be found at Higher Education Provider Guideline Section 2.15.1 (b) here: <https://www.legislation.gov.au/Series/F2012L02136>

- 5.20 PIA reserves the right not to offer a course previously made available at its discretion. If this occurs, and the student is unable or unwilling to enrol in a similar course at PIA and the enrolment is therefore cancelled, all fees paid will be refunded except the non-refundable fee.



## Refunds for when Student Default occurs

- 5.21 No refund is given if a student has their enrolment cancelled by PIA as a result of academic and non-academic misconduct. This includes an enrolment that is cancelled due to the student providing false, fraudulent, or misleading information or documentation.
- 5.22 Students who default on tuition payments are not entitled to a refund for tuition fees paid.
- 5.23 Where a student enters into an agreement with PIA under a package enrolment (articulation program or otherwise), the higher education program is considered in accordance with the National Code 2018 to be the principal course of study.
- 5.24 Where a student withdraws prior to or after the Commencement Date of their course in the package enrolment, it is determined that the student is in default of their visa requirements of maintaining their principal course of study and the student is not entitled to a refund of any fees paid in advance. In this instance, a student is cancelled on non-commencement and no refunds are provided.
- 5.25 Students who withdraw from a package enrolment are also liable to pay for the balance of any fees due for the remainder of their enrolment.

## Refunds and Fees for Internal Transfers

- 5.26 Students transferring from one course to another course within PIA are not subject to a refund but they may be subject to transfer fees.
- 5.27 Tuitions fees may be transferred from one course to another course within PIA.

## Fees to be paid before transferring from Polytechnic Institute Australia

- 5.28 Students who apply for a Letter of Release to transfer to another provider must pay all outstanding fees and invoices prior to the issuing of a Letter of Release.
- 5.29 If a student has selected to pay an invoice by instalments, then the student must pay all instalments before applying for a Letter of Release.

## Refunds for Other Fees

- 5.30 The following are non-tuition fees and as such are non-refundable fees
- Application fee
  - CoE Processing Fee
  - Change of course Fee
  - Late payment fees
  - Late commencement fees for international students
  - Other fees as listed on the fees page of the website.
- 5.31 For monies paid for Overseas Student Health Cover (OSHC), airport pickup, accommodation booking and board, students must contact the provider of these services for details of their refund policy and procedures as PIA is not the provider it does not get involved with these refunds.



## 6 RELATED LEGISLATION AND DOCUMENTS

### Institute Documents

Application for Withdrawal/Release

Fees and Refunds Policy and Procedure (Domestic)

Request for Refund Form

Student Code of Conduct and Disciplinary Procedures

Student Deferment, Suspension and Cancellation of Study Policy and Procedure

Student Grievance and Appeal Form

Student Grievance Handling Policy and Procedure

Student Transfer Policy and Procedure

### Applicable External Standards and Codes

This policy and procedures support compliance with the following

Standards/Code	Standards/Clauses
Higher Education Standards Framework (Threshold Standards) 2021	Standard 1.1 Standard 7.2
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standard 2.1 Standard 3.1

## 7 FEEDBACK

7.1 PIA staff and students may provide feedback about this document by emailing [policy@pia.edu.au](mailto:policy@pia.edu.au) for such feedback to be incorporated into a future review.

## 8 APPROVAL DETAILS

Approval and Review	Details
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