# ISP Refund Policy

## Purpose

This policy provides guidance in ensuring that international students (students) previously enrolled in the International Student Program (ISP) receive the refund of monies to which they are entitled.

This policy is for Department of Education (International Education Division) (DET (IED)) staff, students, parents, legal guardians, agents and schools.

## Scope

*Ministerial Order 819 – Fees for Overseas Students in Government Schools* allows for the refund of fees under the prevailing policy of the Department of Education and Training (DET). This ISP Refund Policy is the prevailing policy.

This policy applies to fee-paying students who have paid fees to undertake studies in a Victorian government school, including fee-paying temporary students who hold bridging visas, unless they have applied for a visa subclass 500 (school sector) visa. Other temporary fee-paying students are not eligible for a refund under this policy.

## Policy

* Prior to the student accepting an offer to study in a Victorian government school, DET (IED) provides a written agreement to the student, parent(s) or legal guardian(s) which includes details of tuition and non-tuition fees, the level of fees that may or may not be refunded, the refund process, and an explanation of refunds in case of provider default or student default. The student (if 18 years old or older), or their parent(s) or legal guardian(s), must sign and accept the written agreement.
* This written agreement, 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.
* The [Refund Criteria Table](#_Refund_Criteria) outlines the circumstances in which DET (IED) will refund fees to eligible persons.
* Upon instruction from the person/s who signed the written agreement, refunds will be paid to the persons or organisations specified (named) in the letter of offer / written agreement. Where no person is specified in the letter of offer / written agreement, refunds will be paid to the student (if 18 years old or older), parent(s) or legal guardian(s).
* For students leaving the ISP or transferring to a non-Victorian government provider, no refund will be paid until the student has withdrawn from the program by completing and submitting the [Withdrawal Form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf) and ceased studying. The [Withdrawal Form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf) can be found under *Brochures and Forms* at [www.study.vic.gov.au](http://www.study.vic.gov.au).
* If a student has not deferred and arrives later than the start date specified in the Confirmation of Enrolment (CoE), a refund or credit will not be provided for the days of school they have missed.
* DET (IED) may, in its discretion, amend this refund policy at any time. If DET (IED) amends this refund policy, all refund applications made on or after the date of the amendment will be assessed under the amended policy. The prevailing ISP Refund Policy can be found online under *Brochures and Forms* at [www.study.vic.gov.au](http://www.study.vic.gov.au).

### Refund administration fee

* DET (IED) deducts a $500 refund administration fee for processing refunds in some instances. The [Refund Criteria Table](#_Refund_Criteria) in this document outlines which circumstances attract this fee. Where the refund administration fee is payable and the refund amount due is calculated at $500 or less prior to charging the refund administration fee, no refund will be paid to the applicant.

### Homestay fees

* Persons seeking a refund of homestay fees paid must contact the school directly.
* Where homestay fees have been paid in advance and the student does not commence living at the homestay, the fees will be refunded in full by the school.
* Where a student who has commenced living at the homestay decides to leave, unused homestay fees will be refunded where two weeks' notice is provided and if the student has not caused any damage to property.

### Refund of Medibank Private overseas student health cover

* Where a student elects for DET (IED) to organise their overseas student health cover (OSHC) through Medibank Private and a refund is assessed as due, the OSHC fee will be included with the DET (IED) refund if the fee has not already been transferred to Medibank Private.
* Where the OSHC fee paid has already been transferred to Medibank Private, the student must contact Medibank Private by calling +61 3 9862 1095 or via email at oshc@medibank.com.au regarding their OSHC refund.
* DET’s refund outcome letter will specify whether the OSHC fee is included in the refund or if the student should contact Medibank Private directly regarding their OSHC refund.

### Non-refundable fees

* The following fees charged and collected by DET (IED) are non-refundable: application fee, enrolment amendment fee, accommodation placement fee, arrival support fee, school transfer fee, and default administration fee, except where a student is refused a visa to enter Australia or in the case of provider default prior to student commencement.
* Please note that other non-tuition fees may be non-refundable, such as optional school activities, uniforms, Victorian Certificate of Education enrolment and examination fees to the Victorian Curriculum and Assessment Authority, etc.

### DET default

* In the unlikely event that DET defaults and the course of study is no longer available, and the student has pre-paid the course, DET (IED) may offer the student a place in an alternative course at DET’s expense. If the alternative course is not accepted by the student and they prefer a refund, a refund will be paid within 14 days from receipt of the completed [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form-2017.pdf) and all necessary supporting documents.
* Additionally, the Tuition Protection Service (TPS) is an Australian Government initiative to assist students whose education providers are unable to fully deliver their course of study. The TPS ensures that students are able to complete their studies in another course or with another education provider, or receive a refund of unspent tuition fees. For more information see the TPS website: [www.tps.gov.au](http://www.tps.gov.au).

### Refunds due to compassionate or compelling circumstances

* Where a student is not eligible for a refund under the circumstances outlined in the [Refund Criteria Table](#CriteriaForRefund), but where the student has cancelled their enrolment or withdrawn from school due to compassionate or compelling circumstances, they can seek a refund. Compassionate or compelling circumstances include:
	+ death or serious illness in the student’s immediate family which leads to the student failing to commence or returning home and permanently leaving the ISP
	+ death or serious illness of the student’s extended family, and where that family member is a financial sponsor, which leads to the student failing to commence or returning home and permanently leaving the ISP
	+ serious illness of the student which means that their health is best served by returning home permanently
	+ the school and parent(s) or legal guardian(s) agree that the student’s needs would be best met by another provider outside the Victorian government school system
	+ other compassionate or compelling circumstances – assessed on a case-by-case basis.
* Adequate evidence must be provided to support compassionate or compelling circumstances, and additional information or evidence may be requested by DET (IED).
* The refund administration fee is not applied to refunds granted under compassionate or compelling circumstances.
* The refund amount will be determined by DET (IED) on a case-by-case basis. A refund will only be considered from the date that the compassionate or compelling circumstance occurred.

### Refund outcomes

* DET (IED) will advise of the outcome of any refund request in writing and pay any refund due within 4 weeks of receiving the completed [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form-2017.pdf) and all necessary supporting documents. In cases of provider default, any refund the student is entitled to will be paid within 14 days of receiving the completed [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form-2017.pdf) and all necessary supporting documents.
* All refunds are paid by telegraphic transfer or electronic bank transfer in Australian dollars. DET (IED) is not responsible for any foreign exchange losses.

## How to apply for a refund

* Refund requests must be submitted using the [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form-2017.pdf) available under *Brochures and Forms* at [www.study.vic.gov.au](http://www.study.vic.gov.au).
* Failure to provide appropriate details or documentary evidence with a refund request may result in the refund being delayed or denied.

## Appealing a refund decision

* If parents, legal guardians, or students over 18 years old, believe the refund amount is incorrect or the Refund Policy has been incorrectly applied, and they can outline the reasons and provide documentary evidence to support this belief, they can appeal a refund decision. A refund appeal must be lodged within 28 days of receipt of the written notification from DET (IED) of the refund decision.
* Please see the [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx) for further details in relation to appeals.

## Roles and responsibilities

* The **Secretary, DET**, has the authority to make a decision regarding the refund of fees under the *Ministerial Order 819 – Fees for Overseas Students in Government Schools*. The Secretary’s authority to make a decision regarding refunds has been delegated to the following positions in DET:
	+ Deputy Secretary, School Education Programs and Support Group
	+ Assistant Deputy Secretary, Schools, School Education Programs and Support Group
	+ Executive Director, International Education Division (IED)
	+ Director, Internationalisation, IED
	+ Manager, Finance and Business Improvement, IED
	+ Manager, International Education Strategy and Projects, IED
	+ Manager, International Student Services, IED.
* The **Manager, Financial and Business Improvement Unit (FBIU), IED**, is responsible for considering and approving all refunds in the first instance under their delegation from the Secretary, DET.
* The **Executive Director, IED**, is responsible for the approval of this policy as the nominated Principal Executive Officer of DET as a Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered provider. The Executive Director, IED, is also responsible for considering and approving all refunds that exceed the delegation of the Manager, FBIU, under delegation from the Secretary, DET.
* The **Secretary, DET**, has the authority to review a decision regarding the refund of fees. This authority has been delegated to other positions in DET as outlined in the Complaints and Appeals Policy.

## Refund criteria

Full or partial refunds are granted when assessed as meeting the following circumstances, and with the provision of the relevant required documentary evidence.

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| Circumstance | Evidence Required | Pre-Commencement Refund Due | Post-Commencement Refund Due |
| Student has received a Confirmation of Enrolment (CoE) or Confirmation of Placement (COP) but is refused a visa to enter Australia | Letter of visa refusal from the Department of Home Affairs (DHA) | Full refund of all fees paid less 5 per cent of the total fees received (excl. health cover) or $500, whichever is the lesser amount ([as required](https://www.legislation.gov.au/Details/F2014L00907)) | Not applicable |
| Student cancels any time after commencing and does not have an appropriate written agreement in place | Completed [withdrawal form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf) from the parent(s) / legal guardian(s) | Not applicable | Refund of all unused tuition fees paid [calculated](https://www.legislation.gov.au/Details/F2014L00907) from the end of the week of cancellation |
| Student Default Circumstances |
| Student receives a fee exempt visa | Visa grant letter from DHA, **AND**DET (IED) change of enrolment status letter | Full refund of tuition fees paid less $500 refund administrative fee | Refund of unused tuition fees paid calculated from the day on which the visa change was granted less $500 refund administrative fee |
| Student withdraws any time during the Semester after commencing | Completed [withdrawal form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf) from the parent(s) / legal guardian(s), **AND** If transferring to another Australian educational institution, a copy of CoE/offer letter from a CRICOS registered provider that accepts appropriate accommodation and welfare responsibility for under 18 students, **OR**If returning home, a copy of the flight ticket | Not applicable | No refund for current Semester. Refund of any future tuition fees paid less $500 refund administration fee |
| Student withdraws between Semesters after commencing | Refund of any future tuition fees paid less $500 refund administration fee |
| Student withdraws application for any reason before a CoE or COP is issued | DET (IED) letter/email confirming cancellation of enrolment | Full refund of tuition fees paid less $500 refund administrative fee | Not applicable |
| Student has received a CoE or COP but does not proceed with visa, cancels their course, or fails to commence | DET (IED) letter/email confirming cancellation of enrolment  | Full refund of tuition fees paid less $500 refund administration fee | Not applicable |
| DHA cancels the student’s visa for any reason, other than provider default | Letter of cancellation from DHA | Full refund of tuition fees paid less $500 refund administration fee | No refund for current Semester. Refund of any future tuition fees paid less $500 refund administration fee |
| DET (IED) cancels student’s enrolment due to breaching DET’s Attendance, Course Progress or Behaviour Policies | Letter of cancellation from DET (IED) | Full refund of tuition fees paid less $500 refund administrative fee | No refund for current Semester. Refund of any future tuition fees paid less $500 refund administration fee |
| Student commences, then defers study but fails to recommence  | Completed [withdrawal form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf) from the parent(s) / legal guardian(s) | Not applicable | No refund for the Semester that they deferred. Refund of any future tuition fees paid less $500 refund administration fee |
| Provider Default Circumstances |
| DET (IED) cancels the student's enrolment before the start of a course due to provider default and the student has not already cancelled their enrolment | Letter of cancellation from DET (IED) | Full refund of all fees paid | Not applicable |
| DET is unable to continue to deliver the program once the student has commenced due to provider default and the student has not already withdrawn | Letter of cancellation from DET (IED) | Not applicable | Refund of all unused tuition fees paid [calculated](https://www.legislation.gov.au/Details/F2014L00907) from the end of the week of cancellation |

## Legislation

* *Migration Act 1958* (Cth)
* *Education Services and Overseas Students Act 2000* (Cth)
* *ESOS National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
* *Education Services for Overseas Students (Calculation of Refund) Specification 2014* (Cth)
* *Education and Training Reform Act 2006* (Vic)
* *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)
* *Health Records Act 2001* (Vic)
* *Privacy and Data Protection Act 2014* (Vic)
* *Public Records Act 1973* (Vic)

## Associated documents

* [ISP Refund Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_Procedure.docx)
* [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form-2017.pdf)
* [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx)
* [ISP Appeal Form](https://www.study.vic.gov.au/Shared%20Documents/en/AppealsForm.pdf)
* Letters of Offer and Written Agreements
* ISP Terms, Conditions and Policies
* DET Instrument of Delegation 2019/D03

## Definitions

* Nil.

## Policy contact and maintenance officer

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## Authorised

Executive Director, International Education Division

**Date of authorisation**: 29/11/2019

**Review frequency**: This policy will be reviewed at minimum every 24 months or when any changes arise impacting its currency, including legislative or regulation change.