



Title	AHE Overseas Students Fees Refund Policy and Procedure
Code	BPo11
Approving Body	Board of Directors
TEQSA Provider ID	PRV14320
CRICOS Registration No:	TBA
Developer	CEO/ Executive Dean
Date Approved	26 August 2021
Commencement Date	26 August 2021
Date of Review	August 2022
Distribution	All AHE Stakeholders
Purpose	Outline Apex Higher Education's (AHE) policy and procedure regarding refunds provisions where warranted. It applies to both prospective, commencing and continuing fee-paying overseas students.
Scope	Applies to all prospective and current overseas students at AHE.

1. Principles

- 1.1 All applications for refunds must be made using the **AHE Request for Fees Refund Form**, and submitted to the AHE administration via email (studentstupport1@ah.edu.au TBA) or in person at Reception.
- 1.2 All refunds will be paid within 28 days from the date of the approved **AHE Fees Refund Request Form**.
- 1.3 This refund Policy and Procedure will also form part of enrolment information and is reproduced in the **AHE Letter of Offer and Student Written Agreement**.
- 1.4 Person(s) who can request and receive refunds in respect of the overseas student are those identified in the **AHE Letter of Offer and Student Written Agreement** (written agreement), consistent with the **ESOS Act 2000**. AHE will not authorise tuition fee transfers to any other institution or to other students.
- 1.5 The availability of complaints and appeals processes, does not remove student's right to take action under Australia's consumer protection laws (**National Code of Practice for Providers of Education and Training to Overseas Students 2018: Standard 3.2d**).
- 1.6 All applications for course withdrawal to leave AHE, initiated by the student, will incur an administrative fee of \$300.

2. Students are eligible for a refund in the following situations:

- 2.1 When the student withdraws from course prior to 28 days of the course start date, AHE will refund the total amount received prior to the default day less:

- 25% of the tuition fees received
- Enrolment fee
- Accommodation booking fee (if applicable)
- Airport pickup fee (if applicable)
- Any other costs incurred by the AHE on behalf of student

2.2 When a student is refused a student visa and as a consequence fails to start on the agreed starting date, AHE will, within 28 days, refund the tuition fees less 5% of the tuition fees received (up to a maximum amount of \$500) as per **Section 9 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014**.
(<https://www.legislation.gov.au/Details/F2014L00907>)

2.3 When a student is refused a student visa after they have already commenced the course, AHE will, within 28 days, refund on a pro rata basis, the tuition fees for the weeks from when the student withdrew from the course until the end of the period that the Tuition Fees have been paid to (that is, on a pro rata basis) as per **Section 10 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014**.
(<https://www.legislation.gov.au/Details/F2014L00907>)

3. AHE default

3.1 In cases of AHE default which are defined as being when:

- AHE fails to start to provide the course to the student on the agreed starting day; or
- the course ceases to be provided to the student at any time after it starts but before it is completed; or
- AHE is prevented from offering a course at a location because a sanction has been imposed on it: and
- if the student has not withdrawn from the course before AHE's default, AHE may arrange for a suitable alternative placement within 14 days after the default day. If the student accepts this offer of a placement, the student needs to sign an acceptance document.

3.2 Alternatively, if AHE is unable to offer a suitable alternative placement or if the student does not accept the alternative suitable placement chosen by the AHE, then AHE will pay a full refund if it is before commencement of the course or a partial refund if it is after commencement within 2 weeks of the date of default. The commencement date for a student's course is the date noted on their COE.

3.3 Students will be advised of a default situation in advance (where possible) and will be sent a letter explaining how any refunds will be calculated.

3.4 A full refund (minus processing and non-refundable enrolment fees) will be paid into the authorised account notified by the student within 14 days of the default day.

3.5 In the event, AHE does not satisfy its obligation to an affected student, the TPS (Tuition Protection Service) Director will facilitate access for the student to course placement or refunds.

AHE makes contributions to the Commonwealth Tuition Protection Scheme (TPS) for every student enrolled at AHE.

4. No refund will be provided in the following cases of Student Default, defined as being when:

- a) the student does not start the course on the agreed course start date
- b) the student withdraws from the course within 28 days of the course start date or after the agreed course start date
- c) the student decides to change provider after commencing the course
- d) the student defers his/her course to a later date
- e) the student abandons his/her course after starting for whatever reason
- f) the student's enrolment is cancelled due to:
 - student's misbehaviour; or
 - failure to pay required fees to undertake the course; or
 - student breaching his/her visa conditions
- g) a student has been reported to Department of Home Affairs (DHA) for breaching AHE's rules or visa conditions, such as unsatisfactory course progress
- h) the student's visa is rejected on the basis of fraud as determined by the Department of Home Affairs (DHA).

5. Process for claiming refunds

5.1 Students who are requesting a refund must complete the **AHE Request for Fees Refund Form**. (available from Reception staff) and send it, along with all supporting documents (as evidence) such as the visa refusal letter etc., to the AHE administration via email (studentstupport1@ah.edu.au TBA) or in person at Reception.

5.2 In all cases, AHE will notify students of the outcome of the application for refund within 2 working days of receipt of the completed Form and applicable evidence.

5.3 Approved refund requests will be paid within 28 days from the approval date.

5.4 Refunds will be paid directly into the authorised account of the person who entered into the contract with AHE, unless AHE receives a written direction from the student applicant to pay someone else.

5.5 Refunds will be paid in Australian dollars.

5.6 All bank fees/charges incurred in issuing the refund will be deducted from the refund amount.

5.7 Students are not permitted to transfer course fees to another student unless the AHE approves it.

6. Outcomes of refund decisions

6.1 AHE will provide the outcome of the refund assessment in writing to the student's registered email address, outlining the decision and reasons for the decision along with any applicable refund or adjustment notice within 2 working days.

7. Recordkeeping

- a) All fees payments and refunds related records are kept in AHE student management system.
- b) AHE will retain records of all written agreements (including the **AHE Letter of Offer and Student Written Agreement**) and well as receipts of any payments made by students or any refunds for at least 2 years after the student ceases to be an accepted student.
- c) Any paper copies of refunds related records are kept in student files.

8. Authorised staff:

The staff member who is authorised by the CEO/ Executive Dean will:

- receive fees
- verify bank deposits
- record payments,
- issue fee due reminders
- monitor non-payments
- process and make decisions on refund requests
- approves internal fees transfers.

The authorised officer may seek advice from the CEO on all these matters.

9. Appeals and Grievances

A student may complain and/ or appeal the outcome of an AHE refund decision using the **AHE Student Grievance, Complaint and Appeal Procedure**.

10. Dissemination

This Policy and Procedure is included in the **AHE Website, AHE Student Handbook** and available to all stakeholders.

11. Benchmarking Documents and Relevant Legislation

- Australian Government Tuition Protection Service <https://tps.gov.au/Home>
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) <https://cricos.education.gov.au/>
- DHA: Department of Home Affairs <https://www.homeaffairs.gov.au/>
(Previously Department of Immigration and Border Protection (DIBP))
- Education Services for Overseas Students Act 2000 <https://www.legislation.gov.au/Details/C2017C00292>
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 <https://www.legislation.gov.au/Details/F2017L01182>
- TEQSA National Register <https://www.teqsa.gov.au/national-register/provider/apex-institute-higher-education-pty-ltd>
- Higher Education Standards Framework (Threshold Standards) 2021
(Refer to Higher Education Standards Panel) <https://www.dese.gov.au/higher-education-standards-panel-hesp/higher-education-standards-framework>
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
Fact Sheet Standard 2: Recruitment of an Overseas Student
<https://internationaleducation.gov.au/regulatory-information/Documents/National%20Code%202018%20Factsheets/Standard%202.pdf>

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
Fact Sheet Standard 3: Written Agreements
<https://internationaleducation.gov.au/regulatory-information/Documents/National%20Code%202018%20Factsheets/Standard%203.pdf>

12. Related Documents

- Bachelor of Business Course Guide
- AHE Letter of Offer and Student Written Agreement
- AHE Request for Fees Refund Form
- Please refer to the temporary AHE Website <https://apex-h.pagecloud.com/>
- AHE Course Discontinuation Procedure
- AHE Overseas Students Fees Payment Policy and Procedure
- AHE Overseas Students Deferral, Suspension and Cancellation Policy and Procedure
- AHE Student Academic Progression Policy and Procedure
- AHE SARAS (Student At Risk Academic Support) Agreement and Review
- AHE Student Admission Policy and Procedure
- AHE Student Academic and Non-Academic Support Policy and Procedure
- AHE Student Grievance, Complaint and Appeal Procedure

13. Definitions

- Please refer to the **AHE Table of Acronyms and Definitions**

Version Control and Approval

Version	Person Responsible and Action Taken	Date	Approved by
2021.1a	CEO/Executive Dean: clarified the \$300 fee for withdrawal as per Schofield Audit, as well a working in Section 3.1 revised	1 Sep 2021	Board of Directors (based on Schofield audit)
2021.1	CEO/Executive Dean: made 2 separate policies: one for fees, and another for refunds. Updated this policy for ESOS Act and National Standards, including reference to TPS, additional fees and record keeping, and other requirements including Australian consumer law	26 August 2021	Board of Directors (to approve after Schofield audit)
2018.1.3	CEO/ Executive Dean. Proof read, formatted and updated document with relevant policies	14 Jan 2019	CEO/ Executive Dean
2018.1.2	CEO/ Executive Dean. Confirmed that students can access consumer laws in Australia; this Procedure is for international students	13 Sep 2018	Board of Directors
2018.1.1	CEO/ Executive Dean. Amended Document that students are charged for re-taking units they failed or for suspension or termination	22 June 2018 and 5 July 2018	Board of Directors and Academic Board minutes respectively
2018.1	CEO/ Executive Dean. Created Document	5 July 2018	