



Refund Policy and Procedure

1 Background

The Refund Policy and Procedure sets out the provisions of refunds for students by Menzies Institute of Technology (hereinafter known as the “Institute”).

2 Purpose

The Institute under the Education Services for Overseas Students (ESOS) Act 2000 and the National Code 2018 must have in place a Refund Policy and Procedure which is to be provided to international students who are studying in Australia on a student visa, before formalisation of their enrolment. This policy and procedure also outlines the provisions for refunds for domestic students.

3 Audience

The policy and procedure is aimed at both domestic and international students of the Institute. The policy and procedure applies to staff of the Institute involved in the payment and refund of international and domestic tuition fees paid to the Institute.

4 Definitions

For the purposes of this policy, the following terms are defined:

International student – refers to a student who is not a domestic student, including students on temporary residence visas and any visa which allows a student from overseas to study in Australia.

Domestic student – refers to a student who is an Australian citizen (including Australian citizens with dual citizenship), or a student who is a New Zealand citizen or a student who has

Permanent Resident Status (holders of all categories of permanent resident visas, including Humanitarian Visas) who is paying fees to enrol in a course.

Tuition Fees – refers to the amount specified by the Institute in the student’s Letter of Offer and Student Agreement as the tuition fee.

Non-tuition fees – refers to the amount specified by the Institute in the student’s Letter of Offer and Student Agreement as the material fee and enrolment fee.

Total fees – refers to all tuition and non-tuition fees.

5 Policy

5.1 Domestic Student Refund Information

This policy aims to provide guidance to domestic students on the circumstances whereby the Institute will refund fees.

Unless otherwise stated in the following sections of this policy, domestic students applying for a refund must complete a *MFS03 Application for Refund of Fees Form* and attach the relevant documents. In addition, students may need to complete some additional forms such as the *MFS06 Application for Withdrawal Form* or provide other written applications, depending on the specific circumstances of the refund request. Relevant forms and documentation should be submitted in hard copy to Institute or by email to info@menzies.vic.edu.au.

Requests for refunds should normally be made within 14 calendar days of an event which qualifies the student for a refund. Students must ensure that all sections of the form are completed before submission to the Institute, and they must attach all required documentation. Contact details must be provided, including at least one telephone number and one valid email address.

MFS03 Application for Refund of Fees Form must be signed by the student, or in the event that the student does not have the legal capacity to do so, by the student’s parent or guardian. The original form must then be returned to the Institute in order for the refund payment to be processed.

The Institute reserves the right to amend these terms and conditions at any time to ensure compliance with applicable State and Federal laws and/or to amend the non-refundable Administration Fee.

Except as provided by law, a refund of fees will only be granted in accordance with this policy and procedure. Each domestic student acknowledges and agrees to the terms and conditions of the Refund Policy and Procedures on signing the Letter of Offer and Student Agreement (LOO).

The Institute may in its absolute discretion, refund to the student some or all fees where it determines that there are extenuating or compassionate circumstances.

This policy and the availability of a complaints and appeals process, does not remove the right of a domestic student to take action under Australia's consumer protection laws.

5.2 International Student Refund Information

This policy aims to provide guidance to international students on the circumstances whereby the Institute will refund fees.

Unless otherwise stated in the following sections of this policy, international students applying for a refund must complete a *MFS03 Application for Refund of Fees Form* and attach the relevant documents. In addition, students may need to complete some additional forms such as the *MFS06 Application for Withdrawal Form* or provide other written applications, depending on the specific circumstances of the refund request. Relevant forms and documentation should be submitted in hard copy to Institute or by email to info@menzies.vic.edu.au.

Requests for refunds should normally be made within 14 calendar days of an event which qualifies the student for a refund. Students must ensure that all sections of the form are completed before submission to the Institute, and they must attach all required documentation. Contact details must be provided, including at least one telephone number and one valid email address.

MFS03 Application for Refund of Fees Form must be signed by the student, or in the event that the student does not have the legal capacity to do so, by the student's parent or guardian. The original form must then be returned to the Institute in order for the refund payment to be processed.

Except as provided by law, a refund of fees will only be granted in accordance with this policy and procedure. Each international student acknowledges and agrees to the terms and conditions of the Refund Policy and Procedures on signing the LOO.

The terms and conditions set out in this Refund Policy and Refund Procedures apply equally to commencing and continuing international students unless otherwise specified.

The Institute reserves the right to amend these terms and conditions at any time to ensure compliance with applicable State and Federal laws and/or to amend the non-refundable Administration Fee.

The Institute is obliged to inform the Department of Home Affairs of any change of status where an international student who holds a student visa completes his or her program early, transfers to another provider, is excluded on academic grounds and fails to meet his or her visa conditions, defers or suspends his or her study or otherwise changes the expected duration of his or her study.

The Institute may in its absolute discretion, refund to the student some or all fees where it determines that there are extenuating or compassionate circumstances.

This policy and the availability of a complaints and appeals process, does not remove the right of an international student to take action under Australia's consumer protection laws.

5.3 Unspent Tuition Fees

The Institute will refund any unspent tuition fees calculated based on the following formulas.

$$\text{Refund amount} = \text{weekly tuition fee} \times \text{weeks in default period}$$

Meaning of weekly tuition fee

- i. In this specification, the weekly tuition fee in relation to a course provided or to be provided by a registered provider to a student means the tuition fee calculated as follows:

$$\text{Weekly tuition fees} = (\text{total tuition fees for the course} / \text{number of days in the course}) \times 7$$

- ii. If the fee calculated under subsection (1) is not a whole dollar amount, round the fee up to the nearest whole dollar.
- iii. The number of days in the course refers to the number of calendar days from start to end of the course. It includes holidays and term breaks, no class days and weekends. It is the complete number of days from start to end of the course as outlined in the Letter of Offer and Student Agreement and Confirmation of Enrolment.

Meaning of weeks in default period

- i. In this specification, the number of weeks in default period in relation to a course:
 - a. during which a registered provider or a student defaulted; and
 - b. for which the provider received payment of tuition fees in respect of the student;means the number of weeks calculated as follows:

$$\text{Weeks in default period} = \text{number of calendar days from the default day to the end of the period to which the payment relates} / 7$$

- ii. If the number of weeks calculated under subsection (1) is not a whole number, round the number up to the nearest whole number.

5.4 Appeals for Decisions

Students may ask for a review of any decision relating to refund applications and payment related matters. Initial appeals should be made by asking to speak to a Student Support Officer. Students requesting an appeal may be asked to provide supporting evidence and a written statement of appeal. Refer to the *MITP07 Complaints and Appeals Policy and Procedure* for guidance on how to lodge an appeal.

5.5 Tuition Assurance Information

5.5.1 Domestic Students

In the unlikely event that the Institute defaults for unforeseen reasons, and is unable to provide a course of study or continue a course of study, ACPET or the relevant Australian government organisation will arrange for domestic students to enrol in a similar course of study and receive full recognition for any successfully completed units of study already undertaken. For further information on the role of ACPET, click the following link: <http://www.acpet.edu.au/about/>

5.5.2 International Students

In the unlikely event that the Institute is unable to deliver a course in full, international students enrolled in that course will be offered a refund of their unspent tuition fees which were received

by the Institute. This refund will be paid within 14 days of the day on which the course ceased being provided. Alternatively, within 14 days, students may be offered enrolment in an alternative course at no extra cost. Students have the right to choose whether they would prefer a refund of their unspent tuition fees or to accept a place in another course. If a student chooses to be placed into another course, the student will be issued a new offer letter and enrolment agreement with their new provider, in place of their enrolment documentation issued by the Institute. If the Institute is unable to provide a refund or place a student into an alternative course in accordance with the ESOS Act and National Code, then the Tuition Protection Service (TPS) will assist students in finding an alternative course or to obtain refunds if a suitable alternative course is not found. For further information on the Australian Government's Tuition Protection Service (TPS) for overseas students, click the following link:

<https://tps.gov.au/StaticContent/Get/StudentInformation>

5.7 Domestic Student Refund Situations

Before Course Commencement	After Course Commencement	No refund
<ul style="list-style-type: none"> ▪ Full refund of total fees paid by student minus Administrative Fee (\$250) 	<ul style="list-style-type: none"> ▪ Unspent tuition fees are refunded as per section 5.3 ▪ Non-tuition fees are not refunded 	<ul style="list-style-type: none"> ▪ The student's enrolment is cancelled, including if the student is cancelled for unsatisfactory progress. ▪ The terms and conditions of the LOO entered into by the student and the Institute are breached, including any breach of Institute policy. ▪ A student whose enrolment is either suspended or cancelled by the Institute for whatsoever reason, including but not limited to misbehaviour or non-payment of fees to the Institute, shall not be eligible for a refund.

5.8 International Student Refund Situations

Before Course Commencement	After Course Commencement	No refund
<ul style="list-style-type: none"> ▪ International Student gives at least 4 weeks' notice prior to the Commencement of the relevant Term, the Institute will refund 25% of total fees paid minus Administrative Fee (\$250) ▪ International Student gives between 5-8 weeks notice prior to the Commencement of the relevant Term, the Institute will refund 50% of total fees paid minus Administrative Fee (\$250) ▪ International Student gives between 9-12 weeks notice prior to the Commencement of the relevant Term, the Institute will refund 75% of total fees paid minus Administrative Fee (\$250) ▪ International Student gives more than 12 weeks notice prior to the Commencement of the relevant Term, the Institute will refund 100% of total fees paid minus Administrative Fee (\$250) 	<ul style="list-style-type: none"> ▪ Unspent tuition fees are refunded as per section 5.3 ▪ Non-tuition fees are not refunded 	<ul style="list-style-type: none"> ▪ The Institute will not provide a refund if: <ul style="list-style-type: none"> ○ the student was refused a student visa; and ○ the refusal was a reason for one or more of the following acts or omissions by the student that directly or indirectly caused the student to default in relation to the course at the location: <ul style="list-style-type: none"> - the student's failure to start the course at the location on the agreed starting day; - the student's withdrawal from the course at that location; - the student's failure to pay an amount he or she was liable to pay the provider, directly or indirectly, in order to undertake the course at that location. ▪ The terms and conditions of the LOO entered into by the student and the Institute are breached, including any breach of a Institute policy. ▪ The student's enrolment is cancelled by the Institute, including cancellation caused by a breach of student visa conditions, student misconduct or any illegal or

		<p>unlawful conduct by the student, and/or if the student's enrolment is cancelled by the Institute for unsatisfactory progress.</p> <ul style="list-style-type: none"> ▪ The student visa is refused by the Department of Home Affairs due to the submission of fraudulent documents by or on behalf of the student. ▪ Deposits paid to the Institute for other courses packaged with the student's current offer of enrolment from the Institute (e.g. a deposit paid for a Diploma of Nursing packaged with a Certificate III in Individual Support); ▪ Accommodation placement fees – if the accommodation has already been booked and confirmed; ▪ Airport pick-up fees – if the service has been used
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5.7 Payment of refunds based on student applications

Approved refunds are paid in Australian dollars into the bank account nominated in the refund request, no later than 4 weeks from the date that the request was received by the Institute. Approved refund amounts will be paid in accordance with this policy and cannot be transferred to another student. Refund will be paid only to the student that has made the application. Refund will not be paid to any third party or representative of the student unless there is sufficient documentary evidence that there is a direct relationship with student. Bank charges may be incurred by the recipient of the payment. These charges are imposed by the banking institutions and are deducted from the payment made by the Institute. The Institute has no control over such charges and therefore does not bear any responsibility for amounts deducted.

6 Procedures

Refund procedure

Procedure	Responsibility
Student is informed about refund process and conditions for eligibility for refunds and conditions for no refunds. Advise students of complains and appeals policy and procedure.	Student Services Coordinator/ Marketing and Admissions Staff
Student applies for refund using <i>MFS03 Application for Refund of Fees Form</i> and providing necessary supporting documentation.	Student
Reviews the refund request, verifies accuracy of information and determines the outcome of refund. Inform the Head of Operations.	Finance Officer
Check for accuracy and verify information for authenticity (e.g. bank details). Review and approve refund request. Inform Student Services Officer.	Head of Operations
Refund outcome letter is prepared and sent to student. Advise students of complains and appeals policy and procedure.	Student Services Coordinator
Payment of refund is processed.	Finance Officer

7 Review

This policy will be subjected to an annual review from the approval date. Exceptions to frequency of review can be made if necessary. Any person who wishes to enter a complaint concerning this policy may do so in accordance with the appropriate policies.

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Document Title:	Refund Policy and Procedure
Document Number:	MITP10
Version:	Version 26
Relevant Standards:	Standards Clauses 5.3, 7.3 National Code: Standard 3
Related Policies/Documents:	MITP03 Student Fees and Payments Policy and Procedure MITP07 Complaints and Appeals Policy and Procedure MFS03Application for Refund of Fees Form MFS06 Application for Withdrawal Form
Responsibility:	Head of Operations, Student Services Coordinator, Marketing and Admissions Staff and Finance Officer

Approved By:		PEO
Date Approved:		18/04/2018
Next Review Date:		April 2019
Version Control and Change History:		
Version Number	Approval Date	Amendment
1		Creation of policy
2	05/02/2008	Updated clauses
3	14/01/2009	Updated clauses
4	23/02/2010	Updated clauses
5	15/06/2010	Reviewed and approved
6	27/09/2010	Reviewed and approved
7	10/02/2011	Reviewed and approved
8	06/05/2011	Reviewed and approved
9	29/09/2011	Reviewed and approved
10	23/01/2012	Reviewed and approved
11	10/03/2012	Reviewed and approved
12	28/03/2012	Reviewed and approved
13	04/04/2012	Reviewed and approved
14	18/05/2012	Reviewed and approved
15	01/06/2012	Reviewed and approved
16	15/06/2012	Added updated state/federal govt. Legislation for VET FEE HELP. Deleted clause 3.5, additional clauses for 3.1 added.
17	30/07/2012	Amended clause 3.1.2, 3.4.2
18	22/02/2013	Amended clause 3.4.2
19	12/04/2013	Removed clause 3.5 of VET FEE HELP to another policy
20	31/07/2013	Amended clause 3.4.2
21	01/06/2014	Review performed and updated
22	04/05/2015	Updated clause 3.2
23	01/09/2016	Reviewed and updated the next review date
24	01/09/2017	Reviewed, inserted new legislation, amended 'VET FEE HELP' to VET Student Loans' and updated the next review date.
25	01/02/2018	Reviewed, updated clause 3.2 and the next review date, updated 3.4.1 about SVP offer letter which is now obsolete.
26	18/04/2018	Policy and Procedure updated