

# 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](mailto: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](mailto: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 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.

### **5.4 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, the Australian Skills Quality Authority (ASQA) can provide advice 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 ASQA, visit: <https://www.asqa.gov.au/students>

#### **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>

### 5.5 Domestic Student Refund Situations

Before Course Commencement	After Course Commencement date - No Refund
<ul style="list-style-type: none"> <li>▪ Full refund of total fees paid by student minus Administrative Fee (\$250)</li> </ul>	<ul style="list-style-type: none"> <li>▪ No refund after course commencement date as per Confirmation of Enrolment has passed.</li> <li>▪ No refund if the student's enrolment is cancelled, including if the student is cancelled for unsatisfactory progress.</li> <li>▪ No refund if the terms and conditions of the LOO entered into by the student and the Institute are breached, including any breach of Institute policy.</li> <li>▪ No refund if 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.</li> </ul>

## 5.7 International Student Refund Situations

Before Course Commencement		After Course Commencement date - No refund
<ul style="list-style-type: none"> <li>International Student is refused a visa other than reasons outlined under <i>No Refund</i> column, then the Institute will refund the total amount of all course fees (tuition and any non-tuition fees) received for the course less whichever is the lower amount of 5% of the total amount of the fees (tuition and non-tuition) or the sum of \$500.</li> <li>Or provided notice of withdrawal from the enrolment prior to commencement</li> </ul>		<ul style="list-style-type: none"> <li>No refund after course commencement date as per Confirmation of Enrolment has passed.</li> <li>The Institute will not provide a refund if:               <ul style="list-style-type: none"> <li>the student was refused a student visa; and</li> <li>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"> <li>the student's failure to start the course at the location on the agreed starting day;</li> <li>the student's withdrawal from the course at that location;</li> <li>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.</li> </ul> </li> </ul> </li> <li>The terms and conditions of the LOO entered into by the student and the Institute are breached, including any breach of an Institute policy.</li> <li>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 unlawful conduct by the student, and/or if the student's enrolment is cancelled by the Institute for unsatisfactory progress.</li> <li>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.</li> <li>Accommodation placement fees (if applicable)</li> <li>Airport pick-up fees (if applicable)</li> </ul>
4 weeks or less prior to commencement	25% of total fees paid minus Administrative Fee (\$250)	
Between 5 to 8 weeks prior to commencement	50% of total fees paid minus Administrative Fee (\$250)	
Between 9 to 12 weeks prior to commencement	75% of total fees paid minus Administrative Fee (\$250)	
13 weeks or more prior to commencement	100% of total fees paid minus Administrative Fee (\$250)	

## 5.8 Special circumstances

A student may withdraw from a course of study after the commencement date and apply for a refund if they believe the withdrawal was for special circumstances. The Institute will refund the pro rata amount of tuition fees if satisfied that special circumstances apply that:

- Are beyond the student's control;
- Did not make their full impact on the student until on or after the commencement date for the course of study;
- Make it impracticable for the student to complete the requirements of the course of study.

Each application for refund under special circumstances will be examined on a case-by-case basis together with supporting documentation that has been provided to substantiate the claim.

## 5.9 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.

## 5.10 Privacy statement

Information concerning students, including information submitted at enrolment, will be used by Menzies Institute of Technology, or other authorised organisations for the purposes of general participant administration, communication, research, statistical analysis, state and national reporting, program monitoring and evaluation. Information provided will be held securely and disposed of securely.

Menzies Institute of Technology is committed to upholding the Australian Privacy Principles:

- We will only collect information that is necessary to providing you the service we offer.
- We will collect information in a fair and lawful way.
- You will be told of why we are collecting it and who will have access to it
- We will take reasonable steps to ensure that the information we keep regarding you is accurate.
- We will take reasonable steps to ensure that your personal information is protected from misuse, loss or unauthorised access or disclosure.
- You can make a request in writing to access any information we hold about you and we shall provide access, unless access will impact unreasonably on someone else's privacy.
- If there are mistakes in the information, we hold about you, we will correct them.
- We will not request sensitive information about you. Sensitive information includes information about your health, political beliefs, religious beliefs and sexual preference.
- Our courses require a Medicare or passport number for eligibility purposes. In this case you will be asked to provide this information prior to course commencement.
- Where an employer has paid the course fee on behalf of the participant and all parties have signed the training plan, then we will report the participant progress to the employer on a regular basis.

Information collected about an individual learner or intended applicant in Written Agreement and Acceptance of Offer and during the student enrolment, can be provided by Menzies Institute of Technology, the Commonwealth including the TPS or state or territory agencies, in certain circumstances, to the Australian Government and designated authorities; in accordance with the Privacy Act 1988. In other instances, information collected on this form or during your enrolment can be disclosed without your consent where authorised or required by law.



Under the Data Provision Requirements 2012, Menzies Institute of Technology is required to collect personal information about any individual learner or intended applicant and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

Learner's personal information (including the personal information contained in Written Agreement and Acceptance of Offer and during the course of their study), may be used or disclosed by Menzies Institute of Technology for statistical, administrative, regulatory and research purposes. Menzies Institute of Technology may disclose your personal information for these purposes to:

- Commonwealth and State or Territory government departments and authorised agencies; and
- NCVER.

Personal information that has been disclosed to NCVER may be used or disclosed by NCVER for the following purposes:

- Populating authenticated VET transcripts.
- Facilitating statistics and research relating to education, including surveys and data linkage;
- Pre-populating RTO student enrolment forms;
- Understanding how the VET market operates, for policy, workforce planning and consumer information; and
- Administering VET, including program administration, regulation, monitoring and evaluation.

For the full Privacy Policy statement, please refer to MITP33 Privacy Policy and Procedure

## 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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<b>Relevant Standards:</b>	Standards Clauses 5.3, 7.3 National Code: Standard 3	
<b>Related Policies/Documents:</b>	MITP03 Student Fees and Payments Policy and Procedure MITP07 Complaints and Appeals Policy and Procedure MFS03 Application for Refund of Fees Form MFS06 Application for Withdrawal Form  MITP33 Privacy Policy and Procedure	
<b>Responsibility:</b>	Head of Operations, Student Services Coordinator, Marketing and Admissions Staff and Finance Officer	
<b>Approved By:</b>	PEO	
<b>Date Approved:</b>	Aug 2023	
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<b>Version Control and Change History:</b>		
<b>Version Number</b>	<b>Approval Date</b>	<b>Amendment</b>
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
27	8/6/2018	Clause 5.8 updated for refund for international students based on visa refusal
28	23/4/2019	Updated clause 5.5.1 about tuition assurance for domestic students, 5.6, 5.7 updated, 5.8 included
29	21/5/2019	Clause 5.7 updated for international refund clauses.
30	April 2021	Updated clause 6 procedures with revised responsibilities
31	09/08/2023	Updated header text on no refund conditions for clarity