



## Refunds

### Statutory and regulatory compliance

- Standards for RTOs 2015
  - Clause 5.3
- National Code Standard 3.2
- ESOS Act s46A, s46D, s47B, s46D(7), 46E(4)
- Education Services for Overseas Students (Calculation of Refund) Specification 2014 (refund specification)

### Policy

ACM will provide a full refund to a student in the case of default by ACM. ACM will provide a full or partial refund to a student in the case of default by the student.

### Procedures

#### Definitions

##### Agreed starting day

This means the day of scheduled course commencement, or a later day agreed between ACM and the student as the commencement day in the enrolment offer.

In the case of an overseas student, this is the commencement date on the the confirmation of enrolment ("CoE").

##### Default by ACM

This refers to those instances where:

- the course does not start on the agreed starting day, or
- the course ceases to be provided at any time after it starts but before it is completed, or
- the course is not provided in full to the student because a sanction has been imposed on ACM under the NVR Act 2011 and/or the Education Services for Overseas Students Act 2000
- and the student has not withdrawn before the day of default.

##### Default by the student

This refers to those instances where:

- the course starts on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- the student withdraws from the course (either before or after the agreed starting day); or
- ACM refuses to provide, or continue providing, the course to the student because of one or more of the following events:
  - the student failed to pay an amount he or she was liable to pay ACM, directly or indirectly (including any course money collected by education agents or other parties on behalf of ACM, in order to undertake the course);

- in the case of an overseas student, the student breached a condition of his or her student visa, or
- Misbehaviour by the student, as defined by ACM's published rules.

### Default day

This means the following:

- the day on which the course does not start or the day a student does not start the course (and has not previously withdrawn); or
- the day on which the course ceased to be provided; or
- the day on which the student withdraws from the course; or
- the day on which ACM refuses to provide, or continue providing, the course to the student due to the student's failure to pay ACM an amount he or she was liable to pay; or
- the student breached a condition of his or her student visa (if the student is an overseas student);
- and/or misbehaviour by the Student.

### Applying for a refund

All applications for a refund must be made using ACM's refund application form. This is available from the reception desk or from the Student Services Manager.

### Payment of refunds

All refunds will be paid to the person with whom ACM has a contract unless written authority is received by ACM to pay another party. The postal address for refund applications is provided in the pre-enrolment information for Intending overseas students booklet and the pre-enrolment information for domestic students booklet and the student handbook.

All approved refunds are made payable to and sent to the student or his/her agent (if written authority has been obtained to do so), in the country of origin as applicable in Australian dollars.

### Refund of fees other than tuition fees

Application Fees are non-refundable under any circumstances.

### Overseas students

OHSC fees are refundable in the event of a student not commencing provided 14 days notice is provided prior to the agreed starting day.

### Refunds of tuition Fees

ACM will refund tuition fees as follows

- in the case of an overseas student, if the student is refused a visa, ACM will provide a full refund
- If enrolment is cancelled more than 10 weeks prior to the agreed starting day, 20% of the Tuition Fee shall be retained by ACM
- If enrolment is cancelled between four to ten weeks prior to the agreed starting day, 30% of the Tuition Fee shall be retained by ACM
- If enrolment is cancelled less than 4 weeks prior to the agreed starting day, there will be no refund



- If enrolment is cancelled after the agreed starting day (including, in the case of overseas students, but not limited to cancellation of visa or cancellation of CoE for failure to comply with the ACM Student Code of Conduct or to meet satisfactory course progress requirements), there will be no refund

The refunds above will be made within 28 days weeks of the date of receipt by ACM of the student's written notice advising of cancellation of enrolment. Any commission paid to an agent in relation to the student's recruitment shall be deducted from the above refund.

#### Conditions

- The date for cancellation of enrolment is the date that ACM receives the student's written application for cancellation of enrolment.
- In the case of an overseas student where a student's visa is refused the student must provide ACM with certified evidence that the application for a student visa has been refused.
- Where a student has enrolled in more than one course with ACM, then the agreed starting day is the commencement date of the first course in which the student is enrolled
- In the event that a student has not paid his or her applicable tuition fee the amount ACM may retain shall be a debt that is due and payable by the student together with any expenses, costs or disbursements incurred by ACM in recovering outstanding monies, including but not limited to debt collection agency fees and legal costs.

#### Default by ACM

Where ACM is in default then ACM shall refund the total of the unused portion of prepaid tuition fees received in respect of the student (including any course money collected by education agents or other parties on behalf of the registered provider) prior to the default day.

#### Overseas students

The amount of the refund is calculated as follows:

##### Weekly tuition fee =

(total tuition fee for the course / number of calendar days in the course) × 7, rounded up to the nearest whole dollar.

##### Weeks in default period =

(number of calendar days from the default day to the end of the period to which the payment relates) / 7

##### Refund amount =

(weekly tuition fee × weeks in default period)

ACM will make payment of the refund within 14 days after the default day.

#### Overseas students

The following plain English statement is provided to all applicants for enrolment as overseas students:

"In the unlikely event that ACM is unable to deliver your course in full, you will be offered a refund of all the unused prepaid tuition fees that you have paid to date. The refund will be paid to you within 2 weeks of the day on which the course ceased being provided.



Alternatively, you may be offered enrolment in an alternative course by ACM at no extra cost to you. You have the right to choose whether you would prefer a full refund of tuition fees, or to accept a place in another course. If you choose placement in another course, we will ask you to sign a document to indicate that you accept the placement.

If ACM is unable to provide a refund or place you in an alternative course, the Tuition Protection Service will provide you with assistance in finding an alternative suitable course at another education provider.

In the event a student cannot find an alternative course placement option, the student will be eligible to request a refund of unexpended pre-paid tuition fees from the TPS, and will be required to comply with any relevant immigration requirements.”

### **Consumer protection laws**

The agreement of the student to the conditions stated in the offer acceptance agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws.

### **Other legal remedies**

The Terms and Conditions agreed to by a student do not circumscribe the student’s right to pursue any other legal remedies.

This refund policy is clearly shown on the offer acceptance agreement signed by each student.

