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La Trobe Melbourne

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# REFUND POLICY

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# REFUND POLICY

## 1.0 Preamble

This policy provides guidance to all intending, previous and continuing students of La Trobe Melbourne (including student applicants) on the circumstances whereby La Trobe Melbourne will refund tuition fees and overpayment of tuition fees. This policy ensures that the refund requirements are managed in accordance with the *Higher Education Support Act 2003 (HESA)*, the *Education Services for Overseas Students Act 2000 (ESOS Act)* and their legislative instruments.

## 2.0 Scope

This policy applies to all intending, previous and continuing students, including domestic students, temporary residents and overseas students at La Trobe Melbourne and La Trobe University Sydney Campus.

## 3.0 Definitions

Key Term or Acronym	Definition
ACPET	Australian Council for Private Education and Training. The national industry association for independent providers of post-compulsory education and training.
Census Date	The end of week 4 of each trimester for FSDP. For domestic FEE-HELP students a financial debt to the Commonwealth Government will be incurred after this date.
CoE	Confirmation of Enrolment. A document registered with the Australian Government confirming an overseas student's acceptance into a course for a specified duration.
Course	A program of instruction that leads to an award of the institution. E.g the Diploma of Business.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students. Database of every course and institution that recruits, enrolls and teaches overseas students.
Deferment	Applies to any student who has accepted an offer for a place in a course for a specified intake but does not intend to commence that course until a later intake.
DHA	Department of Home Affairs. Formerly the Department of Immigration and Border Protection. The Australian Federal Government's administrative division on all immigration and visa matters.
Domestic Student	Defined as an Australian citizen, New Zealand citizen or holder of a permanent residency visa, including a humanitarian visa.
ELICOS	English Language Intensive Courses for Overseas Students
ESOS Act 2000	The Education Services for Overseas Students Act 2000. This Act regulates the delivery of education services to overseas students.
FEE-HELP	An Australian Government financial assistance program which provides eligible fee paying domestic onshore students with loans to cover all or part of their higher education tuition fee costs.
FSDP	Foundation Studies and Diploma Programs
HESA	<i>Higher Education Support Act 2003</i> . An Act relating to the funding of higher education.
La Trobe Melbourne Appeals and Grievance Committee	The final appeals body at La Trobe Melbourne that considers appeals from students against any decision by La Trobe Melbourne of an academic or non-academic nature.
Overseas Student	A student on an overseas student visa.

Pathways Student	A student who has a packaged offer which consists of studying ELICOS as part of a pathway to study Foundation Studies and/or Diploma Program after the completion of their ELICOS course.
Subject	A component of study within a course.
Temporary Resident	A person other than an overseas student who is: (a) residing in Australia for a specific purpose, including skilled, temporary work, international relations, training and research; and (b) holds a visa permitting study in Australia.
Term	ELICOS classes have 9 terms per year of 5 weeks duration.
Trimester	A defined and formal period of study of 12 teaching weeks and one week of formal assessment for diploma students and 13 teaching weeks and one week of formal assessment for foundation studies students.
Tuition Fees	Fees received which are directly related to the provision of a course by La Trobe Melbourne, or the offering to provide, to a student.

#### **4.0 Agreement between La Trobe Melbourne and Students**

Once an applicant accepts a place offered by La Trobe Melbourne and pays fees, or submits a Request for FEE-HELP, a binding contract is created between the student and La Trobe Melbourne. A student may cancel their enrolment in a course at any time. Depending on the timing of that request, a student may apply for a refund as outlined below.

Notification of withdrawal from a course must be made in writing via submission of a Variation to Enrolment Form, completed in consultation with the Academic Coordinator or Admissions staff (for ELICOS students). Notification of withdrawal from a subject must be made in writing via submission of a Variation to Enrolment Form and should be done so in conjunction with the relevant Academic Coordinator (for FSDP students).

La Trobe Melbourne defines a subject as a component of study which is completed in one trimester. A Course is comprised of a number of subjects which make up a qualification (e.g. Diploma or Foundation Studies).

#### **5.0 Timing of Refunds**

After reading their binding contract mentioned above, if a student believes he/she is entitled to a refund of fees, they must complete the Request for Refund Form (international students only). Where a student is entitled to a refund of fees under this policy, the refund will be paid within four (4) weeks of receiving the Request for Refund Form. Refunds will be paid in Australian dollars, unless payment in that currency is impracticable. Refunds will be paid to the same credit card or EFTPOS card that was used to pay the fees. If a credit card or EFTPOS card was not used to pay the student's fees, the refund will be paid to the student's own bank account.

#### **6.0 International Students**

For the purposes of calculating refunds under this section of the policy, an international student is defined as one who is not an Australian or New Zealand citizen or the holder of a permanent residency visa. Any student undertaking the Foundation Studies course is also subject to the following refund conditions.

Where a student's visa application is refused prior to course commencement, the student must withdraw from La Trobe Melbourne and be subject to the refund table below. After commencement, where a student's visa renewal is rejected, the student must withdraw from La Trobe Melbourne and be subjected to the administration fee as shown in the table below.

An international ELICOS, Diploma or Foundation Studies student who withdraws from a course prior to the commencement of classes, or after the commencement of classes will be subject to cancellation charges calculated as outlined in the table following.

### ELICOS (English Language Students):

Notification Period	Refund
<b>Visa Refusal prior to Course Commencement</b>	
Evidence of refusal necessary	Total course fee minus the lesser of (i) 5% of the amount of course fees received by the provider before the default day, or (ii) \$500 (*Course fees = tuition fees + non-tuition fees received by the provider)
<b>Withdrawal from Program before Course Start Date</b>	
More than 4 weeks	90% of fees*
4 weeks or less	80% of fees*
<b>Withdrawal from Program after Course Start Date</b>	
Withdrawal after commencement date	No refund of fees
Late arrival	No refund of missed classes
<b>Visa Refusal after Course Commencement</b>	
Visa renewal refusal	Less \$500 (Education Services for Overseas Students (Calculation of Refund) Specification 2014)

### (FSDP) Foundation Studies and Diploma Program International Students:

Notification Period	Refund
<b>Visa Refusal prior to Course commencement</b>	
Evidence of refusal necessary	Total course fee minus the lesser of (i) 5% of the amount of course fees received by the provider before the default day, or (ii) \$500 (*Course fees = tuition fees + non-tuition fees received by the provider)
<b>Withdrawal from Program before Course Start Date</b>	
More than 10 weeks	75% of fees*
More than 4 weeks and up to 10 weeks	40% of course fees*
4 Weeks or less	20% of course fees*
<b>Withdrawal from Program after Course Start Date</b>	
Prior to census date	20% of fees*
After census date	No refund
<b>Visa Refusal after Course Commencement</b>	
Visa renewal refusal	Less \$500 administration fee (Education Services for Overseas Students (Calculation of Refund) Specification 2014)

\*Enrolment, Accommodation Placement and Airport Arrival Fees (except when 72 hours' notice of cancellation of Airport Arrival service is given) are non-refundable.

## 7.0 Domestic Diploma Students

For the purposes of calculating refunds relating to this section of the policy, a Domestic Diploma student is defined as one who is an Australian or New Zealand citizen or the holder of a permanent residency visa and must be undertaking a Diploma level course. A domestic student who withdraws from a subject(s) prior to the census date for that trimester will not be liable for tuition fees for that subject(s) or, if applicable, incur a FEE-HELP debt for that trimester. The census date for each trimester is the end of week four of the trimester. Where a student requests withdrawal from a subject(s) after the end of week four of the trimester, refunds will be calculated as shown in the table below.

A domestic student who withdraws from a course prior to the census date for that trimester will not be liable for tuition fees for that subject(s) or, if applicable, incur a FEE-HELP debt. The census date for each trimester is the end of week four of the trimester. Where a student requests withdrawal from a course after the end of week four of the trimester, refunds will be calculated as shown in the table below.

### Domestic Students

Notification Period	Refund
<b>Withdrawal from Single Subject(s)</b>	
Prior to census date	100% fee
After census date	No refund of fees
<b>Withdrawal from Course</b>	
Prior to census date	100% fees
After census date	No refund of fees

## 8.0 Exceptional Circumstances

A student whose cancellation of enrolment was due to exceptional circumstances can request that the above refund conditions be waived or reduced or, if applicable, request a remission of their FEE-HELP debt. Requests should outline the reasons for the withdrawal and include documentary evidence, such as medical certificates, to support the request. Requests must be made in writing within twelve months of the date of the withdrawal request or the conclusion of the trimester in which the subject(s) was undertaken.

## 9.0 Return to Studies

If a student returns to study and subsequently withdraws, the La Trobe Melbourne Refund policy on the original Letter of Offer accepted by the student to receive a visa applies. The notification period of withdrawal and subsequent application for refund is from the date LTM received advice, in writing.

## 10.0 Other Conditions

La Trobe Melbourne reserves the right to withdraw a course or subject(s) from offer at its discretion. If a student is unable to enrol in a similar course or subject(s) at La Trobe Melbourne and the enrolment is cancelled, all fees will be refunded. In the event of default by La Trobe Melbourne as the provider, the provisions of the Education Services for Overseas Students (ESOS) Act 2000, Education Services for Overseas Students (ESOS) Regulations 2001 and the Higher Education Support Act (HESA) 2003 will apply. Students who dispute La Trobe Melbourne's decision regarding a refund can lodge a Non-Academic Grievance to have the decision reviewed.

La Trobe Melbourne will refund tuition fees paid in advance in full, for the following reasons:

- The course does not start on the agreed starting day; the course ceases to be provided at any time after it starts but before it is complete; or the course is not provided in full to students because a sanction has been imposed on La Trobe Melbourne; and the student has not withdrawn before the default day;

- La Trobe Melbourne withdraws an offer of a place.

**Note:** In the unlikely event that La Trobe Melbourne is unable to deliver a course in full; students will be offered a refund of all remaining course money. The refund will be paid within 2 weeks of the day on which the course ceased being provided. Alternatively, enrolment may be offered in an alternative course at La Trobe Melbourne at no extra cost. Students have the right to choose whether to accept a refund of course fees, or to accept a place in another course. If a student chooses placement in another course, students will be asked to sign a document indicating acceptance of the placement.

Any overpayment of tuition fees will be credited towards a student's account at La Trobe Melbourne and applied against charges in a subsequent trimester or may be transferred to La Trobe University at the conclusion of their course at La Trobe Melbourne. ELICOS students must receive an unconditional offer from LTI, and they must have at least 80% attendance in ELICOS, before applying for a transfer of fees.

This 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.

All refunds are paid in Australian dollars. Where it is necessary for La Trobe Melbourne to convert the refund into a currency other than Australian dollars in order for the payment to be made, it will be converted using the exchange rate on the date the payment is made. La Trobe Melbourne will not be responsible for fluctuations in exchange rates.

La Trobe Melbourne will use its best endeavours to ensure that students are aware of any available refunds under this policy, however, it is the responsibility of the student to be aware of any available refunds on their account and to maintain current contact details. Any balance remaining on the student account three months after the student has completed, cancelled or withdrawn from the program will be forfeited. Students can access their account details through La Trobe Melbourne's student portal.

In the case of student default, a student whose enrolment is terminated by La Trobe Melbourne during the course of a trimester or term as a result of seriously breaching La Trobe Melbourne rules will not be entitled to any refund of fees with respect to that trimester or term. Similarly, where the student has failed to complete payment of tuition fees by the due date no refund will be given where this occurs after the start of the course.

A student who fails to re-enrol in a trimester by the last day to enrol will be deemed to have withdrawn from their course. See refund tables above.

## **11.0 Transfer of Fees**

Where a student has achieved the entry requirement for entry to the principal course at La Trobe University, and they have successfully completed EFS 5B or EFS 6B, their remaining fees may be transferred to the University on approval of the College Director and Principal. However, in these circumstances, the following conditions apply:

- 4.5.2 Fees are only transferable to La Trobe University;
- 4.5.3 Fees for ELICOS are only transferred in 5 week blocks, and not parts thereof;
- 4.5.4 If a request for a transfer of fees is granted, the remaining fees (minus 20% administration fee) will be transferred to La Trobe University within 10 days of submission of request.
- 4.5.5 The student should have returned all resources borrowed from the ILC and University library.

## **12.0 Census Date**

Under the Higher Education Support Act (2003), a higher education provider must set a census date for courses of study it will offer during a year. The census date is the date on which a student's enrolment is taken to be finalised and FEE-HELP debt incurred. Students must submit their Request for Commonwealth Assistance by the census date.

<b>Policy Title</b>	Refund Policy	
<b>Policy Owners</b>	College Director and Principal, Director, Marketing and Admissions and Commercial Finance Manager	
<b>Contact Persons</b>		
<b>Key Stakeholders</b>	Admissions and Finance Staff Students	
<b>Approval Body</b>	LTM Management Committee	<b>Approved on</b> January 12 2012
	LTM Executive Committee	<b>Review approved on</b> May 13 2013 October 8 2013 September 17 2014 December 10 2014 December 12 2016 February 28 2018
<b>Relevant Legislation</b>		
<b>Related Policies</b>	Enrolment Policy	
<b>Related Guidelines</b>		
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