

Standards:

This Policy and Procedure relates to Standard 3 – Formalisation of enrolment and written agreements in the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Policy Statement:

SGSCC International Management and staff are committed to safeguarding prepaid tuition fees in accordance with the ESOS Act 2000 and the ESOS Amendment (Tuition Protection Service and other measures) Act 2012 (TPS Act) and providing timely and accurate information on course related fee requirements to enrolling and enrolled students of SGSCC.

Procedure:

1. The Principal shall ensure that the designated prepaid fees account is maintained in accordance with the TPS Act.
2. The Principal's designated enrolling staff member shall ensure that each student's prepaid course tuition fees will be deposited into the designated prepaid fees account following receipt of course money paid by an enrolling student prior to course commencement.
3. The enrolling staff member shall ensure that they only receive course money from a student or Education Agent after or at the same time the signed Letter of Offer and acceptance have been received.
4. The enrolling staff member may only accept 100% payment of course tuition fees where the course enrolment applies to a course with a study period that is less than *24 weeks in duration. (Please note the course duration may be longer than the 24-week maximum study period when holidays are included).
5. The enrolling staff member may only accept payment of 50% of tuition fees where the course enrolment applies to a course with a study period that exceeds 24 weeks in duration.

6. The enrolling staff member may only require the payment of further course tuition fees two weeks before the commencement of the second study period (Students may choose to pay remaining tuition fees before the two-week requirement).

7. The enrolling staff member shall:
 - 7.1 ensure that all information provided to enrolled or intending students, that relates to course fees, are accurate and relevant to current fee policy, and that students are provided with 30 days notice prior to any course fee changes

 - 7.2 on receiving an enquiry or written application from a student, or advice from the Overseas Student Contact Officer concerning course money refunds, provide the enrolled or enrolling student with information relating to, and access to the course fee refunds procedures

 - 7.3 on receiving a fees-refund enquiry, or written application from a student, or advice from the Overseas Student Contact Officer; advise SGSCC management of the pending application.

8. **Provider defaults**
SGSCC is in provider default:
 - 8.1. if it fails to commence provision of the course to the student at its educational location on the agreed starting day

 - 8.2. if the course ceases to be provided to the student at its educational location at any time after it starts but before it is completed; and the student has not withdrawn before the default day

 - 8.3. if SGSCC is prevented from providing a course at its educational location because a sanction has been imposed on the provider.

9. In the event of provider default:

- 9.1. SGSCC must notify, in writing, the Secretary and the TPS Director of the default within 3 **business days** of the default occurring (**business day** means a day that is not a Saturday, a Sunday, or a public holiday in the place concerned)
- 9.2. the default notice sent to the Secretary and the TPS Director must include the following information:
- 9.2.1. the circumstances of SGSCC's default;
- 9.2.1.1. the details of the students in relation to whom SGSCC has defaulted
- 9.2.2. advice as to:
- 9.2.2.1. whether SGSCC intends to discharge its obligations to those students under section 46D
- 9.2.2.2. how SGSCC intends to discharge those obligations
- 9.2.2.3. notification, in writing, advice of the default to the students in relation to whom SGSCC has defaulted, providing advice concerning the intended actions and the timing for which SGSCC will meet its obligations under the Tuition Protection Service and other measures Act 2012
- 9.2.2.4. SGSCC must discharge its obligations under the Act to the student within 14 days from the default day
- 9.3. SGSCC discharges its obligations to the student if:
- 9.3.1. SGSCC arranges for the student to be offered a place in an alternative course at SGSCC's expense and the student accepts the offer in writing;
- 9.3.2. or SGSCC provides a refund (in accordance with subsection (6) of the Act) of any unspent pre-paid fees received by SGSCC in respect of the student
- 9.3.3. SGSCC must give a notice to the Secretary and the TPS Director within 7 days after the end of the provider obligation period (14 days). The notice to the Secretary and the TPS

Director must contain the following information:

9.3.3.1. whether SGSCC has discharged its obligations to the students in accordance with section 46D

9.3.3.2. if SGSCC has arranged alternative courses the notice from SGSCC shall include information concerning:

9.3.3.2.1. details of the students SGSCC arranged alternative courses for

9.3.3.2.2. details of the courses arranged as an alternative

9.3.3.2.3. evidence of each student's acceptance of an offer of a place in an alternative course.

9.3.4. If SGSCC provides refunds to the student, the notice from SGSCC shall include information concerning:

9.3.4.1. details of the student/s SGSCC provided refunds to

9.3.4.2. details of the amounts of the refunds provided

9.3.5. The above provisions will remain applicable to SGSCC's obligations under the Act if SGSCC ceases to be a registered provider.

10. Unspent pre-paid fees (Calculation of the amount of unspent pre-paid fees – provider default)

10.1. For subsection 46D (7) of the Act, the specified method for working out the amount of unspent pre-paid fees is:

(a) Pre-paid amount for a particular period / Number of weeks (see 1) to which the payment relates

= Tuition fee per week

(b) Tuition fee per week X number of weeks (see 2) between the date of default and the end of the period to which the payment relates

= unspent pre-paid tuition (the refund amount)

- 10.2. The number of weeks to which the pre-paid amount relates is to be calculated by rounding up the number obtained by dividing the number of days between the start and end dates of the period to which the payment relates (inclusive) by 7
- 10.3. The number of weeks between the date of default and the end of the period to which the payment relates is to be calculated by rounding up the number obtained by dividing the number of days between the date of default and the end date of the period to which the payment relates (inclusive) by 7.

11. Student defaults

- 11.1. An overseas student or intending overseas student defaults, in relation to a course provided by SGSCC at any SGSCC educational location, if:
- 11.1.1. the course starts at the location on the agreed starting day, but the student does not start the course on that day and has not previously withdrawn
 - 11.1.2. the student withdraws from the course at the location either before or after the agreed starting day
 - 11.1.3. SGSCC refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:
 - 11.1.3.1. the student failed to pay an amount he or she was liable to pay SGSCC, directly or indirectly, in order to undertake the course
 - 11.1.3.2. the student breached a condition of his or her student visa
 - 11.1.3.3. misbehaviour by the student.
- 11.2. An overseas student or intending overseas student does not default in relation to a course at a SGSCC location if the student does not start that course because SGSCC defaults in relation to the provision of the course at the SGSCC location.

- 11.3. An overseas student or intending overseas student does not default for reasons of misbehaviour unless SGSCC accords the student ***natural justice** before refusing to provide, or continue providing, the course to the student at the SGSCC location.

*the principles and procedures that govern the adjudication of disputes between persons or organizations, chief among which are that the adjudication should be unbiased and given in good faith, and that each party should have equal access to the tribunal and should be aware of arguments and documents adduced by the other

12. Written Agreement

SGSCC must enter into a written agreement with each overseas student or intending overseas student that:

- 12.1. sets out the refund requirements that apply if the student defaults in relation to a course at a location; and meets the requirements (if any) set out in the national code.

13. Student default notifications

- 13.1. SGSCC must give a written notice to a student if an overseas student or intending overseas student defaults in relation to a course provided by the provider at a SGSCC location.
- 13.2. SGSCC must notify, in writing, the Secretary and the TPS Director of the default within 5 business days of the default occurring.
- 13.3. A notice given under this section must comply with any specified requirements issued by Minister through legal instrument.
- 13.4. The above provisions continue to apply to SGSCC if SGSCC ceases to be a registered provider.

14. Refund for student default under a written agreement

- 14.1. SGSCC must provide a refund under this section if an overseas student or intending overseas student defaults in relation to a course provided by SGSCC at a SGSCC location. An exception to the student default exception may be applicable in the case of a

student being refused a student visa.

14.2. SGSCC will pay a refund for student default under the following circumstances:

14.2.1. SGSCC must pay a refund of the amount (if any) required by the agreement entered into with the student.

14.3. SGSCC must pay the refund to the following person:

14.3.1. the student

14.3.2. if a person (other than the student) is specified in the agreement to receive any refund under this section—the specified person.

14.4. SGSCC will pay the refund within the specified period of 4 weeks after receiving a written claim from the student.

15. SGSCC is not required to provide a refund under the following circumstances:

15.1. the student was refused a student visa

15.2. 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:

15.2.1. the student's failure to start the course at the location on the agreed starting day

15.2.2. the student's withdrawal from the course at the SGSCC location

15.2.3. the student's failure to pay an amount he or she was liable to pay SGSCC, directly or indirectly, in order to undertake the course at the SGSCC location.

16. Refund for Student default in other case

- 16.1. SGSCC must provide a refund under this section if:
- 16.1.1. an overseas student or an intending overseas student defaults in relation to a course at a SGSCC location; and either:
 - 16.1.1.1. SGSCC has not entered into an agreement with the student that meets the requirements of section 47B of the Act;
 - 16.1.1.2. or SGSCC is not required to pay a refund to the student because of subsection 47D (5) (refusal of student visa).
 - 16.2. SGSCC must pay the student a refund of the amount, worked out in accordance with a legislative instrument made under subsection (4), of any unspent pre-paid fees received by SGSCC in respect of the student.
 - 16.3. SGSCC must pay the refund within the specified period of 4 weeks after the default day.
 - 16.4. SGSCC will implement any specific method for working out the amount of unspent pre-paid fees as required by any Ministerial legislative instrument.

17. Notification of discharge of obligations

- 17.1. SGSCC must give a notice to the Secretary and the TPS if an overseas student or intending overseas student defaults in relation to a course provided by the provider at a SGSCC location.
- 17.2. SGSCC must give a notice to the Secretary and the TPS Director within 7 days after the end of the provider obligation period (30 days).

17.3. The notice must include the following:

17.3.1. whether SGSCC provided a refund under section 47D or 47E

17.3.2. details of the student SGSCC provided the refund to

17.3.3. details of the amount of the refund provided.

17.4. The notice must comply with any requirements of a legislative instrument made by the Minister by legislative instrument to specify requirements for a notice given to detail the refund provided.

18. Recovering an amount by court action

18.1. An overseas student or intending overseas student may recover an amount owing to the student under Division 2 of the ESOS Amendment (Tuition Protection Service and other measures) Act 2012 as a debt by action in a court of competent jurisdiction.

Person Responsible:

SGSCC International Manager

Finance Manager

SGSCC International Admin assistant

Related Documents: