

POLICIES AND PROCEDURES

Overseas Students Course Refund Policy



Date **December 2024**

Review **December 2026**

Governing Standards and Legislation

1. *Education Services for Overseas Student (ESOS) Act 2000 (ESOS Act), including subsequent amendments;*

Standard 3.4.2 of the National Code of the ESOS Act requires the Lauriston Girls' School ("School") to have processes in place for claiming a refund of tuition or non-tuition fees.

In all documentation where we have communicated course fees for Overseas Students, we have provided indicative tuition and non tuition fees including advice for potential changes to fees over the duration of the course.

For further information regarding the School's cancellation and refund policies, along with this policy, please refer to the [Overseas Student Course Deferment, Suspension and Cancellation Policy](#)

2. *Education Services for Overseas Students (Calculation of Refund) Specification 2014;*

The Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Refund Specification) is a federal legislative instrument that sets out the methods for calculating refunds of fees by a registered provider in the following circumstances:

1. provider default;
2. student default where the provider has not entered into an Overseas Student Offer of Place with the student that meets the requirements of section 47 B of the ESOS Act;
3. student default owing to visa refusal.

The school as a registered provider is required to comply with the Refund Specification.

3. *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code).*

Scope

This policy applies to all overseas students.

Definitions

Estimated total course cost: The "Estimated Total Course Cost" is the combination of estimated compulsory tuition and non-tuition fees. This appears under "Course Details" in the registered provider's information on PRISMS.

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TPS: Tuition Protection Service - Department of Education, Australian Government

PRISMS: Provider registration and international student management system PRISMS Logon (education.gov.au)

VRQA: Victorian Registration Qualifications Authority: Victoria's education and training regulator

DESE: Department of education, skills and employment - Department of Education

[Overseas students fees schedule](#) – fees directly related to the provision of a course.

Course Fees - includes tuition fees and any other non-tuition fees the student may be required to pay to undertake the course.

Non-Tuition Fees - not all non-tuition fees are mandatory. The information provided in the [Overseas Students Non-Tuition fees](#) document is designed to help families understand potential living costs and optional fees related to co-curricular activities available to students.

Overseas Students Offer of Place is a written agreement which offers the student a place at the School for a specific year of entry and specific year level and includes entry conditions. It must be signed by the Guardian(s) to secure the student's entry

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Provider Obligation Period: The ESOS Act requires that all refunds must be made within the period of four weeks after receiving a written claim from the student. In the event the provider defaults on the terms of this policy, the Business Manager is responsible for administering refunds owing within 14 days after the default day of provider default.

Student Default: A student default is if the overseas student is refused a visa, student withdraws from or does not start the agreed course on the agreed starting day, or if the Offer of Place is no longer valid. Refer to section 47A of the ESOS Act.

The school refunds course fees in accordance with requirements under ESOS legislation.

In the event that the terms of this Overseas Students Refund Policy prove to be non-compliant with Australian law, a full refund of any unused tuition fees* received by the School with respect to the student will be made within the period of four weeks after the day of student default.

* Refund calculations are prescribed by a Legislative Instrument- Education Services for Overseas Students (Calculation of Refund) Specification 2014: <http://www.comlaw.gov.au/Details/F2014L00907>

School Fees and the Refund Policy are included in the following school documentation:

- a) [Overseas Student Enrolment Policy and Procedure](#)
- b) [Overseas students fees schedule](#)

Provider Default: A provider defaults if the provider, being the School, fails to start providing the course to the students at the location on the agreed starting day and the student has not withdrawn.

In the event the provider defaults on the terms of this policy, the Business Office is responsible for administering refunds owing within 14 days after the default day of provider default.

Policy

This policy sets out the process for student refunds in accordance with the ESOS Act and the provisions of the Education Services for Overseas Students (Calculation of Refund) Specification 2014.

Lauriston Girls' School believes that every student has the right to receive a refund of fees paid in the event that the enrolment of the Student does not continue.

The School collects fees in accordance with requirements under ESOS legislation. This includes not receiving more than 50% of the student's total tuition fees for a course before the student has begun the course, unless the student or person responsible for paying tuition fees has chosen to pay more than this amount. Information on [tuition](#) and [non-tuition](#) fees payable and the School's [refund policy](#) is provided to parents prior to enrolment and is part of the Offer of Place between the parents and the School.

The School will provide a refund to an overseas student or intending overseas student in the event that the default is by a student or a registered provider and the School is required under the provisions of the ESOS Act, to provide a refund.

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Student Default

Under section 47D of the ESOS Act the School must provide a refund if an overseas student or intending overseas student defaults. The amount of the refund (if any) is the amount set out in the Offer of Place entered into between the School and the student in accordance with Standard 3 of the National Code. For Student Default and the meaning of student default refer to Definitions above.

If the School pays a refund to an overseas student under section 47D, the School must pay the refund within the Provider Obligation Period (as defined above).

Section 47D(5) of the ESOS Act allows the School to refuse to provide a refund under this section if the overseas student or intending overseas student:

- was refused a student visa; and
- the refusal was due to a following act or omission by the student that directly or indirectly caused the student to default in relation to the course.

The acts or omissions are the student's

- failure to start the course on the agreed start day
- withdrawal from the School course
- failure to pay course fees.

Registered Provider Default

Under section 46D of the ESOS Act, the School may pay the students a refund of the amount, worked out in accordance with the Refund Specification, of any unspent tuition fees and non-tuition fees received by the School in respect of the students.

If the School pays a refund to an overseas student under section 46D, the School must pay the refund within 14 days after the default day.

Providing a Refund in Other Cases

Under section 47E of the ESOS Act the School will also provide a refund if the overseas student or intending overseas student defaults and either:

- the School has not entered into an agreement that sets out refund obligations in relation to student default and meets the obligations of the National Code; or
- the School is not required to pay a refund because the student was refused a student visa.

The amount of the refund will be determined in accordance with the Refund Specification.

If the School pays a refund to an overseas student under section 47E, the School must pay the refund within the Provider Obligation Period.

If the School provides a refund under section 47E, it must give notice to the TPS Director and the VRQA within seven days after the end of the Provider Obligation Period.

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The notice must include the following:

- whether the School provided a refund under section 47E
- details of the student the refund was provided to
- details of the amount of the refund provided

The ESOS Act requires that all refunds must be made within the period of four weeks after receiving a written claim from the student.

Procedure for Providing a Refund

The School will only grant a refund when the following process is followed:

1. An overseas student or intending overseas student applies for a refund, in writing, to the Business Manager at the School.
2. An overseas student or intending overseas student pays any outstanding debts to the School or authorises any outstanding debts to be deducted from the refund.
3. The School approves the refund under this policy.
4. After approval, the refund is paid to the overseas student or intending overseas student, or the same person that initially made the payment of course fees.

Refund Specification

If a refund is granted to an overseas student or intending overseas student, it must be calculated in accordance with the Refund Specification.

The Refund Specification requires that the amount of refund must be the course fees and any non-tuition fees, minus the lesser of the following amounts:

- 5 per cent of the amount of the course fees received by the School in respect of the student before the default day; or
- \$500.00 (AUD).

Failure to Provide a Refund

It is an offence under the ESOS Act for the School to fail to provide a refund to an overseas student or intending overseas student in accordance with the School's obligations under sections 47D or 47E of the ESOS Act.

Record Keeping

The School maintains evidence of compliance with this policy by maintaining records of refund decisions and notifications made under this policy. Records will be maintained in accordance with our *Records Management Policy*.

Review Date

This policy will be reviewed every two years with the next review due in December 2026. An interim review may take place following any changes in legislation.