

HE-BP11 INTERNATIONAL STUDENT FEES REFUND POLICY AND PROCEDURE

Abbreviations:

AHE	Apex Australia Higher Education
BoD	Board of Directors
CC	Course Coordinator
CEO	Chief Executive Officer
DHA	Department of Home Affairs
ESOS	Education Services for Overseas Students
OSHC	Overseas Student Health Cover
SMA	Student Management System
SSO	Student Services Officer

1. Purpose

- 1.1 The purpose of this document is to prescribe refund entitlements to Apex Australia Higher Education (AHE) international students.
- 1.2 The refund amount is determined by an assessment of the reason for refund, supporting documentation and when a refund is applied for, relative to the course commencement date.
- 1.3 This refund Policy and Procedure will also form part of enrolment information and is reproduced in the **Letter of Offer and Student Written Agreement**.

2. Scope

- 2.1 Applies to all prospective and current international students at Apex Australia Higher Education (AHE).

3. Principles

- 3.1 AHE provides transparent processes for refunds of pre-paid tuition fees and set out the circumstances where a full refund or partial refund may apply.
- 3.2 Students should ensure they are familiar with AHE's fees, charges, and circumstances for refunds before accepting an offer for admission to AHE's courses.
- 3.3 AHE staff will follow this Policy and Procedure whilst exercising their professional judgement to assess each refund application on its individual merits.

- 3.4 Staff members who have access to information relating to fees and refunds must maintain the confidentiality of students' information in accordance with the [Privacy and Personal Information Policy and Procedure](#).
- 3.5 This refund Policy and Procedure will also form part of enrolment information and is reproduced in the Letter of Offer and Student Written Agreement.
- 3.6 All applications for refunds must be made using the Request for Fees Refund Form and submitted to the AHE administration via [email](#) or in person at Reception.
- 3.7 All refunds will be paid within twenty-eight (28) days from the date of the approved Fees Refund Request Form.
- 3.8 Person(s) who can request and receive refunds in respect of the international student are those identified (not including the agent) in the Letter of Offer and Student Written Agreement (written agreement), consistent with the ESOS Act 2000. AHE will not authorise tuition fee transfers to any other institution or to other students.
- 3.9 The availability of complaints and appeals processes does not remove student's right to take action under Australia's consumer protection laws.
- 3.10 All applications for course withdrawal to leave AHE, initiated by the student, will incur an administrative fee.

4. Policy Statements

- 4.1 Compassionate and Compelling Circumstances
 - 4.1.1 Compassionate and compelling circumstances are generally those beyond the control of the student and have a detrimental impact on the student's capacity or ability to progress through a course. In the context of this policy and procedure, they are used to assess eligibility for student pre-paid tuition fee refunds.
 - 4.1.2 Compassionate and compelling circumstances can include:
 - 4.1.2.1 Serious illness or injury where a medical certificate states that the student was unable to attend classes or study,
 - 4.1.2.2 Bereavement of close family members such as parents or grandparents, with supporting documentary evidence,
 - 4.1.2.3 Major political upheaval or natural disaster in the home country requiring a student's emergency travel to their home country or evidence from a psychologist

that the situation in their home country has had a detrimental impact on the student's studies,

4.1.2.4 A permanent or temporary disability which is supported by a medical assessment that recommends a break from study or a reduced study load,

4.1.2.5 A traumatic experience which could include, but is not limited to, involvement in or witnessing of an accident or a crime committed against the student, or the student has been a witness to a crime, and this has had impact on the student. These cases should be supported by police or psychologists' reports.

4.1.3 The above are only some examples provided by the Department of Home Affairs (DHA) of what may be considered compassionate or compelling circumstances. AHE staff exercise their professional judgement and assess each application on its individual merits.

4.1.4 When determining whether compassionate or compelling circumstances exist, all documentary evidence provided to support the claim is considered.

4.1.5 Copies of these documents, together with a detailed record of why the decision was made, are retained in the student's file.

4.2 Determining Compassionate and Compelling Circumstances

Compassionate circumstances: circumstances beyond your control and which have an impact upon the student's course or wellbeing.

Compelling circumstances: circumstances that are powerfully convincing.

4.2.1 Authorised staff will:

4.2.1.1 Review the student's case in-line with the examples noted by DHA, refer to 4.1.2

4.2.1.2 Gather all relevant documents and evidence, for example:

- Medical reports / certificates
- Legal documents
- Other relevant documents

4.2.1.3 Assess provided evidence and provide a decision as to whether the application is approved or not approved.

4.2.1.4 Advise the student of the outcome within fourteen (14) days.

- 4.2.1.5 If required, provide additional support to the student, such as referring them to counselling services, academic support or other resources that may assist students to navigate their challenges.
- 4.2.2 The situation or circumstance must significantly affect the student's ability to commence the course as per the Course Commencement Date on their electronic Confirmation of Enrolment (eCoE) or the upcoming semester and deferring to the next semester is not a feasible alternative.
- 4.3 Legislative and Regulatory Compliance
 - 4.3.1 Refund application assessments and processes will be compliant with education provider obligations under the Higher Education Standards Framework (Threshold Standards) 2021 and Standard 3 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- 4.4 Complaints and Appeals
 - 4.4.1 AHE's international students have the right to appeal any refund outcomes outlined in this Policy and Procedure, in accordance with the [Student Grievance, Complaint and Appeal Policy and Procedure](#). The appeal must be lodged within twenty (20) working days of receiving the refund outcome.
 - 4.4.2 This Policy and Procedure, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

5. Procedure

- 5.1 Refund Entitlements
 - 5.1.1 Circumstances where a full or partial refund of pre-paid tuition fees may be possible are outlined in Appendix 1.
 - 5.1.2 Where a student wishes to withdraw from their course either prior to or after the Course Commencement Date on their electronic Confirmation of Enrolment (eCoE), the date the correspondence requesting the course withdrawal is submitted is considered the effective date and is used to calculate the monies to be refunded.
 - 5.1.3 Where a commencing international student requests to defer their course commencement to a future semester, all pre-paid tuition fees are moved forward and allocated to their

future commencement date. No refund will be paid unless AHE assess the student has compassionate and compelling circumstances.

- 5.1.4 Where a commencing international student is given the option by AHE to defer their course commencement to a future semester, and the student accepts in writing to defer their course commencement to a future semester, the refund entitlements under 5.1 will be applicable to the new electronic Confirmation of Enrolment (eCoE).

5.2 Provider Default

5.2.1 In the unlikely event that AHE is, unable to deliver a course of study at the offered location, commence the course on the agreed starting date or because a sanction has been imposed, to an international student or intending international student, AHE will assist students:

5.2.1.1 To find an alternative course which may be a course currently offered at AHE or a course offered by a different education provider who has agreed to enrol the student; or

5.2.1.2 Where continuation of study is not possible, students are entitled to receive a refund of their unspent tuition fees within twenty-eight (28) days of the default date.

5.2.2 AHE will refund pre-paid tuition fees in full to international students who have not commenced the course impacted by the provider default within twenty-eight (28) days of the default date.

5.2.3 AHE will refund unspent tuition fees for international students who have commenced the course at the location impacted by the provider default and:

5.2.3.1 Have not been offered an alternative course at AHE or a different education provider; or

5.2.3.2 Have chosen not to accept the offered alternative course at AHE or a different education provider within twenty-eight (28) days of the default date.

5.2.4 Students will be advised of a default situation in advance (where possible) and will be sent a letter explaining how any refunds will be calculated.

5.2.5 Refer to the Tuition Assurance Policy and Procedure for further information.

5.3 Tuition Protection Scheme (TPS)

5.3.1 If AHE is unable to assist with arrangements listed in Clause 5.2 of this Policy and Procedure, the Tuition Protection Service (TPS) will contact AHE students directly.

- 5.3.2 The TPS will offer students the option to either receive a refund of tuition fees for affected parts of the course, or assistance to move to a similar replacement course.
- 5.3.3 The TPS Service Charter provides further information about the services provided by the [TPS](#)
- 5.3.4 Student personal information that AHE may collect and disclose about you to the Department of Education in relation to upfront payment tuition protection includes your:
- 5.3.4.1 Name, date of birth, contact details and identifiers (e.g., Unique Student Identifier),
 - 5.3.4.2 Study arrangements and details including enrolments and course progress, and
 - 5.3.4.3 Payment arrangements, including tuition fees paid or payable, scholarships and payments by third parties.
- 5.4 Refunds for Students Who Obtain Permanent Resident Visa Status
- 5.4.1 Prior to Census Date
- 5.4.1.1 Australian permanent resident status is recognised as from the date of the Visa Grant Letter or the date stamped on the student’s passport, not the date on which the application for status is made.
 - obtained permanent residency by the census date; and
 - been enrolled as a Commonwealth Supported Student under the [Higher Education Support Act 2003](#); or
 - made arrangements with AHE to pay fees as a domestic student.
 - 5.4.1.2 AHE will refund any tuition fees paid for the semester in which permanent residency was recognised, less:
 - any payment made to an agent who recruited the student, if that payment relates to the semester in which permanent residency was recognised; and
- 5.4.2 After Census Date
- 5.4.2.1 If a student is granted permanent residency after the census date for the semester, the student will be classified as an international student for the remainder of that semester and will be liable to pay the tuition fees applicable to international students for that semester.
 - 5.4.2.2 The student’s PR status is only recognised from the date stamped on the student’s passport, not the date on which the student applied for permanent residency.

5.4.2.3 The student will need to update their enrolment by applying to be a domestic student.

5.4.2.4 For the next semester and thereafter, the student will be deemed as a domestic student and the appropriate fees will be applied.

5.5 No Refunds

5.5.1 A student whose enrolment is either suspended or cancelled by AHE for whatsoever reason after commencement, including but not limited to a breach of the code of conduct, failure to meet course progression requirements or non-payment of fees will not be eligible for a refund.

5.5.2 In cases of fraudulent documents, AHE has a no-refund policy. Additionally, AHE may terminate the contract of the agent responsible for providing the fraudulent documents.

5.5.2.1 If a student is found to have provided fraudulent, forged, or intentionally misleading documentation to AHE, no refund of tuition fees will be paid.

5.5.2.2 If a student has supplied misleading information to AHE, an approved agent, and/or any Commonwealth Agencies of Australia, no refund of tuition fees will be paid.

5.5.2.3 If the Institution cancels a student's enrolment due to the submission of fraudulent, forged, or intentionally misleading documentation, no refund will be paid.

5.5.3 For further circumstances for 'no refunds', refer to Appendix 1.

5.6 Overseas Student Health Cover (OSHC)

5.6.1 Refunds for Overseas Student Health Cover (OSHC) policies are assessed and processed in accordance with where they are initially purchased:

5.6.1.1 AHE will assess and process OSHC refund requests if the OSHC policy was purchased through AHE as a part of the acceptance process.

5.7 Non-refundable Fees and Charges

5.7.1 Administrative and incidental fees, including the enrolment fee, and other charges, fines and penalties are non-refundable. Please refer to the Apex Australia Higher Education Fee Schedule for more information on these fees and charges.

5.7.2 From time-to-time AHE may choose to apply an enrolment, admissions or similar fee. Where applicable such non-tuition fees are not refundable.

5.7.3 AHE reserves the right to increase administrative and incidental fees, and other charges, fines and penalties. Please refer to the Apex Australia Higher Education Fee Schedule for more information on these fees and charges.

5.8 Payment of Refunds

5.8.1 Refund application for full or partial refunds must:

5.8.1.1 Complete a Request for Fees Refund Form.

5.8.1.2 Be accompanied by supporting documents as may be appropriate (as evidence such as the visa refusal letter etc.).

5.8.1.3 Send all documentation to AHE administration via [email](#) or in person at Reception.

5.8.2 In all cases, AHE will notify students of the outcome of the application for refund within fourteen (14) days of receipt of the completed Form and all applicable evidence. To the students registered email address. If additional evidence is required, AHE will notify students of the outcome of the application for refund within fourteen (14) days of receipt of all requested evidence.

5.8.3 Approved refund requests will be paid within twenty-eight (28) days from the approval date. Where there is a visa rejection, the refund will be processed within twenty-eight (28) days of the visa decision.

5.8.4 Refunds will be paid:

5.8.4.1 In Australian dollars.

5.8.4.2 If the tuition fee was paid by credit card within the last twelve (12) months, then under Australian banking regulations the refund must be credited to the credit card from which the fee was initially paid.

5.8.4.3 Directly into the account where the payment was made from initially, unless the student gives written direction to AHE to process the refund to another account.

5.8.4.4 All bank fees/charges incurred in issuing the refund will be deducted from the refund amount.

5.8.4.5 Where a student has provided incorrect account details, leading to AHE receiving a notification of bank charges, these charges will be deducted from the refund amount.

5.8.4.6 Students are not permitted to transfer course fees to another student unless the AHE approves it.

5.8.5 All debts to AHE must have been paid before any refund can be calculated with any outstanding amounts to be deducted from the refund.

5.8.6 Student Administration will record the transaction in the Student Management System (SMS).

5.8.6.1 AHE will retain records of all written agreements (including the **Letter of Offer and Student Written Agreement**) and receipts of any payments made by students or any refunds for at least two (2) years after the student ceases to be an accepted student.

5.8.6.2 Any paper copies of refunds related records are kept in student files.

5.9 Complaints and Appeals

5.9.1 If a student enrolled at AHE is dissatisfied with any aspect of the response to or outcome of their refund application, they may lodge a complaint through the process outlined in the [Student Grievance, Complaint and Appeal Policy and Procedure](#).

6. Authorised staff:

6.1 The staff member who is authorised by the CEO will:

6.1.1 Receive fees.

6.1.2 Verify bank deposits.

6.1.3 Record payments.

6.1.4 Issue fee due reminders.

6.1.5 Monitor non-payments.

6.1.6 Process and make decisions on refund requests.

6.1.7 Approves internal fees transfers.

6.1.8 Collect documentation which supports the application for compassionate and compelling circumstances.

7. Dissemination and Publication:

7.1 This Policy and Procedure will be published on the publicly accessible AHE website.

7.2 Students will also be advised of this Policy and Procedure during Orientation in the AHE Student Handbook.

8. Relevant Legislation, Benchmarking Documents and Relevant Websites:

Legislation

- [Education Services for Overseas Students Act 2000](#) – Section 47D (5), 47E (4)
- [Higher Education Support Act 2003](#)
- [Higher Education Standards Framework \(Threshold Standards\) 2021](#) – Standard 1 (specifically 1.1-2c).

- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) – Standard 3 (specifically 3.4 – 3.4.2 & 3.4.3).
- [Section 9 of the Education Services for Overseas Students \(Calculation of Refund\) Specification 2014](#).
- [Tuition Protection Service](#)

Benchmarking Documents

- [Charles Sturt University – International Student Fee Refund Procedure](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 Fact Sheet Standard 2: Recruitment of an Overseas Student](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 Fact Sheet Standard 3: Written Agreements](#)
- [Section 9 of the Education Services for Overseas Students \(Calculation of Refund\) Specification 2014](#)
- [University of New England \(UNE\) Commencing International Student Fee and Refund Principles](#)

Relevant Websites

- [Commonwealth Register of Institutions and Courses for Overseas Students \(CRICOS\)](#)
- [Department of Home Affairs](#)
- [TEQSA National Register](#)

9. Related Documents

- Bachelor of Business Course Guide
- Course Discontinuation Procedure
- International Students Fees Payment Policy and Procedure
- International Students Deferral, Suspension and Cancellation Policy and Procedure
- Letter of Offer and Student Written Agreement
- Request for Fees Refund Form
- SARAS (Student At Risk Academic Support) Agreement and Review
- Student Academic Progression Policy and Procedure
- Student Academic and Non-Academic Support Policy and Procedure
- Student Admission Policy and Procedure
- Student Grievance, Complaint and Appeal Procedure

10. Definitions

Refer to:

- AHE Table of Acronyms and Definitions

Version Control

Document Name	International Student Fees Refund Policy and Procedure			
Document Code	HE-BP11			
Department	Executive Management			
Approved By	Board of Directors	Date Approved	5 July 2018, December 2023	
Revision History				
Version	Date of Changes	Change Summary	Author	Review Due
V1.0	5 July 2018	New Document	CEO / Executive Dean	July 2021
V1.1	22 June 2018 & 5 July 2018	Amended document that students are charged for retaking units they failed or for suspension or termination. Approved by: Board of Directors and Academic Board minutes respectively	CEO / Executive Dean	
V1.2	13 September 2018	Confirmed that students can access consumer laws in Australia; this Procedure is for international students	CEO / Executive Dean	September 2021
V2.0	14 January 2019	Proofread, formatted and updated document with relevant policies	CEO / Executive Dean	January 2022
V3.0	26 August 2021	Made 2 separate policies: one for fees, and another for refunds. Updated this policy for ESOS Act and National Standards, including reference to TPS, additional fees and record keeping, and other requirements including Australian consumer law. Board of Directors (to approve after Schofield audit).	CEO / Executive Dean	August 2024
V3.1	1 September 2021	Clarified the \$300 fee for withdrawal as per Schofield Audit, as well a working in Section 3.1 revised. Approved by: Board of Directors (based on Schofield audit).	CEO / Executive Dean	September 2024
V4.0	20 January 2022	PRV and CRICOS Code inserted	CEO / Executive Dean	January 2025
V5.0	December 2023	Updated formatting, embedded links, added in principles 3.1-3.4, policy statements, updated the procedure including refunds for both student and provider defaults, reconfigured the document and updated version control table. Reviewed and noted at BoD meeting – 04.12.2023	Senior Compliance Manager	December 2026
V5.1	January 2024	Updated links throughout the document	Senior Compliance & Risk Manager	January 2027
V5.2	August 2024	Additional information added in regarding students / agents providing fraudulent documentation	Senior Compliance & Risk Manager	January 2027
Organisation	Apex Australia Higher Education			
Document Controller	Senior Compliance & Risk Manager			

APPENDICES

Appendix 1 – Refund Schedule

#	Circumstances	Comments	Process
No Refund Payable In any situation where circumstances under which ‘no refunds apply’ conflict with circumstances where a refund is applicable, the former shall take precedence.			
1	A student has been refused a visa on the grounds of fraud or the provision of incorrect, false, or misleading information.	No refund payable.	<ul style="list-style-type: none"> • Proof of visa refusal from the Australian Government must be sent to AHE upon visa refusal or cancellation. • Student’s electronic Confirmation of Enrolment (eCoE) is cancelled.
2	Student wishes to withdraw within four (4) weeks of the Course Commencement Date on their electronic Confirmation of Enrolment (eCoE) and until the semester Census Date.	No refund payable.	<ul style="list-style-type: none"> • Complete and submit a Withdrawal Form • Student’s electronic Confirmation of Enrolment (eCoE) is cancelled.
3	The student does not start the course on the Course Commencement Date on their electronic Confirmation of Enrolment (eCoE).	No refund payable.	<ul style="list-style-type: none"> • Complete and submit a Withdrawal Form • Student’s electronic Confirmation of Enrolment (eCoE) is cancelled.
4	The student defers his/her course to a later date. <i>Refer to 5.1.3 in this policy and procedure</i>	No refund payable.	<ul style="list-style-type: none"> • Complete a Deferral Form. • AHE will process the student’s deferral from the course
5	Student defaults and wish to withdraw from their course after the published semester census date and/or the student decides to change provider after commencing their course.	No refund payable.	<ul style="list-style-type: none"> • Complete and submit a Withdrawal Form. • Student’s electronic Confirmation of Enrolment (eCoE) is cancelled.

#	Circumstances	Comments	Process
6	<p>A student has been reported to Department of Home Affairs (DHA) for breaching AHE's rules or visa conditions, due to:</p> <ul style="list-style-type: none"> • Student's academic or behavioural misconduct, • Failure to pay required fees to undertake the course, • Student breaching his/her visa conditions. • Unsatisfactory course progress. • Unsatisfactory course attendance. 	No refund payable.	<ul style="list-style-type: none"> • Student's electronic Confirmation of Enrolment (eCoE) is cancelled.
7	<p>Enrolment cancelled due to independent external reviewer identifying fraud or the provision of incorrect, false, or misleading information.</p>	No refund payable.	<ul style="list-style-type: none"> • AHE to provide a report to the agent and the student with details of the fraudulent documentation. • Student's electronic Confirmation of Enrolment (eCoE) is cancelled.
Refund Payable			
8	<p>A student has been refused a visa for reasons other than fraud or the provision of incorrect, false, or misleading information prior to Course Commencement date on their electronic Confirmation of Enrolment (eCoE).</p>	<p>Full refund of pre-paid tuition fees.</p> <p>AHE will, within 28 days, refund the tuition fees less 5% of the tuition fees received (up to a maximum amount of \$500) as per the ESOS (Calculation of Refund) Specification 2014 Section 9</p>	<ul style="list-style-type: none"> • Complete a Request for Fees Refund Form. • Proof of visa refusal from the Australian Government must be sent to AHE upon visa refusal or cancellation. • Student's electronic Confirmation of Enrolment (eCoE) is cancelled.

#	Circumstances	Comments	Process
9	Student wishes to withdraw from course four (4) weeks or more before the Course Commencement date on their electronic Confirmation of Enrolment (eCoE).	<p>AHE will refund the total amount received until the date the student withdrew from the course less:</p> <ul style="list-style-type: none"> • 25% of the tuition fees received. • Accommodation booking fee (if applicable). • Airport pickup fee (if applicable). • Any other costs incurred by the AHE on behalf of student. 	<ul style="list-style-type: none"> • Complete and submit a Withdrawal Form. • Student's electronic Confirmation of Enrolment (eCoE) is cancelled. • Complete a Request for Fees Refund Form.
10	Withdraws from the course four (4) weeks or more before Course Commencement date on their electronic Confirmation of Enrolment (eCoE) and compassionate and compelling circumstances prevent the student from commencing the course.	<p>Yes.</p> <p>Full refund of pre-paid tuition fees.</p>	<ul style="list-style-type: none"> • Complete and submit a Withdrawal Form. • Supporting documentary evidence of compassionate or compelling circumstances must be sent to AHE for consideration and assessment. • Student's electronic for 'non-Confirmation of Enrolment (eCoE) is cancelled. • Complete a Request for Fees Refund Form.
11	<p>Student wishes to withdraw within four (4) weeks of the Course Commencement Date on their electronic Confirmation of Enrolment (eCoE) up until and including the semester census date and compassionate and compelling circumstances prevent the student from continuing the course.</p> <p><i>Refer to 4.2 in this policy and procedure</i></p>	<p>AHE will refund the total amount received prior to the default day less:</p> <ul style="list-style-type: none"> • 25% of the tuition fees received. • Accommodation booking fee (if applicable). • Airport pickup fee (if applicable). <p>Any other costs incurred by the AHE on behalf of student.</p>	<ul style="list-style-type: none"> • Complete and submit a Withdrawal Form. • Supporting documentary evidence of compassionate or compelling circumstances must be sent to AHE for consideration and assessment. • Student's electronic Confirmation of Enrolment (eCoE) is cancelled. • Complete a Request for Fees Refund Form.

#	Circumstances	Comments	Process
12	When a student is refused a student visa for reasons other than fraud or the provision of incorrect, false, or misleading information after they have already commenced the course.	AHE will, within 28 days, refund on a pro-rata basis, the tuition fees for the weeks from when the student withdrew from the course until the end of the period that the Tuition Fees have been paid to (that is, on a pro rata basis).	<ul style="list-style-type: none"> • Complete a Request for Fees Refund Form. • Proof of visa refusal from the Australian Government must be sent to AHE upon visa refusal or cancellation. • Student's electronic Confirmation of Enrolment (eCoE) is cancelled.
13	AHE withdraws an offer of admission and initiates cancellation of enrolment.	Full refund of pre-paid tuition fees.	<ul style="list-style-type: none"> • Student notified of AHE initiated withdrawal. • Student's electronic Confirmation of Enrolment (eCoE) is cancelled. • Complete a Request for Fees Refund Form.