

Australian College of Theology

Refund Policy for Overseas Students

The Australian College of Theology (ACT, the College) has developed this policy in accordance with Section 28(1) of the ESOS Act 2000 and the National Code 2018.

This policy, 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. Moreover, the dispute resolution procedures of the ACT do not circumscribe the student's right to pursue other legal remedies, such as action under Australia's consumer protection laws.

A copy of this policy must be given to all intending and enrolling overseas students before any course fees are paid. This policy is available on the ACT website (www.acttheology.edu.au).

Affiliated colleges may levy a non-refundable Application Fee.

Tuition fees for ACT courses are subject to annual review and the annual tuition fee for a calendar year of study may change from 1 January each year. Thus, tuition fees for units studied will be at the rate applicable at the time of study.

Overseas students are required to pay their tuition fees up-front in full for the first half-year of full-time study (48cps), unless other arrangements have been agreed to in writing by the Registrar of the affiliated college at which the student proposes to enrol. The amount of the fees due at their enrolling college will take account of any subsidy provided by the college.

In the event that the information supplied by an applicant which was the basis for an offer of admission to a course is found to have been incorrect or insufficient for the offered course or to gain admission to another College course, the College shall withdraw the offer and reserves the right to withhold 10% of the tuition fees paid for the first half-year (or \$1000 whichever is the lesser amount) and to refund the balance.

Overseas students are obliged to make up-front payments of tuition and other fees normally no later than the first day in each study period of teaching of units in their course. Tuition fees will be charged according to the unit load for the next study period.

While overseas students can now be allowed to enrol in less than a full-time unit load each study period, they are required to complete the enrolled course within the time frame as stated on the student's Confirmation of Enrolment (CoE) document. This means that if overseas students elect to take less than a full-time load in any study period, they need to keep in mind how they will organize their unit load in future study periods in order to complete the course on time.

Refunds if the student defaults

A student may withdraw from a course any time after acceptance and from a unit at any time during the course of study. However, students and colleges need to be aware of the consequences of such an action in relation to the National Code 2018.

After enrolment, all students will be subject to the provisions of the Variation of Enrolment policy as it relates to withdrawing from units and courses and the consequences according to the time in a study period that the action occurs. The Variation of Enrolment policy is available on the College's website: www.actheology.edu.au.

A student will be deemed to be defaulted as per Section 47 of the ESOS Act 2000 where the following occurs:

- a. The student does not start the course on the agreed starting day (and has not previously withdrawn)
- b. The student withdraws from the course (either before or after the agreed starting date)
- c. The registered provider of the course refuses to provide, or continue providing the course to the student because of one of the following events:
 - The student failed to pay an amount he or she was liable to pay, directly or indirectly, in order to undertake the course
 - The student breached a condition of his or her student visa;
 - Misbehavior of the student

The provider will notify, in writing the Secretary and the TPS Director of the default within 5 business days of the default occurring.

Refund Policy on the following student defaults:

A. When the student does not start the course on the agreed starting day (and has not previously withdrawn)

If a student does not start the course on the agreed starting day (and has not previously withdrawn), the student will be deemed to have defaulted on their course. Any pre-paid tuition fees are to be refunded, but any applicable application fees paid by the student will not be refunded.

B. The student withdraws from the course (either before or after the agreed starting date)

After enrolment, all students will be subject to the provisions of the Variation of Enrolment policy as it relates to withdrawing from units and courses and the consequences according to the time in a study period that the action occurs. The Variation of Enrolment policy is available on the College's website: www.actheology.edu.au.

C. When the registered provider of the course refuses to provide, or continue providing the course to the student because of one of the following events:

- The student failed to pay an amount he or she was liable to pay, directly or indirectly, in order to undertake the course
- The student breached a condition of his or her student visa
- Misbehavior of the student

If the refusal of a course occurred on or before the census date of a unit, the provider will refund unused tuition fees for that unit. If the refusal of a course occurred after the census date of a unit, no refund of tuition fees is applicable for that unit. Units which have not yet begun will be refunded in full if prepaid.

Refunds if the provider defaults

Refunds if the registered provider defaults cannot be covered by a written agreement between the provider and the student. Such situations are covered by the provisions of the

Tuition Protection Service. For more information about the Tuition Protection Service, please visit <https://tps.gov.au>.

Where the provider defaults:

- a. If either of the following occurs:
 - (i) The provider fails to start to provide the course to the student on the agreed starting day
 - (ii) The course ceases to be provided to the student at any time after it starts but before it is completed
- b. If the student has not withdrawn before the default day.

The provider will notify, in writing, the Secretary and the TPS Director of the default between 3 business days of the default occurring. The provider will also notify the student, in writing, of the default.

The provider will discharge the following obligation within 14 days after the default day:

1. Provide a refund of the unspent tuition fees to all affected students calculated in accordance with the law.
2. Alternatively, arrange for the student to be offered a place in an alternative course at the provider's expense (student will be required to accept the offer in writing prior to implementation).

Other information concerning the refund of tuition fees

When the student is granted Australian permanent residency on or prior to the census date for a teaching period and provides evidence of their enrolment at the College as a domestic student, refund of pre-paid fees minus the fee applicable to domestic students for the same course and units is applicable.

The Registrar of the affiliated college at which a student is enrolled must pay the refund or respond to the request for a refund within four (4) weeks of receipt of the written claim from a student. Refunds will normally be made in the same currency as the fees were originally paid and will be made in the student's home country except in documented special circumstances.

As it is the student only who enters into the written agreement with the affiliated college, and no third party is normally involved, the refund will normally be paid to the student. If the student wishes the refund to be paid to someone else (eg. in the event that the tuition fees were paid by another person), the student must provide a letter of authority signed by the student and the receiving party, including account details of the receiving party, enabling the college to pay the other party. The letter should be attached to the request for refund.

In circumstances where a student is approved to study at another institution in Australia, any refund must be paid directly to the new institution accepting the student. Refunds in the form of transfer of fees to another institution will be made subject to the student presenting evidence of an offer of a place to study in that institution.

A notice of withdrawal due to special circumstances may be accepted as grounds for a total refund of fees, subject to the provision of acceptable documentary evidence in support of the application for a refund. Special circumstances include, but are not limited to:

- inability to obtain a student visa

- illness or disability
- failure to meet English language requirements for admission
- death of the student or a close family member (parent, sibling, spouse or child)
- political, civil or natural event which prevents full payment of fees.

25 October 2019

Simon Davies
Registrar