E101 Student Refund Policy

Policy Category	Operational	
Responsible Officer	General Manager	
Review Date	March 2027	
Related documents	Letter of Offer and Written Agreement Student Fees Policy Student Refund Procedure	
Version	**Authorised by**	**Approval Date**
2.7	Executive Management Team	27/05/2025

1. Context

This Policy supports the Australian Institute of Business Intelligence Higher Education's (the 'Institute') commitment to fair trading practices.

This Policy sets out the expectations and requirements of the Institute with respect to the administration of refunds to students, in accordance with relevant legislation and regulations, and the payment of fees.

2. Definitions

Census date: the date on which student enrolment is finalised, after which students are liable for all associated course and tuition fees. Every trimester has a set census date which is available on AIBI HE Institute's website.

Commencement date: the first day of a trimester.

Commencing student: a student who has accepted an offer of a place at the Institute who has yet to commence their studies at the Institute.

Compassionate or compelling circumstances: circumstances beyond the control of the student which will have an impact upon the student's progress or wellbeing.

Continuing student: a student who has completed at least a trimester of study and is eligible to remain enrolled in the course.

Deferral: a delayed commencement by an applicant who has received an offer of a place in an Institute course.

Domestic student: Australian citizens, New Zealand citizens, or holders of an Australian permanent visa (holders of all categories of permanent resident visas including Humanitarian Visas).

FEE-HELP: a government loan scheme to assist eligible domestic students in deferring payment of all or part of their tuition fees.

Higher Education Standards Framework (Threshold Standards) 2017: these standards are the basis for the regulation of higher education providers and courses in Australia by the Tertiary Education Quality and Standards Agency (TEQSA).

Overseas student: a student who is not a domestic student and who may hold a student visa and is protected by the *Education Services for Overseas Students Act 2000* legislative framework.

Leave of absence: an approved period during which a student is not enrolled in any subject.

Provider default: failure of a registered provider to provide or continue to provide a course.

Non-tuition fees: fees charged by the Institute that are not for tuition, such as reassessment of study outcomes, deferral, late payment of fees.

Course: a course of study, comprising subjects of study, the successful completion of which results in the awarding of a qualification, such as a bachelor's degree.

Tuition fees: fees received by the Institute that are directly related to the provision of a course that the Institute is providing, or offering to provide, to a student. These fees can be received either directly or indirectly from a commencing student or continuing student or from another person who pays the money on behalf of a commencing student or continuing student.

Subject: a separate subject of study which, in combination with other subjects, make up a course.

Tuition Protection Services (TPS): an initiative of the Australian Government to assist domestic students at private higher education providers whether they make upfront payments or use a HELP loan to pay for their studies, and overseas students whose education providers are unable to fully deliver their course of study.

Withdrawal: the discontinuation of enrolment in a subject or course by a student.

Withdrawal date: the date specified in the written notice as the date a student's withdrawal takes effect or when the student's enrolment was cancelled.

3. Scope

This Policy applies to all staff at the Institute with responsibility for the administration of refunds to students, and to commencing and continuing students.

4. Principles

The key principles informing this Policy are:

- transparency – information regarding refunds is to be accurate, comprehensive, easily accessible, and written in plain English;
- equity – all students will be treated fairly and equally;
- timely – all matters relating to student refunds are to be addressed in a timely manner; and
- consistency – students will be provided with consistent information regarding fees.

5. Refunds

5.1 Commencing students

Students who have accepted a *Letter of Offer and Acceptance Written Agreement* may be entitled to a refund of tuition fees paid if their application to withdraw from the course or defer the commencement of their studies is approved. The amount of tuition fees refunded is dependent on when the application was lodged, with the details as follows:

Overseas Students

28 calendar days or more prior to commencement date:	100%
27 to 15 calendar days prior to commencement date:	75%
14 calendar days to the day prior to commencement date:	50%
From commencement day to the census date:	25%
After census date:	0%

Regardless of when a commencing student applies to withdraw, application processing fees and/or material fees are non-refundable.

Under the following circumstances, the student will be granted a refund of 100% of tuition fees paid:

- the Institute is unable to provide the course for which a student has accepted an offer.

If a student has provided incorrect, incomplete, false or misleading information, 0% of fees will be refunded.

If a student advises the Institute in writing on or prior to the census date of their intention to defer the commencement of their studies until the next, and this is approved, the Institute will transfer the associated tuition fees to that intake.

For overseas students unable to obtain a visa the refund will be calculated as the amount of tuition and non-tuition fees received by the Institute, minus the lesser of the following amounts:

5% of the amount of tuition and non-tuition fees received by the Institute; or AUD$500.

Note: To be eligible for this refund the student must provide satisfactory evidence (such as the visa refusal letter from the Department of Home Affairs).

Domestic students

Prior to commencement date:	100%
After commencement but on or prior to census date	100%
After census date:	0%

If a student advises the Institute in writing on or prior to the census date of their intention to defer the commencement of their studies until the next, and this is approved, they will have their Fee-HELP balance automatically adjusted.

Students who pay some or all of their tuition fees up front and who have already paid for the subject will need to provide the required bank details by completing the relevant form in order to receive a refund of the amount paid.

- If a student doesn't provide the required bank details, the refund will be held on their account as credit until these are provided or towards a future enrolment.
- Refunds will be repaid to the person who originally paid the fees, including employers or third parties.
- Refunds will be made within 28 days from the date the required bank details have been provided or the date of clearance of the original payment, whichever is the later.

Under the following circumstances, the student will be granted a refund of 100% of tuition fees paid:

- the Institute is unable to provide the course for which a student has accepted an offer.

5.2 Continuing students refunds

Continuing students may be entitled to a refund of tuition fees, minus the applicable Withdrawal Request fee of AUD$500, if their application to withdraw from the course or a subject of study or leave of absence is approved. The amount of tuition fees refunded is dependent on when the application was lodged, with the details as follows:

Overseas Students

28 calendar days or more prior to commencement date:	100%
27 to 15 calendar days prior to commencement date:	75%
14 calendar days to the day prior to commencement date:	50%
From commencement day to the census date:	25%
After census date:	0%

Under the following circumstances, the student will be granted a refund of 100% of tuition fees paid:

- the Institute is unable to provide the course for which a student has accepted an offer.

Domestic students

Prior to commencement date:	100%
After commencement but on or prior to census date	100%
After census date:	0%

Under the following circumstances, the student will be granted a refund of 100% of tuition fees paid:

- the Institute is unable to provide the course for which a student has accepted an offer.

NOTE: if a student has outstanding or pending tuition fees to be paid to the Institute at the time of submitting an Enrolment Withdrawal Request, these tuition fee amounts must be settled in full in order to proceed with the Withdrawal Request process.

5.3 Compelling and compassionate circumstances

If a student has experienced exceptional circumstances that have prevented them from successfully completing the course or subject/s of study, the Institute may, at its discretion, grant a full refund of tuition fees or a higher percentage than stated above. The student's application for a refund will need to include evidence of compelling and compassionate circumstances. These circumstances include medical and other special circumstances.

For further details of compelling or compassionate circumstances and evidence requirements, refer to the Institute's *Assessment Policy*, which can be accessed from the Institute's website.

In determining the amount of the refund, if any, the Institute will take into consideration when the compelling or compassionate circumstances occurred i.e.:

- after the census date; or
- before the census date but worsened after that day.

5.4 Transfer

Once a student has commenced a course and successfully applies to transfer their enrolment to another Institute's course, up-front paid tuition fees will be automatically transferred to the new enrolment. The Change of Course Request fee of AUD$150 will apply.

5.5 Overpayment

If a student has overpaid an invoice, the student will be able to elect to credit the overpayment towards the following trimester or receive a refund of the value of the overpayment.

5.6 Variation in residency status

Overseas students who are granted permanent residency in Australia and notify the Institute:

- prior to a commencement date will be defined as a domestic student and are therefore eligible to pay domestic tuition fees. Passport evidence must be provided

to the Institute prior to the commencement date. Additional tuition fees paid as an overseas student for the forthcoming session will automatically be refunded;

- prior to the trimester's census date will immediately be defined as a domestic student and will be entitled to a re-credit of any difference between the tuition fee applied to domestic students and overseas students; or
- after the trimester's census date will be classified as an overseas student for the remainder of the study period and will continue to be liable for overseas tuition fees for the current period. From the subsequent study period, the student will then be categorised as a domestic student and will be invoiced for domestic tuition fees.

6. Payment of refunds

Payment of refunds will be made within 28 days of receiving the *Application for Refund* form or a written complaint. Payment will be made by electronic funds transfer (EFT) and will be made in Australian Dollars (AUD) or its foreign exchange equivalent.

6.1 Domestic students in FEE-HELP enabled courses

Refunds of tuition fees or other fees will be granted on the basis of an amendment to enrolment (including deferral of offer or enrolment, leave of absence and withdrawal) on or before the trimester census date. This applies to all domestic students enrolled in a FEE-HELP enabled course, whether the student accesses FEE-HELP or pays tuition fees upfront.

Refunds will not be made for tuition fees or other fees paid by students who withdraw after the trimester census date. Students are liable for the full amount even if they subsequently withdraw during the trimester.

If a student has overpaid an invoice, the student can choose to credit the overpayment towards the following trimester's tuition fees or receive a refund of the value of the overpayment.

In special circumstances, students in FEE-HELP enabled courses may have their tuition fees refunded or their FEE-HELP debt remitted after the census date (see section 6.2).

6.2 Refund of tuition fees under special circumstances (domestic students in FEE–HELP enabled courses only)

Students affected by serious illness or special circumstances that affected their study after the census date may be eligible for a refund. Criteria are specified on the government's Study Assist website (https://www.studyassist.gov.au/) and are outlined below.

To be eligible to apply for a refund due to special circumstances:

- the student must have remained enrolled in the subject(s) after the census date
- the student must not have successfully completed the requirements of the subject(s)
- the application must be submitted in writing, and
- the application must be made within twelve months from the date the student withdrew from the course or if the student did not withdraw from the course, within 12 months from the end of the trimester during which the subject(s) were undertaken. The deadline may be waived if the student submits documentary evidence of the special circumstances that prevented them from applying within 12 months.

Students applying for a refund due to special circumstances must demonstrate that the circumstances were:

- beyond their control, and
- did not make their full impact known until on or after the census date, and
- such that they made it impracticable to complete the requirements for the subject(s) during the relevant trimester.

Special circumstances include a serious illness that is unexpected and of a serious nature, a recurrence of a chronic illness or an accident with a serious impact on a student's health. Illnesses, disabilities or medical conditions that existed prior to the census date will not qualify as grounds for a refund unless compounded by an unexpected change, or an additional condition. Supporting documentation must:

- take the form of an original letter or report on letterhead; and
- be from a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); and
- specify that the illness is serious; and
- specify the date that the illness took effect.

Special circumstances include compassionate circumstances such as hardship or trauma including the death or serious illness of a close family member, severe disruption to domestic arrangements, being the victim of a crime or an accident. Supporting documentation must:

- take the form of an original letter or report on letterhead;
- be from:
    - a counsellor recommended by Student Services who has prior knowledge of the circumstances; or
    - a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); or
    - a person qualified to assess and support the application (e.g., clergy providing grief counselling); or
    - a funeral director (or death notice).

Supporting documentation will not be accepted from relatives or personal friends, or friends of the student's family.

Special circumstances such as religious observance or obligations, formal legal commitments, military service, service with a recognised emergency management service, representing the state or home nation at a significant sporting or cultural event or unforeseen and significant employment-related circumstances such as a move interstate at short notice will usually be managed through assessment modification rather than as special circumstances application for refund.

When a student applies for a refund of fees or re-crediting of FEE-HELP Student Loan liability and remission of FEE-HELP Student Loan debts due to special circumstances, supporting documents must be provided. Failure to provide these will result in the student's application not being assessed as privacy laws prevent the Institute's staff from obtaining information about the student's circumstances from a third party without the student's written consent. Documentary evidence must be original or provided as certified copies of documents.

5.3 Course cancellation (provider default)

If an AIBI Higher Education's course is cancelled, AIBI Higher Education will mitigate disadvantage to:

- domestic students and overseas students by meeting the statutory obligations regarding tuition protection as set out in the Tuition Protection Services (TPS) framework;
- domestic students by meeting the regulatory obligations regarding tuition protection requirements of the Higher Education Standards Framework (2021) through adequately resourced financial and tuition safeguards.
- These safeguards are made available to AIBI Higher Education through the Tuition Protection Services (TPS) framework.

If a course is cancelled, students will be notified in writing and given the option to:

- transfer their enrolment to another course offered by the Institute at no additional cost;
- be offered a place in a similar course of study offered by another institution leading to a comparable award at no additional cost;
- receive a refund of prepaid tuition fees within two weeks of the date of course cancellation.

The Institute will also give the student a statement that explains how the refund amount has been calculated.

7. Non-refundable fees (International students only)

Administrative fees (e.g. application processing fees) are non-refundable.

8. Complaints and Appeals

Students who are dissatisfied with a decision about a refund of fees may seek a review under the *Student Complaints and Appeals Policy*, which can be accessed from the Institute's website. The availability of the internal complaints and appeal processes does not remove the right of the student to take action under Australia's consumer protection laws.

8.1 Internal Appeals

Appeals regarding refunds must be in writing and will be reviewed by the General Manager. A written *Notice of Receipt* will be sent to the student within three working days and will advise the student of the timelines that will apply to the review, and if the student has not been advised of the outcome of the review within 45 calendar days of lodging the application, the reviewer is taken to have confirmed the original decision. The General Manager will provide a written decision to the student, including reasons for the decision, within the timelines advised in the acknowledgement of the request for review. The decision will advise the student they have the right to appeal the decision with an external authority.

8.2 External Appeals by domestic students in Fee-HELP Enabled Courses

Domestic students in FEE-HELP enabled courses may seek external appeal and review by the Administrative Appeals Tribunal (AAT) in relation to decisions by the Institute about refunding an up-front payment or re-crediting FEE-HELP Student Loan balance. The AAT website provides up to date information about the process and fees that apply to lodging an appeal: http://www.aat.gov.au/.

The Secretary of the Commonwealth of Australia represented by the department, which has the responsibility for administering the *Higher Education Support Act 2003* (the Department) or the Secretary's delegate will be the respondent for cases that are brought before the AAT. Upon the Department's receipt of notification from the AAT, the Department will notify the Institute that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide the Department with copies of all the documents they hold that are relevant to the appeal within five (5) working days.

8.3 External Appeals by Overseas students

Overseas students may seek external appeal and review by the Commonwealth Ombudsman in relation to decisions by the Institute about refunds.

8.4 External Appeals by Domestic students in non-Fee-HELP enabled Courses

Domestic students in non-FEE-HELP enabled courses may seek external appeal and review by the NSW Office of Fair Trading (https://www.fairtrading.nsw.gov.au/help-centre/online-tools/make-a-complaint) in relation to decisions by the Institute about refunds.

9. References

Education Services for Overseas Students Act 2000 (Cth)

Education Services for Overseas Students Regulations 2001 (Cth)

Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Cth)

Education Services for Overseas Students Legislation Amendment (Tuition Protection Services and Other Measures) Act 2012 (Cth)

Higher Education Standards Framework (Threshold Standards) 2021

Higher Education Support Act 2003

National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 3

Document History:

Version	Date	Author	Reason	Sections
0.1	5/6/2018	Stephen Andrews	Revised in response to Executive Management Committee feedback 22/5/18, and approved Policy Development and Review Framework	All
1.0	22/6/2018	Julien Marechal	Revised in response to Executive Management Committee feedback 19/6/18	Definitions, 5.3
1.1	16/7/2019	Stephen Andrews	EMC decision 11/7/19 re timing of census date.	Definition of 'census date'
1.2	11/11/2019	Stephen Andrews	Significant revision in response to FEE-HELP requirements	2, 5, 7
2.0	12/11/2019	Stephen Andrews	Approved by EMC	All
2.1	06/01/2020	Philippa Ryan	Amended to reflect new trading name 'Waratah Institute'.	All
2.2	04/01/2022	Zoe Williams	Amended to reflect new corporate name Australian Institute of Business Intelligence; abbreviated to the Institute and new logo and updated references to the Higher Education Standards Framework 2021.	All
2.3	04/10/2022	Chaido Kiourkou	TPS definition updated to include domestic students Removed definition of & reference to ASTAs Provider default risk mitigation details	2, 6
2.4	10/03/2023	Chaido Kiourkou	Amendments to reflect regulatory requirements in response to fee-help feedback.	2, 5, 7
2.5	16/03/2023	Chaido Kiourkou	Amendments to reflect regulatory requirements in response to fee-help feedback.	5.1.1, 5.1.2
2.6	24/01/2024	Ivan Negro	Amendments to provide clarity on the timeframe for withdrawal notifications and applicable fees	5.1.1, 5.1.2, 5.1.4, 5.4
2.7	27/05/2025	Amon Broughton	Amendments to the refunds available for non-genuine students.	5.1