

TUITION PROTECTION SERVICE POLICY AND PROCEDURES

1. PURPOSE

The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study Education Services for Overseas Students (ESOS) Act. The TPS ensures that international students are able to either complete their studies in another course or with another education provider or receive a refund of their unspent tuition fees. The purpose of this policy is to ensure that The Academy abides by the Tuition Protection Service (TPS) requirements.

In the unlikely event The Academy is unable to deliver a course a student has paid for and does not meet their obligations to either offer the student an alternative course that they accept or pay you a refund of your unspent prepaid tuition fees (this is called a provider's 'default obligations'), the TPS will assist you in finding an alternative course or to get a refund if a suitable alternative is not found.

2. TPS REQUIREMENTS

AS per the TPS requirements, The Academy will ensure that:

- a limit of up to 50% of total tuition fees is only collected prior to the student's commencement, unless the course is 24 weeks or less.
- Initial prepaid fees will be kept in a separate account until the student has commenced studies and has been listed as current on both the Student Management Systems (ACAS) and PRISMS.
- Student refunds under visa refusal will be based on unexpended tuition fees rather than on the total course cost as was previously allowable under the ESOS Act 2000.
- Follow payment guidelines as per the new TPS.
- Meet all default obligations under the ESOS Act 2000.
- Contribute to the TPS annually for all international students.

3. HOW WILL TPS BE CALCULATED?

The TPS is a universal system that allows all providers; including public providers who were previously exempt, to contribute according to the risk they present to students and the sector. The Academy is required to pay a TPS levy each year calculated as per three main components of the TPS levy.

4. PROVIDER DEFAULT

- a) Under Section 46A of the ESOS Act, The Academy defaults when one of the following occurs:
- The Academy fails to start providing the course to the student on location on the agreed starting day; or
 - After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

b) In the event of provider default:

- The Academy will notify the Secretary and the TPS Director (via PRISM) of the default within 3 business days of the default occurring, The Academy will notify the student in writing of the default.
- As per section 46D of the ESOS Act, The Academy will discharge its obligations by providing options to students within 14 days after the default date. These obligations are:
 - The Academy offers the affected students a place in an alternative course at The Academy's expense and the students accept this offer in writing
 - The Academy provides the students with a refund based on any unspent pre-paid fees received by the institute.
- As per section 46F of the ESOS Act 2000, The Academy within 7 days after the end of its obligation period will report the outcome of the default to the Secretary and TPS Director.

5. STUDENT DEFAULT

- a) Under section 47B of the ESOS Act, The Academy will enter into a written agreement with each overseas student or intending overseas student that:
- sets out the refund requirements that apply if the student defaults; and
 - meets any requirements set out in the national code.
- b) Under section 47A of the ESOS Act, an overseas student or intending overseas student defaults, in relation to a course at a location, if:
- 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); or
 - the student withdraws from the course at the location (either before or after the agreed starting day); or
 - The Academy refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:
 - the student failed to pay an amount payable to the provider for the course;
 - the student breached a condition of his/her student visa;
 - misbehaviour by the student (**Note:** the student is entitled to natural justice under subsection 47A (3)).
- c) Under section 47C of the ESOS Act, in the event of student default, The Academy will:
- notify the Secretary and the TPS Director of the default within 5 business days of the default occurring. The notice will be in writing and comply with the requirements of section 47C.
 - provide a refund in accordance with the requirements under either section 47D
 - Within 5 business days of the student default occurring, notify the Secretary and the TPS Director (via PRISMS) of the student default

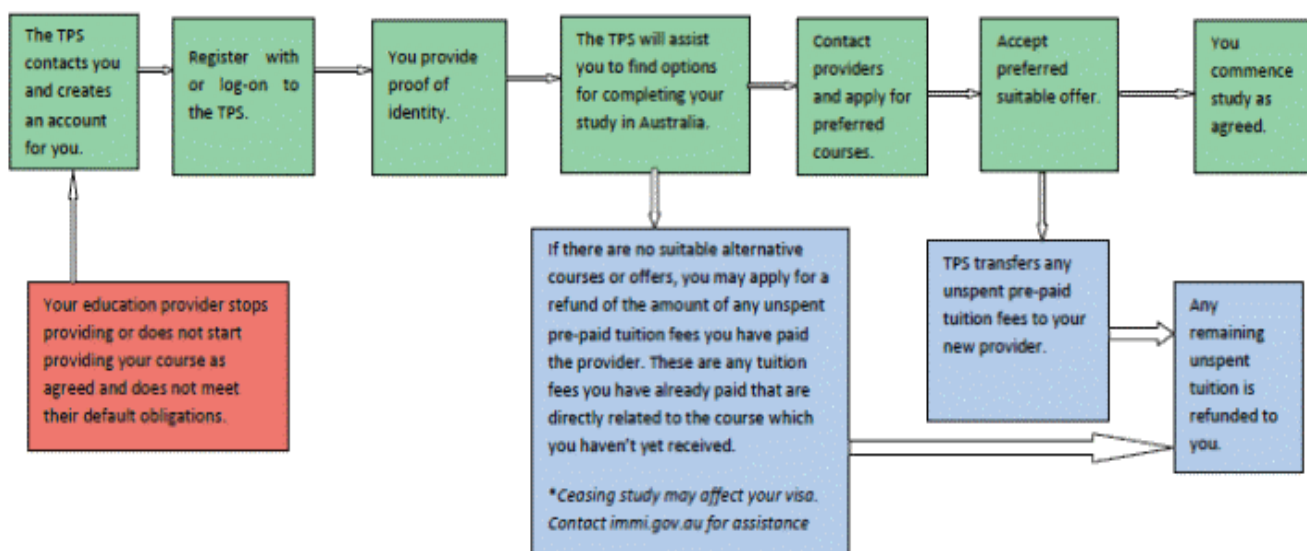
- Within 28 days, finalise the student default obligations as set out in the written agreement entered into with the student at time of enrolment; these obligations include any refund requirements set out in the written agreement, if the student defaults
- Within 7 days of the 28-day provider obligation period ending, report the outcome of the student default to the Secretary and TPS Director (via PRISMS).

6. REFUNDS IN OTHER CASES

Where The Academy has not entered into a written agreement that complies with Section 47B, or where a student has been refused a visa, The Academy will pay the student a refund worked out in accordance with the legislative instrument under subsection 47E (4) of the Act.

The following flowchart provides an overview of options available to students in the event of RGIT default.

The TPS overview – how does it work for international students?



7. ASSOCIATED DOCUMENTS

Student Handbook
 Training and Assessment Strategies
 Policies and Procedures Manual

8. RELATED STANDARDS

- Standard 5, Clause 5.3 and Standard 7, Clause 7.3
- National Code 2018
- ESOS Act 2000
- Privacy Act 1988



9. RESPONSIBILITY

- Principal
- CEO/PEO
- Director of Studies
- Student Services Coordinator
- All staff

Approved by: Jane Koch

Position: Chief Executive Officer

Signature: *Jane Koch*

Date: 19 January 2018

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1	CEO	2015	Initial creation	2015
2	CEO	Dec 2016	Updated to align with Standards	2016
3	CEO	8/9/2017	Updated to align with Standards	18 January 2018