

<h1>Refund Policy</h1>		BCA National Policy Manual Policy Number: BCAP0008 Date of Issue: 11/01/2017 Date Reviewed: 16/04/2018 Review Date: 06/04/2019 RTO Code: 91758 CRICOS Code: 03419D	
		Authorised by: RB	Issued to: RTO staff and students

1. Purpose

To ensure consistency and fairness in the event there is an application for a refund. This policy provides guidelines for the conditions relating to refunds and ensures compliance with the Standards for Registered Training Organisations (RTO's) 2015.

2. Policy Statement

Students are entitled to a refund of their tuition fees under certain circumstances. Below are the conditions relating to refunds.

3. Domestic Students

3.1 All domestic students

Students who withdraw or vary their enrolment in a course on or before the relevant Census Date* or Refund Date¹, will receive a refund of any tuition fees paid in advance for that course. Students must notify BCA National of their decision to withdraw or vary their enrolment in writing, or by phone (please refer to section 8 for contact details). Refunds will be made within 21 days of the application being approved. The refund will be made via the same payment method used for payment (ie, by credit card, direct deposit or employer paid).

Students who withdraw from their studies after the relevant Census Date or Refund Date¹ will not be eligible for a refund of any tuition fees already paid and/or will incur a VET FEE HELP or VET Student Loan debt for their enrolment in that period, unless special circumstances apply.²

Part 6 of the VET Student Loans Act provides for circumstances where a student's FEE-HELP balance (arising from a VET Student Loan) may be re-credited. In addition to the special circumstances outlined below, section 71 of the Act allows students to apply to the Secretary of the Department of Education and Training to re-credit their FEE-HELP balance because:

- i. The provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan, or
- ii. The provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.

Applications for re-crediting by the Secretary under section 71 of the Act must be made within 5 years after the census date for the course, or the part of the course, concerned, or within that period as extended by the Secretary. The Secretary is also able to re-credit a student's FEE-HELP balance in relation to special circumstances if a provider (a) is unable to act or is being wound up or has been dissolved, or (b) has failed to act and the Secretary is satisfied that the failure is unreasonable.

Students who have paid tuition fees or have applied for VET FEE HELP or a VET Student Loan and withdraw from their study at BCA National on or before the relevant Census Date will not incur a VET FEE HELP or VET Student Loan debt.

* In the event that the census date falls on a non-business day, students will have until close of business on the next business day to lodge their withdrawal without incurring a debt for that census.

¹ Refund date is the date 21 days after commencement of program and is only applicable to courses that do not have a census date

² Special circumstances are defined in section 68 of the VET Student Loans Act (which enables re-crediting of FEE-HELP balances in special circumstances). These are circumstances those which are beyond the student's control, and could not have reasonably been anticipated, avoided or guarded against, and did not make their full impact on the student until on, or after the census date, and were such that it was impractical for the student to complete the requirements for the VET Unit of Study. All applications for re-crediting under Special Circumstances must be made within 12 months after the census date for the course, or the part of the course, concerned.

Additional circumstances where no refund will be provided:

A refund will not be provided where the student has supplied fraudulent, forged or deliberately misleading documentation or; their enrolment has been terminated due to either academic or behavioural misconduct.

3.2 Provider Default

In the unlikely event that BCA National is unable to provide or continue to provide the current course BCA National will offer, where possible enrolment in an alternative course by BCA National at no extra cost. The student has the right to choose whether they prefer a refund of the unused portion of prepaid tuition fees, or to accept a place in another course.

If BCA National ceases trading the Tuition Protection Services (TPS) administered by the Director of TPS will place the student in a suitable alternative course at no extra cost to the student. Finally, if TPS cannot place the student in a suitable alternative course, the student will be eligible for a refund as calculated by the Fund Manager.

4. Internship Programs

Participants of BCA National Training Group's internship programs will receive a full refund where BCA National :

- Receives, in writing a cancellation or withdrawal from the participant, more than 28 days prior to the commencement of the program.
- Is not able to offer the participant a place within our internship program
- does not accept the application of the participant

4.1 Participants of BCA National Training Group's internship programs will receive a partial refund of 50% of fees paid where the participant withdraws or cancels less than 28 days prior to commencement of the program. The cancellation or withdrawal must be received in writing.

4.2 Participants of BCA National Training Group's internship program will not receive a refund where:

- The participant has supplied fraudulent or misleading documentation
- The participant is released by the host / employer for misconduct
- The participant withdraws from the program after the commencement date
- The participant is in breach of their visa requirements

Note: In the event a host/ employer cancels the placement for reasons other than academic or behavioural misconduct we will endeavour to source an alternative placement.

5. Review of decision

Where BCA National makes a decision NOT to re-credit a student's VET FEE HELP or VET Student Loan balance, or refund tuition fees the decision may be appealed.

If a student is not satisfied with the decision made by BCA National, the student may appeal the decision within 20 working days using the appeals process. The application for review must:

- Be made within 20 working days of receipt of the original decision.
- Include the date of the original decision.
- State fully the reasons for applying for the review.
- Include any additional relevant evidence.

Applications should be made in writing to the National Operations Manager as the designated Review Officer of any decisions relating to a request for refund of tuition fees or crediting of a VET FEE Help or VET Student Loan debt.

The National Operations Manager will:

- Acknowledge receipt of the application for review of a decision in writing within 5 working days.
- Review the information from the original decision and then assess any new evidence provided by the student.
- Provide written notice to the student of the decision, setting out the reasons for the decision within 10 days from acknowledgement.

5.1 Reconsideration by the Administrative Appeals Tribunal

At the time of the original decision, and at the time of the subsequent Review Decision, the student will be notified of their review rights and responsibilities. The relevant officer will inform the student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

5.2 AAT Details

Please refer to the website www.aat.gov.au for contact details of other locations

<p>Sydney Level 6, 83 Clarence St Sydney NSW 2000</p> <p>GPO Box 9955 Sydney NSW 2001</p> <p>Email: generalreviews@aat.gov.au Phone: 1800 228 333 Fax: 02 9276 5599</p>	<p>Darwin Note applications made by residents of Northern Territory are managed by Queensland and Adelaide Registry</p> <p>Level 2 1 King William St Adelaide SA 5000</p> <p>GPO Box 9955 Brisbane QLD 4001</p> <p>Email: generalreviews@aat.gov.au Phone: 1800 228 333 Fax: 08 8128 8099</p>
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Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.

The Secretary of the Department of Education (DET), or the Secretary's Delegate, will be the respondent for cases that are brought before the AAT. Upon DET's receipt of a notification from the AAT, DET will notify BCA National that an appeal has been lodged. Upon receipt of this notification from DET, the Review Officer will provide the Department with copies of all the documents that are relevant to the appeal within 10 business days.

6. International Students

The BCA National policy on the refund of tuition fees for international students has been developed in accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 and the Education Services for overseas students Act 2000. This policy applies to all commencing and continuing international students enrolled at BCA National, irrespective of who has paid the tuition fees.

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.

6.1 Prior to commencing study

BCA National will provide a full refund of any tuition fees if:

- The student is unable to obtain a Visa;
- Political or civil unrest or natural disasters prevent the student leaving their home country;
 - The student is unable to commence their course because of a serious and prolonged illness, disability or death of a parent, sibling, spouse or child;
 - The offer of a place is withdrawn;
 - The course which was applied for is no longer offered:

6.2 Refund of Tuition Fees

No refund will apply if:

- A student was not able to meet a condition required for admission that was part of any packaged admissions arrangements.
- BCA National makes an offer of enrolment where false, misleading or incomplete information is provided by the applicant / student and the offer is withdrawn.
- Where a student gives written notice after the commencement of the teaching period*.
- BCA National refuses to provide, or continue providing, a course to the student because the student has breached a condition of his or her student visa.
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***Notes** - in some extenuating circumstances, special and compelling circumstances may occur, therefore BCA National may consider a refund after the commencement of a program and assess the application for a refund on a case by case basis.

- BCA National must report any changes to the enrolment status of overseas students to the Secretary of DET via PRISMS. This may affect the student visa
- Any refunds made will be based on the Australian dollar fee rather than any foreign currency amount. BCA National will not compensate students for any exchange

rate differences or transfer costs which have been incurred by the student.

6.3 Provider Default

In the unlikely event that BCA National is unable to provide the course, BCA National will comply with the requirements of the National Code of Practice for Registration Authorities and providers of Education and Training to Overseas students and the National Code of Practice for Education and Training to Overseas Students 2018.

As a registered provider BCA National will pay a refund to students in the following circumstances:

- a) Refund for provider default: In the case of a default by BCA National;
- BCA National will refund all the unused portion of prepaid tuition fees within two weeks of the date of provider default. BCA National will give the student a statement that explains how the refund amount has been calculated. BCA National will notify the Secretary (or delegate) and Director of the Tuition Protection Scheme (TPS) within three working days of the provider default and the outcomes of a provider default within seven calendar days.; OR
 - The student may be offered enrolment in an alternative course by BCA National at no extra cost. The student has the right to choose whether they prefer a refund of the unused portion of prepaid tuition fees, or to accept a place in another course. If the student chooses placement in an alternative course, the student will be issued with a new Letter of Offer for Enrolment and Written Agreement. The student must accept the offer by signing the Letter of Offer and returning it to BCA National.
 - If BCA National is unable to provide a refund or place the student in an alternative course, the Tuition Protection Services (TPS) administered by the Director of TPS will place the student in a suitable alternative course at no extra cost to the student. Finally, if TPS cannot place the student in a suitable alternative course, the student will be eligible for a refund as calculated by the Fund Manager.

6.4 Packaged Students

Packaged Students (refers to any two components treated as one 'package' for Visa purposes e.g an English language provider and BCA National).

- a) Where a student, having paid a course fee deposit in advance, gives notice in writing to BCA National of an inability to undertake the principal course of study prior to its commencement a refund will be paid, after deducting 10% of the tuition fee payable for the term.

6.5 Review of decision

Where BCA National makes a decision NOT to refund tuition fees the decision may be appealed.

If a student is not satisfied with the decision made by BCA National, the student may appeal the decision within 20 working days using the appeals process. The application for review must:

- Be made within 20 working days of receipt of the original decision.
- Include the date of the original decision.
- State fully the reasons for applying for the review.
- Include any additional relevant evidence.

Applications should be made in writing to the National Operations Manager as the designated Review Officer of any decisions relating to a request for refund of tuition fees.

The National Operations Manager will:

- Acknowledge receipt of the application for review of a decision in writing within 5

working days.

- Review the information from the original decision and then assess any new evidence provided by the student.
- Provide written notice to the student of the decision, setting out the reasons for the decision within 10 working days from acknowledgement.
- Inform the student of their right to apply to the Overseas Students Ombudsman.

Note: The internal review of a decision will be free of charge

7. Publication

This refund policy will be made available to both domestic and international students and persons seeking to enrol with BCA National by publication on our website (www.bcanational.edu.au).

8. Contact details

Should you wish to apply for a refund you should contact your Training Coordinator in the first instance.

Sydney; Level 2, Tablet House, 60 Bowman Street (PO Box 568) Pyrmont NSW, 2009
T + 61 2 9555 4188, 1300 69 35 65, F + 61 2 9555 7374

Darwin; 37 Gregory Street, Parap, 0820, Darwin (PO Box 91, Parap 0804, Darwin)
T + 61 8 8942 3580, F +61 2 9555 7374

9. Legislation

Legislation which applies to this policy:


1. Standards for Registered Training Organisations (RTOs) 2015.
2. Higher Education Support Act 2003.
3. National Code of Practice for Providers of Education and Training to Overseas Students 2018
4. The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

10. Responsibility

- National Operations Manager
- Chief Executive Officer
- Training Coordinators.

11. Related Documents and Forms

- BCAF0054 Withdrawal Form
- BCAF0085 Special Circumstances Application Form
- BCAP0116 Quality Assurance System

<i>Policy author</i>	Justine Steward	Date: 16/04/2018
<i>Approved by</i>	Rachel Burke	Date: 16/04/2018
<i>Approver signature</i>		
<i>Entered in policy register by</i>	Justine Steward	Date: 19/04/2018