



1.0 **Purpose**

- 1.1 This Refund Policy and Procedure defines the requirements for, and the system used to ensure, correct processing of refunds as per aspects of the National Code Standard 3.

2.0 **Responsibilities**

- 2.1 Finance Department is responsible for:
- 2.1.1 updating and implementing this policy and procedure
 - 2.1.2 assisting the PEO/Headmaster to ensure that staff and students are aware of its contents and that staff implement its requirement
 - 2.1.3 Accounts Payable Officer is responsible for:
 - 2.1.4 Processing the **227-FM-MGS Refund Request Form** and all supporting documentation
- 2.2 The Finance Manager in conjunction with the PEO/Headmaster is responsible for authorising academic refund requests
- 2.3 The Accounts Payable Officer is responsible for the processing of refunds as outlined in this policy
- 2.4 The IR Manager is responsible for liaison with Agents in the case where a refund needs to be made to an Agent.

3.0 **Requirements**

- 3.1 MGS will provide information on:
- 3.1.1 refunds of course money (Std 3.1c)
 - 3.1.2 amounts that may or may not be repaid to the student (including any course money collected by the education agents on behalf of the registered provider (4.5)
 - 3.1.3 a 'Plain English' explanation of what happens in the event of a course not being delivered (5.0)
 - 3.1.4 processes for claiming a refund (6.0)
 - 3.1.5 a statement that 'This agreement, 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'. (8.3)
- 3.2 In the event that a course is cancelled, a refund will only be considered if a suitable alternative class is not available to the student
- 3.3 227-FM-MGS Refund Request Form must be correctly completed and submitted to MGS Accounts Payable for review and processing.
- 3.4 MGS agrees to refund, within 4 weeks subject to above conditions within this policy

4.0 **Refund Policy-Student Default**

- 4.1 Student Default applies under section 47A of the ESOS Act; an overseas student or intending overseas student defaults, if:
- the course starts at the location on the agreed starting day, but the student does not attend the course on that day and has not previously withdrawn
 - the student withdraws – before or after the agreed starting day; or
 - the school (MGS) refuses to provide (or continue to provide) course due to:
 - non-payment of fees;

- 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)).

No refund is applied to this circumstance.

- 4.2 In case of visa refused circumstances of student default:
- student hasn't started course for visa rejection only
 - MGS will refund all the fees except the application fee and \$500 administration expenses.
 - Student has started course/onshore enrolment
 - MGS only makes a refund which equals the amount of the total tuition fees paid for the remainder of the course not completed at the time of default.
- 4.3 In the situation where the VISA application has been refused, MGS will refund all the fees except the application fee and \$500 administration expenses.
- 4.4 MGS will make a refund in Australian Dollars only within 4 weeks of receiving a written claim by the student in accordance with the Terms and Conditions as outlined on this 227-FM-MGS Refund Request Form.
- 4.5 All refund considerations will be strictly limited to the total of monies which MGS has actually received. The refund calculation will not include:
- application fee
 - enrolment fee
 - Overseas Student Health Cover (OSHC)
 - administration expenses totalling no more than the lesser of \$500 or 5% of total course money received before the default date
 - the part of expenses for travel
 - bank charges
 - accommodation and other domestic services that cannot be offset by providing the services to someone else
 - equipment and other materials needed for the course
 - proportion of course money received for the proportion of the course provided to the student before the default date
 - agent's commission paid either directly by the student or through MGS on behalf of the student whether the commission was paid before or after monies were received by MGS.
- 4.6 Special consideration regarding refunds will be made for students who can demonstrate, through relevant documentation, that exceptional circumstances apply to their withdrawal or cancellation

5.0 **Refund Policy-Provider Default**

Refunds in situations of Provider Default are covered by the provisions of ***The Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012*** and apply if:

- MGS does not offer a course on the advertised start date or
- terminates a course after the course start date or before the course completion date or
- does not provide a course as advertised due to sanctions by any authority or
- does not provide a course in full.

In such a case MGS will pay the student a refund which equals the amount of the total tuition fees paid for the remainder of the course not completed at the time of default if an alternative placement with another provider cannot be found to the student's satisfaction. Such refunds will be made within 2 weeks following the default date.

6.0 Procedure

To request for fees refund, the student/guardian must:

Correctly complete the **227-FM-MGS Refund Request Form**, available from Reception, and submit it to the Accounts Payable officer. The Accounts Payable:

- 6.1 ensure all sections of the **227-FM-MGS Refund Request Form** are fully completed by the student.
- 6.2 pass the **227-FM-MGS Refund Request Form** and any supporting documentation to the Business Manager.
- 6.3 Business Manager will consult with relevant MGS personnel in order to make a decision on the request
- 6.4 notify the student/guardian in writing of the outcome of the application.

The Accounts Payable Officer will facilitate the refund within 4 weeks.

7.0 Homestay Refund Procedures

- 7.1 If a student cancels accommodation less than 7 days before arrival, they will be charged the Accommodation/Homestay placement fee (if applicable), plus a cancellation fee equivalent to 1 week's accommodation.
- 7.2 If a student cancels accommodation after arrival, 4 weeks' notice is required; any accommodation fees in excess of the notice period will be refunded less a 10% cancellation fee.

8.0 In all cases:

- 8.1 The school will provide the student or agent with a written statement detailing how the refund amount has been calculated.
- 8.2 The school's dispute resolution processes do not circumscribe a student's right to pursue other legal remedies.
- 8.3 This agreement does not remove a student's right to take further action under Australia's consumer protection laws.
- 8.4 No refunds will be paid to a third party unless it is indicated at the time the refund application is lodged, that any refunds due are payable to a third party or situation.
- 8.5 The school may not be able to process a refund within agreed terms if sufficient banking details or supporting documents have not been provided.

9.0 Definitions

- 9.1 **Non delivery of course** – A CRICOS Code course in entirety is unable to be delivered. Timetabled class cancellations do not constitute non delivery where this same CRICOS course code is provided under other timetables.
- 9.2 **Full set of refund request documentation** refers to a **227-FM-MGS Refund Request Form**, supporting documents and statement signed by student.
- 9.3 **Supporting document** can be visa rejection letter from the government authority, doctor certificate or any other official document that are certified.
- 9.4 **"Start date"** is defined as the first day of your course, outlined in offer letter and/or electronic Confirmation of Enrolment (eCoE).

10.0 References

- 10.1 The National Code Standard 3

11.0 Revision History

Rev.	Date	Description of modifications
1.	05/03/2009	Original Draft Policy sent to COO for review and approval Accommodation officer to review and approve home stay component Check to be made to find out all instances of where the refund policy appears-Resolved and noted in records section Check to find out which application form is in use and if team has improvements
2.	01/04/2009	Clause amendments made. Further reviews to be made prior to implementation Accommodation officer to review and approve home stay component New Application form to be implemented.
3.	06/05/2009	Definition of Course Cancellation clarified 3.7 added that cancelled courses mean students must join other classes for same CRICOS course code.
4.	18/01/2010	Revision of refund fee schedule and the implementation process.
5.	16/12/2011	Amendment to clause 3.7 to include reference to refund arrangements for packaged courses offered through MGS
6.	29/04/2013	COO replaced with Principal; International Relations with Marketing Manager; Academic Manager with Deputy Principal
7.	03/07/2013	Amendments made to documentation required to be submitted and Uniform refund incorporated.
8.	01/07/2014	3.7: "prepaid course fees" replaced with "tuition fees" as per amendments to ESOS Regulations 2001
9.	20/10/2014	Refund process and Cancelling process will be distinguished so Refund Request Form and Deferring Suspending or Cancelling Form are required to be completed separately. Refund process will be primarily processed by Finance Department; Academic Department will be sought for advice when necessary. Student will submit Refund Request Form directly to MGS Accounts Payable Officer. Business Manager will be responsible for authorising the refund instead of the Deputy Principal. In Refund Policy – Student Default, 28-day rule (<i>"If a student withdraws from a course 28 days or more before the course starts date, 20% of the tuition fee paid will be forfeited"</i>) is eliminated. Prepaid Course Rules (<i>"No refund of prepaid course fees will be made to any student who withdraws: a single course within an MGS or the first course within a packaged program"</i>) is withdrawn from the Refund Policy.
10.	25/05/2016	Roles and descriptions