

Overseas Student Factsheet: Getting a Refund from your Education Provider

Introduction

Studying in Australia can be an expensive, but rewarding, investment in your future. However, sometimes you might experience problems which require you to seek a refund of your course fees. For example:

- your situation has changed, and you are now unable to continue to study in Australia;
- your education provider has made changes to the course you are doing, and you want to change to another education provider; or
- you are unable to meet one of the requirements of the course and you cannot progress to the next stage of the course.

In handling your refund request, the education provider must comply with the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (**National Code**).

When must the education provider give you a refund?

An education provider **must** give you a refund of your tuition fees in the following circumstances:

- The Department of Home Affairs has refused to give you a student visa, depending upon the reason for refusal;
- The written agreement between you and the education provider states that they will provide a refund in a specific situation, and that situation has happened;
- Where the course of studies the education provider provides you does not match the course you agreed and paid for. In this situation, you may be able to access either a refund or support from the Tuition Protection Service to complete your studies with a different institution – for more information see: <https://www.dese.gov.au/tps>.
- Where your written student agreement with your education provider does not follow the requirements provided by the law, the provider must refund your tuition

fee, either partial or in full depending on the requirements as provided by the law; and/or

- A Court or Tribunal has decided that the education provider has breached the *Australian Consumer Law*.

Your agreement with the education provider

Your education provider must enter into a written agreement with you, before accepting any fees from you. The agreement must be easy for you to understand (National Code, 3.1), and must contain the following, in simple language (National Code, 3.3):

- The course, start date, location, and methods of study;
- A list of situations in which the education provider will give you a refund;
- A statement about the educational provider's obligations to you;
- An itemised list of course fees, and other fees which you may incur;
- A statement about how your information will be shared between the education provider, the Australian Government and other entities;
- A statement about your rights under the Australian Consumer Law; and
- The internal and external complaints and appeals processes available to you.

For the agreement to be effective, it must be signed and accepted by both you and your education provider.

Your agreement with your educational provider will also contain information about the processes for claiming a refund of fees paid (National Code, 3.4.2).

What to do if your education provider refuses to give you a refund

If your education provider refuses to give you a refund, you can challenge the decision using your provider's internal appeals or complaints process.

For more information about making a complaint about your education provider or appealing a decision made by your provider, please refer to the Redfern Legal Centre factsheet on '*Making a complaint about your education provider*' (see: <https://bit.ly/RLC-self-help>).

Refunds and consumer law

The *Australian Consumer Law* provides students with certain protections in relation to paid education. Your education provider must follow the *Australian Consumer Law*.

If you have a consumer related complaint, you should first try to resolve the issue using the provider's internal complaints and appeals process.

If the issue is not resolved, you may be able to complain to your local State or Territory consumer protection agency. For a list of State and Territory consumer protection agencies, see: <https://bit.ly/3qkn3Ze>.

For Government funded education providers in New South Wales, you can also complain to the Office of the Ombudsman New South Wales using the complaint form available at: <https://bit.ly/3gkn3Z>. For private education providers, you can also complain to the Office of the Commonwealth Ombudsman using the complaint form available at: <https://bit.ly/3II9Eq8>.

Tips

- Before you think about accepting an offer to study with an education provider, carefully read the terms and conditions written in your student agreement.
- Your student agreement will contain a lot of information. Make sure you have a good understanding of the circumstances in which you might be eligible to apply for a refund.
- Your student agreement must be written in plain English. If your agreement it is tricky to understand, try to have someone explain it to you before you accept your offer.
- If your education provider tells you that the course you are doing is changing or will no longer be available, you are entitled to a refund of course fees.
- To help support any application for a refund, keep good records of the following:
 - the written agreement you signed with your provider;
 - invoices/receipts of fee payments you have made;
 - bank statements or other funds transfer records showing your payment of tuition fees; and

- any other relevant correspondence about fees.

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This factsheet is not a substitute for legal advice. If you have a problem, please contact RLC's International Student Legal Service NSW at www.rlc.org.au/contact or phone 02 9698 7645.