

# Tuition Fees Policy and Procedures

<b>Policy Name</b>	Tuition Fees Policy and Procedures
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<b>Approving body</b>	The Cairnmillar Council
<b>Responsible officer</b>	Executive Director
<b>Implementation officer</b>	Director of Corporate Services Academic Registrar
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<b>Linked policies</b>	
<b>Linked forms</b>	

## 1. Purpose of this policy

The purpose of this policy is to ensure that tuition fees charges and collection by the Institute are effectively managed and in accordance with all relevant legislation and regulatory guidelines.

This policy applies to both Higher Education and VET sectors, unless otherwise stated in the relevant section.

## 2. Setting Tuition Fees

Tuition fees will be set annually by the Cairnmillar Institute Council on the recommendation of the Executive Director. This will normally occur at the July meeting of Council in the year prior, or sooner to allow for formal publication.

Tuition fees are charged on a per-unit enrolment basis in accordance with the relevant Act and Guidelines. Each unit of study will have a set tuition fee by delivery mode and fee type status.

## 2.1 Fee Type Status

### Domestic Student Status for Fee Purposes

Domestic fees will apply to students who are:

- a) Australian Citizens
- b) New Zealand Citizens
- c) Australian Permanent Residents (as defined by the Migration Act 1958), including permanent humanitarian visa holders.

### International Student Status for Fee Purposes

An international student is any student who does not an Australian citizen and does not otherwise meet the requirements for domestic fee status.

Students do not need to be an overseas student for the purposes of the ESOS Act nor on a Student Visa to be considered an international fee payer.

## 2.2 Tuition fees in on-going courses

Where a course of study has enrolled students, who are expected to enrol in core units in the next calendar year the following restriction will apply to tuition fee increases in that course of those core units:

Tuition fees will not rise in ongoing courses by more than 5% in any one year unless CPI is more than 5% in that year or the year prior.

## 2.3 Publication of Tuition Fees

Tuition fees will normally be published in September of the year prior to that in which they apply. Tuition fees must be published on or before the day that enrolment opens for a unit.

Tuition fees and EFTSL values will be published on the publicly accessible Institute website.

Students will be informed by a relevant notice or email when tuition fees are published, including notice about any increases.

## 2.4 Variation to Published Fees

Where there are errors or other changes needed to published tuition fees these must be corrected as soon as possible and no later than the first day of enrolments for the unit of study impacted.

Notice must be given to all students who are or may reasonable be expected to be impacted by the variation (e.g. enrolled students and students who are expected to enrol in the unit for the relevant period).

# 3. Refunds and Census Dates

The census date is the last date for a student to withdraw from a unit of study without financial or academic penalty. The census date is the date on which FEE-HELP is formally charged.

A census date will apply to each formal teaching period as published on the Academic Calendar. Publication must occur on or before the earliest enrolment date for the units of study as determined by the Institute and will normally occur at least three (3) months prior.

The date determined to be the census date under paragraph 169-25(1)(a) of the HESA Act (2003) must not occur less than 20 per cent of the way between the teaching period commencement and completion dates.

### 3.1 Refunds for Domestic Students

Students who have paid their tuition fees upfront but later withdraw from a unit or units before the relevant census date will be able to request a refund for the applicable units in writing by following the advice in the withdrawal confirmation notice.

Students who withdraw from a unit or units after the census date will not be due any refund of fees.

International fee paying students who are not studying on a student visa and do not have a formal student agreement will be treated as domestic students for refund purposes.

### 3.2 Refunds for International Students on Student Visas

The assessment of refund applications for international students shall be granted as indicated below:

Outline of International Student Refunds	
Visa refused prior to course commencement	Full refund of tuition
Withdrawal at least 10 weeks prior to agreed start date	Full refund of tuition
Withdrawal at least 4 weeks prior to agreed start date	75% refund of tuition
Withdrawal less than 4 weeks prior to agreed start date	50% refund of tuition
Withdrawal after the agreed start date	No refund
Course cancelled by The Cairnmillar Institute	Full refund of tuition
The Cairnmillar Institute is unable to provide the course for which the original enrolment and payment has been made	Full refund of tuition
Visa cancelled due to actions of the student	No refund
Student excluded for breach of policy or conduct agreement	No refund

- Refunds granted in these circumstances are related to payments made to The Institute for tuition fees and not related to fees paid to others such as education agent's fees and Health Insurance.
- Where the student breaches their Visa conditions, no refund is payable.

#### Extenuating circumstances – International Students

Students may have extenuating circumstances that prevent them from attending scheduled course dates. These circumstances may include (but are not limited to):

- Illness
- Family or personal matters
- Other extraordinary reasons

Where satisfactory evidence is provided to support the student's circumstances, course fees may either be deferred (transferred) to the next available course where applicable, or a partial refund of unused course fees will be issued.

This rests with the Head of School and shall be assessed on a case by case basis.

Please note: where the Student breaches the Institute policies or Student Conduct Agreement, no refund is payable.

## 4. Upfront and Direct Payments

Students who have not made alternative arrangements (e.g. have not applied for FEE-HELP) must pay their tuition fees 'upfront' by paying directly to the Institute by the relevant due dates.

### 4.1 Payment Due Dates – Direct Payments

Tuition fees must be paid by the relevant due date.

The due date for direct tuition fees payments will normally be one week before the start of teaching in the relevant teaching period.

Tuition fee due dates will be published in the Academic Calendar at least three (3) months prior to the start of the academic year.

#### **Extensions to Payment Due Dates**

The Director of Corporate Services, or nominee, may authorise a short extension to tuition fee due dates where they believe there is adequate cause or hardship.

The extension will be no later than the first Friday of the first week of teaching in the relevant teaching period.

### 4.2 Tuition Fees Invoices

Students are considered to be liable for tuition fees from the time that they enrol in the unit.

Invoices will be issued to students paying upfront at the close of the unit enrolment period and normally at least one week prior to the due date.

Students may request an invoice earlier if they have finalised their enrolment prior to the enrolment due date. Requests are made by email to [accounts@cairnmillar.edu.au](mailto:accounts@cairnmillar.edu.au)

### 4.3 Tuition Fees Receipts

A receipt for confirmed tuition fees payments may be obtained by request to [accounts@cairnmillar.edu.au](mailto:accounts@cairnmillar.edu.au)

### 4.4 Payment Options and Payment Advice

Payment options and payment advice are published on the internal student website or equivalent.

### 4.5 Payment Plans

Payment plans may be possible in exceptional circumstances or where there is demonstrated financial hardship on the part of the student.

The Director of Corporate Services will maintain a current procedure and application process for Tuition Fees Payment Plans. This procedure will be published and accessible to all enrolled students.

## 4.6 Sponsors and Third-Party Payments

The student is responsible for the payment of their tuition fees by the relevant due date.

## 5. FEE-HELP

The Institute is an approved FEE-HELP provider for Higher Education programs.

The Institute will manage all aspects of the FEE-HELP program in accordance with the Higher Education Support Act (2003) (the HESA) and the Higher Education Support Act 2003 - Administration Guidelines (2012) (the HESA Guidelines) or any relevant superseding legislation and legislative instruments.

The Executive Director is responsible for ensuring ongoing compliance with the HESA and the HESA Guidelines.

### 5.1 VET FEE-HELP and VET Student Loans

The Institute is not currently an approved provider of VET FEE-HELP or VET Student Loans and is not currently seeking such approval. VET and RTO students cannot access FEE-HELP loans.

### 5.2 Applying for FEE-HELP

Higher Education students who believe they are eligible for FEE-HELP can request to pay their tuition fees via a FEE-HELP loan as part of the admissions acceptance process or other relevant process as determined and published by the Academic Registrar on the current student website.

The Institute will authorise an eCAF invitation for students who have indicated they will pay for their tuition via FEE-HELP where the student appears to meet the relevant requirements. Students will normally apply through the Government eCAF system, or similar superseding system, provided by DET.

The Institute will obtain a small number of paper-based FEE-HELP Assistance forms each year, if available from the DET, which will only be provided for students to apply for FEE-HELP where an eCAF is not possible.

Students must submit the eCAF or other government authorised FEE-HELP request form by not later than the first day of teaching in their first teaching period of student to which they wish to apply FEE-HELP payments.

Students can change to FEE-HELP before the first census date of enrolment, subject to tuition fees not yet having been paid for that period or agreement by the Academic Registrar or Director of Corporate Services regarding refund of any fees already paid upfront.

#### **New Zealand Citizens and Other Special Eligibility Categories**

If applicable, students must provide accurate answers to all additional FEE-HELP eligibility criteria questions to enable eCAF invitation submission.

### 5.3 Commonwealth Assistance Notices (CAN)

A Commonwealth Assistance Notices (CAN) will be issued for each student with one of more units of study for which FEE-HELP assistance was requested and must be given within 28 days of the census date. This will normally be issued within one week of the census.

#### **Requesting a Correction to a Commonwealth Assistance Notice**

Students may request correction of CAN.

A student who received a CAN may give a written request for the CAN to be corrected in respect of a material particular if the student considers that the notice was not, or has ceased to be, correct in that particular.

The request must be given to the Academic Registrar by email or as specified in the covering email with the CAN, within 14 days after the day the CAN was issued.

The request must:

- specify the particular in the notice that the person considers is incorrect; and
- specify the reasons the person has for considering that the particular is incorrect.

The making of the request does not affect any liability or entitlement of the person under the HESA. The original Census date still applies and this period is for valid corrections only.

If the Academic Registrar receives a request under this section the Academic Registrar, or nominee, must, as soon as practicable:

- determine the matter to which the request relates; and
- notify the person in writing of the Institute's determination; and
- if the Academic Registrar, or nominee, determines that a material particular in the notice was not, or has ceased to be, correct—give a further CAN.

### 5.4 Re-crediting of FEE-HELP Balances

A student may apply after the census date to have their FEE-HELP balance re-credited if the student has been unable to complete the requirements of a unit of study, and that the student believes that this was due to special circumstances.

The application to have a student's FEE-HELP re-credited must be made to the Institute in writing by the affected student within 12 months of the withdrawal date or if the student has not withdrawn, within 12 months of the last day of the period of study in which the unit was, or was to be, undertaken.

For this type of consideration to occur, special circumstances need to be:

- a) Beyond a person's control AND
- b) Do not make their full impact until on or after the census date for the unit of study in question AND
- c) Make it impracticable for a person to complete the requirements for the unit of study AND
- d) The situation must be unusual, uncommon or abnormal to be considered as a special circumstance.

For circumstances to be considered by the Institute to be beyond a person's control, a reasonable person would consider that the affected person was not responsible either directly or indirectly for the circumstances, or as a result of the affected person's actions or inactions,

The Institute needs to be satisfied that the circumstances did not have a full impact on the person until either on or after the census date for a unit of study if the person's circumstances occur:

- a) Before the census date but worsen after that date; or
- b) Before the census date, but the full effect or magnitude does not become apparent until on or after that date; or
- c) On or after the census date.

Special circumstances which would make it impracticable for the student to complete the requirements for the unit of study would include:

- a) Medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying; or
- b) Family/Personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies; or
- c) Employment related circumstances: where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control; or
- d) Course related circumstances: where the Institute has changed the unit it had offered and the person is disadvantaged by not being able to complete the unit and not being given credit towards other units or courses.

The Institute may decide that a student is unable to complete the requirements for a unit of study if the student is unable to:

- a) undertake the necessary private study required; or
- b) attend sufficient lectures or tutorials; or
- c) meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- d) complete the required assessable work; or
- e) sit the required examinations; or
- f) complete any other course requirements because of their inability to meet the above

A student may apply to the Institute to have their FEE-HELP balance re-credited if he or she withdraws from his or her studies after the census date and the student has not completed the requirements for the unit of study.

The student must apply, in writing, within 12 months of the withdrawal date. The student may also apply, in writing, within 12 months of the last day of the period of study in which the unit was, or was to be, undertaken if the student has not withdrawn but did not complete the unit. The Institute may waive this requirement if the Institute is satisfied that the application could not be made within the specified time limit.

The Institute's Head of School must consider the student's application within 10 working days. Applicants must be notified of the decision within a further 10 working days. The Institute reserves the right to consult with other areas of the Institute as part of the decision process.

If the student's application is successful, the Notice of Decision letter must include:

- a) the reasons for the decision to re-credit the applicant's FEE- HELP balance;
- b) the FEE-HELP balance that is to be re-credited and the FEE-HELP debt thereby reduced (if

applicable);

- c) the upfront payment amount that is to be refunded if such a payment has been made;
- d) contact details for who to contact in order to answer any further questions in relation to the Notice of Decision.

If a student's application is unsuccessful, the Notice of Decision letter must include:

- a) the reasons for the decision not to refund the paid tuition fees and/or re-credit the applicant's FEE- HELP balance;
- b) how to submit a valid request for a review of this decision;
- c) contact details for who to contact in order to answer any further questions in relation to the Notice of Decision

## 5.5 Review Procedure: FEE-HELP

This procedure covers requests for a review of certain decisions made by the Institute relating to applications by students to re-credit their FEE-HELP balance or Student Learning Entitlement (SLE). Such decisions refer to unsuccessful applications by a student to re-credit their FEE- HELP balance. Review means formal reconsideration of a decision.

These procedures are to be published in the Student handbook and on the Institute website so that students have up to date information publicly available to them in regard to these procedures.

Where a student is not satisfied with the decision made by the Institute, they may apply for a review of the decision. At the Institute, the review officer is the Executive Director or his or her delegate.

Reviewable decisions include:

- a) Refusal to re-credit a student's FEE-HELP balance for special circumstances.

If the applicant is not satisfied with the outcome of their request for a re-credit of their FEE-HELP balance, the applicant may appeal, in writing, to the Registrar within 28 days from the date that they first receive notice of the outcome. The request must specify the reasons for seeking the review. The request must be forwarded to the reviewer (the Executive Director or delegate). The review officer reserves the right to consult with other areas of the Institute as part of the review process.

The Institute must acknowledge receipt of an application for review of a reviewable decision in writing, and inform the applicant that they must be advised in writing of a decision within 45 days.

Written notice of the outcome of a reviewed decision relating to FEE-HELP must be communicated to an applicant for review. If the application for review of the decision is successful, the Notice of Decision letter will include the reasons for the decision to refund the applicant's paid tuition fees and/or re-credit the applicant's FEE-HELP balance; the FEE-HELP balance that is to be re-credited and the FEE-HELP debt reduced (if applicable); the upfront payment amount that must be refunded if such a payment has been made; and who to contact for further questions.

## 5.6 Appeals Procedure: FEE-HELP

If a student's application for review of the decision is unsuccessful, the Notice of Decision letter must include the reasons for the decision not to refund the applicant's paid tuition fees and/or re-credit the applicant's FEE-HELP balance. The notice must also inform the applicant of their right of appeal to the Administrative Appeals Tribunal (AAT) and provide details about contacting the AAT and the approximate costs of making an application.

To contact the Administrative Appeals Tribunal, select the state from the AAT website or contact the AAT via email at [aatweb@aat.gov.au](mailto:aatweb@aat.gov.au). Information on the cost of lodging an appeal with the AAT is provided on the Tribunal's website at <http://www.aat.gov.au/FormsAndFees/Fees.htm>

## 6. Tuition Protection Scheme

Tuition protection is provided to protect students in the event the Institute ceases to provide a course of study in which a student is enrolled, as defined by the relevant governing Act.

While different legislation applies to domestic and international students, both schemes are intended to ensure that students who are enrolled in a course which ceases to be offered can:

a) complete their studies in another course or with another education provider

**or**

b) receive a refund of tuition fees paid for incomplete units of study.

### 6.1 Tuition Protection for International Students

Tuition protection for international students is governed by the Education Services for Overseas Students Act 2000 (ESOS Act) and provided through the mandatory national Tuition Protection Scheme for International Students (TPS) run by the Department of Education and Training (DET).

The Institute pays a TPS levy as part of our CRICOS registration which helps fund that scheme.

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. The TPS ensures that international students are able to either:

a) complete their studies in another course or with another education provider

**or**

b) receive a refund of their unspent tuition fees.

More information about the TPS for international students can be found on the TPS website: [tps.gov.au](http://tps.gov.au)

### 6.2 Tuition Protection for Domestic Students

These requirements are covered under the Higher Education Support Act 2003 and chapter 2 of the Higher Education Provider Guidelines 2012 (the Guidelines), with which the Institute must comply. The meaning of 'ceasing to provide a course of study' is set out in the Guidelines which are available from: <http://www.comlaw.gov.au/Series/F2012L02136>.

6.2.1 For the purposes of Chapter 2 of the Guidelines, a *First Provider* "ceases to provide a course of study" if:

(a) the course does not start on:

(i) the date the course was scheduled to start; or

(ii) a later date that has been agreed between the *First Provider* and the person enrolled in the course; or

(b) the *First Provider* commences providing the course to a person and then, before the person has completed the course, ceases to provide that course (for any reason); or

- (c) the Minister has suspended or revoked approval of the *First Provider* as a higher education provider under the *Act* and has not made a determination pursuant to paragraph 22-25(1)(b) of the *Act* in respect of that course; or
- (d) notice is served on the *First Provider* or proceedings are taken to cancel the *First Provider's* incorporation or registration or to dissolve the *First Provider* as a legal entity; or
- (e) the *First Provider* comes under one of the forms of external administration referred to in Chapter 5 of the *Corporations Act 2001* or equivalent provisions in other legislation, or an order has been made to place the *First Provider* under external administration; or
- (f) in the case of a non self-accrediting institution, the *First Provider* ceases to be a *registered higher education provider* authorised by or under the *TEQSA Act* to issue one or more higher education awards; or
- (g) in the case of a self-accrediting institution, the *First Provider* ceases to be a *registered higher education provider* authorised by or under the *TEQSA Act* to self-accredit one or more courses of study that lead to a higher education award; or
- (h) the Secretary makes a declaration under paragraph 2.1.35(b) that the *First Provider* has ceased to provide the course.

In the event the Institute ceases to provide a course of study in which a student is enrolled, the student is entitled to a choice of:

- a) an offer of a place in a similar course of study with a second provider without any requirement to pay the second provider any student contribution or tuition fee for any replacement units (this is known as the 'Course Assurance Option'),  
**or**
- b) a refund of the student's up-front payments and/or re-crediting of any FEE-HELP balance for any unit of study that the student commences but does not complete because we cease to provide the course of study of which the unit forms part (this is known as the 'Tuition Fee Repayment Option').

### **HELP Tuition Protection Program**

Students paying for tuition costs via FEE-HELP will be included in the HELP tuition protection program. All relevant protections will apply as provided and varied by the Department of Education and Training (DET).

### **Tuition Protection for Upfront Payments**

The Director of Corporate Services, or other such relevant person, will ensure that there are financial procedures in place to refund tuition for any incomplete units to students who pay their tuition fees directly in situations where Tuition Protection would have applied should the student have paid by FEE-HELP or been an international student.

## **6.3 Publication of Tuition Protection Arrangements**

Details of the relevant tuition protection options are published as a Statement of Tuition Assurance on the public website of the Institute, including details of:

- a) the protections provided and by whom, including scheme or department contact details as available, and
- b) any applicable exemptions offered by the regulators, and
- c) how students will obtain a refund or transfer in the event of a course ceasing to be offered at the Institute.

Students will be advised where the Statement of Tuition Assurance may be obtained as part of their enrolment information.