



CANBERRA VALLEY INSTITUTE

Document: Refund Policy and Procedure

(Aligned to RTO Standards 2025)

Approved by: CEO

Version: 5.0

Date: 08/12/2025

Review date: 09/12/2026

Refund Policy and Procedure



Contents

1. Overview.....	3
2. Scope.....	3
3. Definitions.....	3
4. Legislative Context.....	3
5. Fees.....	4
6. Refund.....	5
7. Actions.....	8
7.1 Total Refunds.....	8
7.1.1 CVI Default.....	8
7.1.2 Student Default.....	9
7.2 No Refunds.....	9
7.3 Credit Balances.....	10
7.4 Process for Claiming Refunds.....	10
7.5 Payment of Refunds.....	11
8. Student Visa Refusal.....	11
8.1 Before Commencement of Course.....	11
8.2 After Course Commencement.....	12
9. Appeals.....	12
10. Summary of Reporting Obligations.....	13
11. Monitoring and Assurance.....	14
11.1 Monitoring and Record-Keeping:.....	14
11.2 Legal and Regulatory Basis:.....	15
12. Responsible Person.....	15
13. Review of Policy.....	15

Refund Policy and Procedure



1. Overview

The purpose of this policy is to ensure that Canberra Valley Institute fully understands and complies with all legislative requirements that are directly and indirectly associated with the ESOS Act 2000 and the National Code 2018. This policy is implemented in accordance with the Standards for RTOs 2025.

This policy is **exclusive** to refund and fee-discharge obligations. It **does not cover enrolment events** such as non-commencement of study, Deferment, Suspension and Cancellation, Course progress issues and Course completion. These enrolment matters are **managed separately** and reported under **Section 19 of the ESOS Act**. Student status reporting under s19 is managed separately under the PRISMS Reporting Policy

2. Scope

This policy applies to:

- All students studying at Canberra Valley Institute.
- All staff members.

3. Definitions

For this policy document, Canberra Valley Institute (CVI) has identified the necessity to define the following expressions:

TPS: Tuition Protection Scheme (enacted on 20th of March 2012 as part of the Government's second phase response to the Baird Review) replacing Tuition Assurance Scheme and ESOS Assurance Fund.

Tuition Fee: Under the ESOS Act are fees 'directly related to the provision of a course that CVI is providing, or offering to provide, to the student'.

Compassionate or Compelling Circumstances - Circumstances beyond the student's control that significantly affect their ability to commence or continue study, such as serious illness, family hardship, or major unforeseen events.

4. Legislative Context

- Outcome Standard 3.4 – Financial Management and Fee Protection (Outcome Standards for RTO 2025)
- Outcome Standard 4 – Governance and Accountability (Outcome Standards for RTO 2025)
- The National Code 2018: Standards 2.1, 3.4
- Education Services for Overseas Students Act 2000
- Education Services for Overseas Students (Calculation of Refund) Instrument 2024

ESOS Act 2000

- Section 47E of the ESOS Act provides that the provider must pay the student a refund in accordance with an instrument under subsection (4), being the Education Services for Overseas Student (Calculation of Refund) Specification 2014 (the Refund Specification).
- **Section 9** of the Refund Specification sets out the amount that must be refunded which is 'course fees' which is the tuition fees and non-tuition fees received by the provider. Regulation 7 of the ESOS Regulations defines non-tuition fees as including materials, health insurance, administration,

Refund Policy and Procedure



accommodation and “agent fees”. This Application fee or Enrollment fee which is refundable only in special cases such as visa refusals.

- Under sub section 47D (3) of the ESOS Act, the provider must pay the refund directly to the student, unless a person other than the student is specified in the agreement to receive the refund.

5. Fees

Fees As per ESOS Federal Register of Legislation - Education Services for Overseas Students (Calculation of Refund) Instrument 2024 course fees for a course are the sum of:

- the tuition fees received by CVI in respect of the student; and
• the non-tuition fees (if any) received by CVI in respect of the student.

Under the ESOS legislation, a CVI must not receive more than 50% of the total tuition fees for a course before the student has begun the course, unless:

- the student, or person making payment on their behalf, chooses to do so
• the course has a duration of 25 weeks or less.

CVI should be able to show evidence that students have exercised choice in how much of their tuition fees are paid up front. There are no restrictions on collecting tuition fees after a student has started their course. When entering into a written agreement, CVI should clearly set out what period the payment of tuition fees relates to.

5.1 Refund Obligation Event Date – Defined

For the purpose of calculating refund timeframes under the ESOS Act, the following event dates apply:

Table with 4 columns: Event Type, Legislative Reference, Event Date Definition, When Refund Clock Starts. Rows include CVI Default Day, Student Default Day, and Visa Refusal Notification Date (Outside Australia).

Refund Policy and Procedure



Visa Refusal Notification Date (Inside Australia)	s47E ESOS Act	The date the student receives written notification of visa refusal while in Australia.	From the date the student provides written evidence of refusal.
Written Claim Date (Refund Claim)	s47D ESOS Act	The date CVI receives a completed written refund application form and supporting evidence from the student.	Used to determine compliance with the 4-week refund payment requirement.

6. Refund

Refunds paid under section 47E of the ESOS Act are calculated under the Education Services for Overseas Students (Calculation of Refund) Instrument 2024, which involves working out how many weeks there are in a default period and the associated tuition fee. Where CVI fails to deliver the course in full, the student’s visa has been refused, or CVI’s written agreement does not comply with the ESOS Framework including Standard 3 of the National Code, the student’s refund should be calculated under the Education Services for Overseas Students (Calculation of Refund) Instrument 2024.

In cases where a student cannot commence or continue their course due to student visa refusal, the ESOS Act requires education CVI to calculate the refund using a specific method. This method of calculation is explained in section 10 of the [Education Services for Overseas Students \(Calculation of Refund\) Instrument 2024 \(the ESOS Instrument\)](#).

These calculations represent the minimum amount that a student needs to be refunded.

- The refund formula for visa refusal before course commencement is:
- Refund = Course Fees Paid – [5% of Course Fees Paid or \$500, whichever is lesser] If the student visa has been refused and this is the reason a student has withdrawn from a course, they are entitled to a refund regardless of why their visa was refused.
- If the visa is refused before they start their course, they are entitled to a full refund of their course fees less an administrative fee of no more than five per cent or \$500 (whichever is the lesser amount).
- If the visa is refused after they start their course, they are entitled to a refund of the fees paid for the part of their course after the date of their withdrawal.
- For any overseas student who has paid tuition fees towards a course at a location, but has not yet commenced that course, CVI must refund 100 per cent of the tuition fees to the student. This only applies in CVI default. It does NOT apply to voluntary withdrawal before commencement (unless written agreement states so)

Refund Policy and Procedure



6.1 Scenarios - 1 CVI default → 100% unspent- CVI Default (Statutory – ESOS s46A)

Under the Education Services for Overseas Students Act 2000, CVI default occurs where CVI:

- Fails to commence the course on the agreed start date; or
- Ceases to provide the course before completion.
- In cases of CVI default:
- The student is entitled to a refund of **100% of unspent tuition fees**; and
- CVI must discharge this obligation within **14 days**;
- If CVI fails to do so, the **Tuition Protection Service (TPS)** may intervene.
- TPS provisions apply **only in CVI default situations**.

6.2 Scenario 2 Visa Refusal (Statutory Formula – ESOS s47E)

Where a student's visa application is refused:

- The refund amount is calculated in accordance with the **statutory formula prescribed under the ESOS Act**;
- The refund must be paid within **4 weeks** of receiving written evidence of visa refusal.

TPS does **not** apply to visa refusal cases.

Scenario 3-Voluntary Withdrawal Before Commencement (Student Default – ESOS s47A)

Where a student voluntarily withdraws before the course commencement date:

- This is considered **student default**;
- The refund entitlement is determined strictly in accordance with the **written agreement signed by the student**;
- CVI may retain amounts as specified in that agreement (e.g., enrolment fee, administrative charges).

TPS does **not** apply to voluntary withdrawal unless the written agreement explicitly states otherwise.

Refund Policy and Procedure

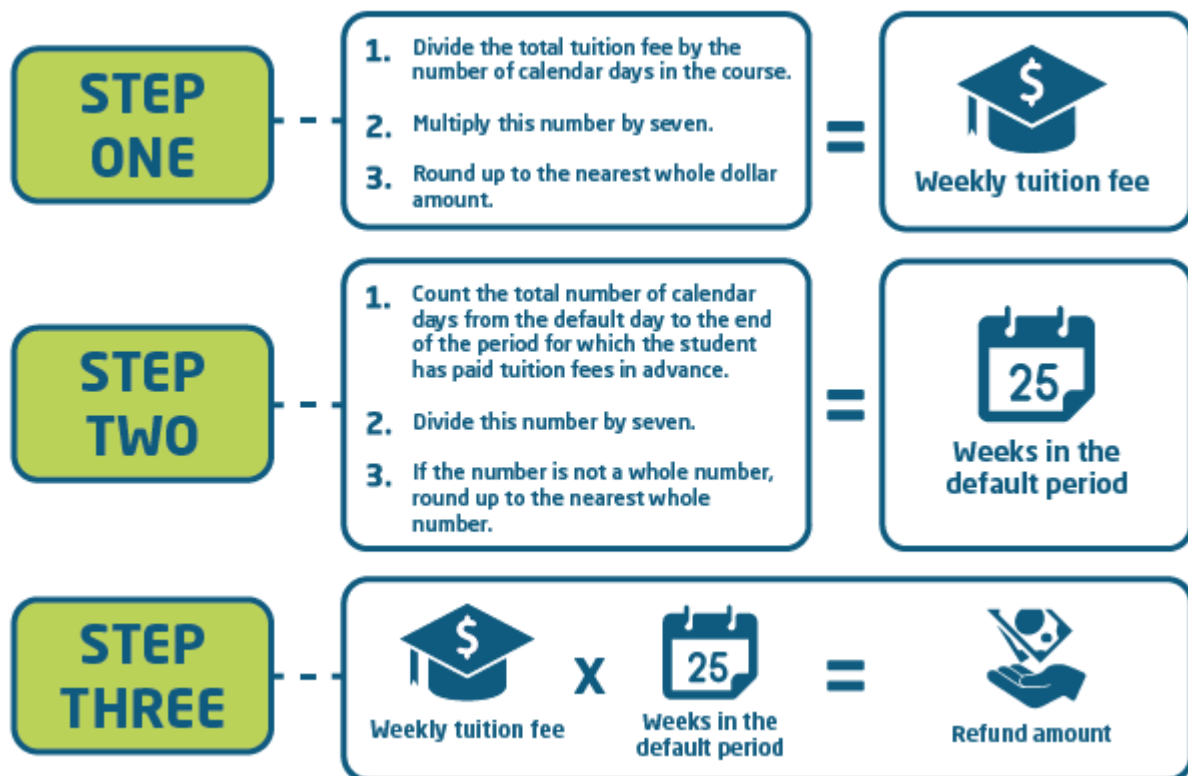
6.3 Refund Calculation

For any overseas student who has paid tuition fees towards a course at a location, but has not yet commenced that course, you must refund 100 per cent of the tuition fees to the student.

- For any overseas student who has paid tuition fees and has commenced the course at the location, CVI may retain the portion of the spent fees but must refund the unspent portion.
- The method for working out amount of refund of tuition fees in event of CVI default for the purposes of subsection 46D(6) of the Act, the amount of a refund of tuition fees received by a registered CVI in respect of a student is calculated as follows:
- Refund amount = weekly tuition fee x weeks in default period.

How to calculate the refund amount

There are three steps involved in calculating the amount of refund owed to a student:



Applying this calculation is a statutory requirement. You cannot apply your own deductions to the refund of tuition fees for a student.

If you have paid any part of the tuition fees to an agent involved in the recruitment of the overseas student, you **may not deduct** this agent fee from the tuition fees that you must refund the student.

Example—calculating the refund for a student

Lee is undertaking a 48-weeks Advanced Diploma of Hospitality Management at Hospitality Training 4U. The total tuition fee for the course is \$8200.

Lee has prepaid \$4100 in tuition fees towards his course. He commenced on 7 January 2019.

Hospitality Training 4U has defaulted in respect of Lee and his course on 6 May 2019.

Refund Policy and Procedure



Calculation:

Weekly tuition fee calculation: \$8200 (total tuition fees) divided by 336 (total calendar days in course) *7 = \$171 (rounded up to nearest dollar amount).

Weeks in default period: Lee has paid \$4100 to date. This means he has paid in advance up until 24 June 2019. There are 49 calendar days between 6 May 2019 (the default day) and 24 June (the date student has prepaid until). 49 days divided by 7 = 7 weeks in default period.

Refund amount: \$171 (weekly tuition fee) multiplied by 7 (weeks in default period) = \$1197 refund.

7. Actions

Actions required to meet this procedure are outlined in the following sections:

- Total Refunds
- No Refunds
- Partial Refunds
- Credit Balances
- Process for Claiming Refunds Payment of Refunds

7.1 Total Refunds

Tuition Fees will be refunded in full, less any pre-paid Tuition Fee spent in providing the service to the student where a CVI Default, Visa Refusal Event or Special Circumstances Event as defined below occurs:

7.1.1 CVI Default

- Under section 46A of the ESOS Act a “CVI Default” occurs if:
 - (i) Canberra valley Institute (CVI) fails to start providing the Course to the student at the location and on the starting day specified in the Letter of Offer; or
 - (ii) after the Course starts but before it is completed, the Course ceases to be provided to the student at the location(s) specified in the Letter of Offer, and the student has not withdrawn from the Course before the default day.
- For the avoidance of doubt, a “CVI Default” occurs if Canberra Valley Institute’s (CVI) prevented from providing a Course at the location(s) and on the starting day specified in the Letter of Offer because a sanction has been imposed on Canberra Valley Institute’s (CVI) under Part 6 of the ESOS Act; and
- For the avoidance of doubt, CVI does not default, in relation to a student or intending student pursuant to sub-clause (i) above if Canberra Valley Institute (CVI) fails to start to provide the Course, or the Course ceases to be provided, to the student because the student defaults in relation to the Course because one of more of the following events outlined below in Student Default: (i) to (iii).
- **Tuition Protection Service (TPS) – Escalation and Consequences Clause:** CVI Default and 14-Day Obligation In the event of CVI default (as defined under section 46A of the ESOS Act), Canberra Valley Institute (CVI) will:
 - Notify affected students and the TPS Director within 3 business days;
 - Offer students a suitable alternative course at no extra cost, OR

Refund Policy and Procedure



- Refund unspent tuition fees within 14 days of CVI default day.
- **Failure to Discharge Obligation:** If Canberra Valley Institute (CVI) fails to meet its obligations within the required 14-day period:
 - The TPS Director may intervene in accordance with Part 5 of the ESOS Act;
 - The TPS Director may arrange placement of affected students into an alternative registered CVI; or
 - The TPS Director may arrange payment of refunds from the Overseas Students Tuition Fund (OSTF).
- **Student Placement by TPS:** Where TPS places a student:
 - The student must accept the placement offer within the timeframe specified by TPS; and
 - Canberra Valley Institute (CVI) remains liable for any shortfall between tuition paid and tuition required by the replacement CVI (if applicable).

7.1.2 Student Default

- Under section 47A of the ESOS Act a “Student Default” occurs if:
 - (i) the student failed to pay an amount he or she was liable to pay Canberra Valley Institute (CVI) directly or indirectly, in order to undertake the Course;
 - (ii) the student breached a condition of his or her student visa; or
 - (iii) misbehaviour by the student.
- Following a student default, a CVI must fulfil its obligations under sections 47A-47H of the ESOS Act. These obligations include but are not limited to:
 - providing a refund to the defaulted student in accordance with either section 47D or 47E of the ESOS Act within CVI obligation period of 4 weeks; and
 - if a refund was provided to a defaulted student under section 47E of the ESOS Act, notifying the relevant ESOS agency and the TPS Director of the outcome of discharge of obligations within 7 days after the end of CVI obligation period.

7.2 No Refunds

- Fees not expressly listed in the refund section are not refundable.
- Payment made towards Overseas Student Healthcare Cover (OSHC) is subject to the OSHC CVI’s refund policy and procedures.
- There will be no Tuition Fee reduction / exemption granted for students who complete a unit of competency / qualification earlier than the proposed end date.
- There is no refund if Canberra Valley Institute (CVI) refuses to provide, or continue providing, the Course to the student at the location(s) specified in the Letter of Offer because of:
 - (i) the student failed to pay an amount he or she was liable to pay to Canberra Valley Institute (CVI) directly or indirectly, to undertake the Course.
 - (ii) the student breached the condition of his or her student visa.
 - (iii) misbehavior by the student.
- There is no refund if the student was refused a student visa, and the refusal was by reason for one or more of the following acts or omissions by the student that directly or indirectly caused the

Refund Policy and Procedure



student to default in relation to the Course at the location(s) specified in the Letter of Offer:

- (i) the student's failure to start the Course at the location on the agreed starting date in the Letter of Offer.
- (ii) the student's deferral, suspension or cancellation from the Course at the location(s) in the Letter of Offer.
- (iii) the student's failure to pay an amount he or she was liable to pay Canberra Valley Institute (CVI) in order to undertake the Course at that location in the Letter of Offer.

7.3 Credit Balances

- Students can apply for a refund of a credit balance, created by overpayment, only if they have no other debts owing to Canberra Valley Institute (CVI). A refund of overpayments will only be made in the currency of the student's country of permanent residence and payable in that country.
- Normally overpayment (excess payment) of Tuition Fees resulting in a credit balance on the student's account will automatically be transferred as payment or part payment of the student's fees payable for the next term or to other outstanding debts owing to Canberra Valley Institute (CVI). It is the responsibility of the student to be aware of all credit amounts (excess payments) on their account and to maintain their current address and contact details.
- Credit amounts on a student's account up to and including A\$100 will be forfeited to Canberra Valley Institute (CVI) and processed as a forfeit of an insignificant credit balance. Canberra Valley Institute (CVI) deems that credit balances are insignificant balances if the credit balance is less than \$100 and the student's program status is inactive for more than one (1) term. Students with unclaimed credit amounts greater than A\$100 will be notified in writing of their credit amount if the student's Program status is inactive for more than one (1) term.
- If refund applications are not received within six (6) weeks of the date of this written communication, credit balances will be deemed as unclaimed and dealt with by Canberra Valley Institute (CVI) according to the Unclaimed Money Act 2008.

7.4 Process for Claiming Refunds

- Refund applications for full or partial refunds must:
 - be made in writing on the Application for Refund Form; and
 - set out the reasons for the application; and
 - be accompanied by supporting documents as may be appropriate; and
 - be forwarded to: Student Administration, studentservices@cvi.edu.au
- Students must complete the Application for Refund Form and provide complete information which includes:
 - the date of the claim
 - the student's full name
 - the course in which the student was enrolled
 - the basis for making the claim
 - the amount claimed
 - the address to which the refund is to be forwarded

Refund Policy and Procedure



- the student's payment details
- the student's signature, and
- all documents relevant to the consideration of the claim.
- Refund applications will not be processed where the signature on the Application for Refund Form does not match the students' signature as shown on other documents provided by the student for admission to Canberra Valley Institute (CVI).
- A Refund Calculation Statement will be prepared and forwarded to the student and any refund will normally be made in the currency of the student's country of permanent residence and payable in that country. Exceptions include non-tradable currencies (where the refund would normally then be paid in USD) or payment to another Australian educational institution. Canberra Valley Institute (CVI) is not liable for any variance from the foreign exchange rates fluctuations.
- The funds covering the Tuition Fees must be cleared (cheques cleared, telegraphic transfers received etc.).
- All debts to Canberra Valley Institute (CVI) must have been paid before any refund can be calculated with any outstanding amounts to be deducted from the refund.
- Where a student is dissatisfied with a decision to provide or not to provide a refund, he or he/she may appeal that decision in accordance with Canberra Valley Institute (CVI) policy - Complaints and Appeals.

7.5 Payment of Refunds

- Applications for refunds for students must be authorised by the Director of Canberra Valley Institute (CVI), or his or her nominee.
- Where there has been a CVI Default, Canberra Valley Institute (CVI) will notify the students affected by CVI Default in writing within 3 business days of the default occurring. The students affected will be offered a refund of all the unspent Tuition Fees and if the student accepts the refund will be paid to the student within 14 working days from the day the default occurred.
- In any other circumstance, Canberra Valley Institute (CVI) will refund the amount within 4 weeks after receipt of the completed and signed Application for Refund Form together with appropriate supporting documents. The date of the notification for application for refund is the date of the completed and signed Application for Refund is received by Canberra Valley Institute (CVI).

8. Student Visa Refusal

8.1 Before Commencement of Course

- Where a student visa application is refused:
 - A full refund of all fees paid will be provided, including application fee, /enrolment fee based on the total course fees received.
 - Documentary evidence of the visa refusal must accompany the written refund request (refund application form).
- Where student visa is granted, or where student decides to no longer apply student visa:
 - If withdrawal occurs more than four (4) weeks (28 calendar days) before the course commencement date, the total course fees paid minus the enrolment fee will be refunded.

Refund Policy and Procedure



- If withdrawal occurs within 28 calendar days prior to the course start date, 50% of the total course fees paid will be refunded, less than non-refundable enrolment fee.
- In all cases, the final refund amount will be determined by the CEO or authorised delegate, taking into account any documentary evidence of compassionate or compelling circumstances.
- Where Canberra Valley Institute (CVI) cancels or withdraws a course for any reason prior to commencement, a full refund of course fees will be issued.
- Refund will be processed within the statutory CVI obligation period of 4 weeks.

8.2 After Course Commencement

This section applies in situations such as onshore student visa renewals, applications to change to a student visa from another visa category, or delays in the granting of a student visa.

- Where a student visa application is refused after the course has commenced, refunds will be handled in accordance with Section 4.4(a). However, no refund will be provided for the portion of course fee already delivered, with fees calculated on a pro-rata basis per week or part thereof.
- Where a student visa has **not** been refused, no refund will be granted for the relevant study period for which fees are payable if the student withdraws, fails to continue the course, or where enrolment is cancelled at the institute. Refunds in such cases will only be considered where documented compassionate or compelling circumstances are demonstrated.
- If a course has commenced and the student's visa application is still under assessment, the student may request a deferral of enrolment. In such cases, no refund will apply; however, any course fees already paid may be credited toward the deferred study period. Documentary evidence of the visa application must be provided to Canberra Valley Institute (CVI).

9. Appeals

- Any disagreement regarding the amount or calculation of a refund must be submitted in **writing to the CEO**. The CEO will review the case and provide a written outcome to the student. If the matter remains unresolved, the student may escalate the issue through Canberra Valley Institute's (CVI) **Complaints and Appeals Process** in line with the Complaints and Appeals Policy.
- Students are informed at the time of application that they may seek additional remedies under **Australian consumer protection laws** or pursue **external legal action** independently of the Canberra Valley Institute (CVI)
- Lodging an appeal or dispute does **not suspend, delay, or extend** the Canberra Valley Institute's (CVI) statutory refund obligations. All refunds must be processed within the **prescribed statutory timeframe** even if internal review processes are ongoing.

Refund Policy and Procedure



10. Summary of Reporting Obligations

For reference only:

Provision	What It Is	Trigger Condition	Refund/ Obligation Type	Reporting Required?	Timeframe
s19 – Student status/events	Student course variation reporting	Change in enrolment status (studying, finishing, cancelling, withdrawal etc.)	Not a refund provision; relates to visa compliance	YES – Report via PRISMS	Within 31 calendar days of event (or 14 days for under-18 cases)
s46A – CVI default definition	Defines when CVI defaults	CVI fails to start course on agreed date OR ceases course after starting, and student has not withdrawn	No obligation only identification of default	NOT a reporting requirement itself	Triggers CVI obligations (next rows)
s46B- Notifying CVI default	Registered CVIs to notify of CVI default	Notifying in written the ESOS agency (ASQA), TPS Director and students	Circumstances of default, intention to discharge obligation and how it is met.	Default notice must be lodged in written	Within 3 business days after default event
s46D – CVI default discharge obligations	What CVI must do when CVI defaults	CVI default under s46A	CVI must either offer alternative course or refund	YES (default notification)	CVI must report within 14 days after default day.
s46F - Notifying outcome of discharge	Registered CVIs to notify of outcome of discharge	Notifying ESOS agency (ASQA) and TPS Director	If alternative course offered details of course and evidence of acceptance of offer. If refunded details of student refunded to and refund amount.	Yes (Discharge of obligation notice)	Provide must report within 7 days after default notification of s46D

Refund Policy and Procedure



s47A – Student default definition	Defines when the student defaults	Student does not start course, withdraws, breaches visa or fails to pay	Sets up student refund rights under s47D/E	NOT a reporting requirement itself	Triggers refund obligations (next rows)
s47B – Written agreement requirement	Requirement to enter into a compliant written agreement	Must be in place before or when fees are taken	Governs refund rights under s47D	NA by itself	N/A – agreement must exist prior to fee payment
s47D – Refund under written agreement	Refund based on terms of agreed contract	Student default under s47A and compliant agreement exists	Refunded amount as per written contract	NO specific refund reporting under s47H unless s47E applies	Refund must be paid within 4 weeks after written claim from student (CVI obligation period)
s47E – Refund in other cases	Refund where no compliant agreement or visa refusal	Student default and either no written agreement or student visa refusal	Statutory refund calculated per legislative instrument	YES under s47H (next row)	Refund must be paid within 4 weeks after default day (CVI obligation period)
s47H – Notice of refunds paid	Reporting outcome of refund obligation obligations	CVI required to refund under s47E (visa refused OR no compliant agreement)	Report to ESOS Agency & TPS Director	YES – Notice required	Notice must be given within 7 days after end of CVI obligation period (i.e., after the 4 weeks ends)

11. Monitoring and Assurance

11.1 Monitoring and Record-Keeping:

- Canberra Valley Institute (CVI) maintains a **Refund Register** to track all refund and fee-discharge events. This register records:
 - Event Date
 - Refund calculation
 - Payment date
 - PRISMS reporting reference

Refund Policy and Procedure



- All refunds are **subject to dual verification** by both the **Accounts Department** and the **Compliance Officer** before finalisation to ensure accuracy and regulatory compliance.

11.2 Legal and Regulatory Basis:

- This Refund Policy & Procedure is developed in accordance with the **RTO Standards 2025** and the **ESOS Act 2000**.
- The policy is publicly available on the Canberra Valley Institute's (CVI) website.

12. Responsible Person

- Chief Executive Officer (CEO)
- Admission Officer

13. Review of Policy

Canberra Valley Institute (CVI) will review the Refund *Policy and Procedure* annually or as needs basis (whichever occurs first).

Refund Policy and Procedure