

PROTECTION OF PREPAID FEES

Organisation Definition:

Cairns Beauty Academy Pty Ltd trades as International College of Queensland.

Regulations and standards

National Code of Practice (2018) Standard 3

National Standards for RTOs (2015) Standards 6 & 7 and Schedule 6.

Purpose

International College of Queensland in compliance with all the relevant standards and legislation in the VET sector has established the Protection of Pre-Paid Fees Policy to ensure all student payments are protected in the event of a change made by the International College of Queensland which may be disadvantageous to the student.

Scope

This Protection of Pre-Paid Fees applies to:

International students studying off and onshore

Domestic students studying either Fee for Service or supported via a Government funded/assisted program, including VET Student Loan (VSL).

Relevant links:

Tuition Protection Scheme (TPS) under Australian Legislation.

Tuition Assurance exemption:

<https://www.education.gov.au/tuition-assurance-and-provider-closures>

Associated documents

6.1. Letter of Offer: Written Agreement

Terms and Conditions of Enrolment

Procedures

GENERAL

International College of Queensland safeguards student tuition fees through the use of insurance and assurance schemes mandated by Australian Legislation.

The *Letter of Offer: Written Agreement* and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australian Consumer Law.

If a concern/complaint or appeal does not resolve internally, the matter will be referred to an external mediator.

In the event International College of Queensland ceases to provide a **VET** 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 VET course of study with a second provider without any requirement to pay the second provider any tuition fee for any replacement VET units. For VSL students, this is currently being handled by the Service Provider of the Department. The service provider is the party performing the tuition assurance management services

and includes the Department and/ or the consultant engaged by the Department to perform some or all of the tuition protection services.

OR

b. a refund of the student's up-front **VET** tuition fee payments and/or re-crediting of any VET unit of study in which the student is enrolled or commences but does not complete because we cease to provide the VET course of study of which the unit forms part (this is known as the 'VET Tuition Fee Repayment Option').

International College of Queensland is committed to cooperate fully with and assist the Service Provider to perform the tuition assurance management services in case it ceases to provide an eligible VET course of study and provide any relevant information as soon as practicable.

TUITION ASSURANCE FOR OVERSEAS STUDENTS

International College of Queensland (ICQ) complies with the VET Tuition Assurance requirements (TPS). International College of Queensland contributes annually to the Tuition Protection Scheme

Provider default

Under section 46A of the ESOS Act a provider default occur if:

- International College of Queensland fails to start providing the course to the student at the location on the agreed starting day; or
- After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

International College of Queensland will notify the Secretary, the TPS Director and any affected students of the default within 3 business days of the default occurring. The notice will be in writing and in accordance with section 46B of the ESOS Act.

International College of Queensland will satisfy the protection of fees obligations as described under section 46D of the ESOS Act within 14 days after the day of the default International College of Queensland will notify the Secretary and the TPS Director about the outcome of the discharge within 7 days after the obligation period

Student default

Under section 47B of the ESOS Act International College of Queensland must enter a written agreement with each overseas student. International College of Queensland written agreement complies with the National Code 2018 and specifies the refund requirements that apply in case of student default.

Under section 47A of the ESOS Act, a student or intending student is in default in relation to a course at a location if:

- The course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- the student withdraws from the course at the location (either before or after the agreed starting day); or
- International College of Queensland refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:
 - the student failed to pay any amount payable to the provider for the course;
 - 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)).

International College of Queensland will report on Tuition Protection Services (TPS) and if a refund has been provided to a student within 7 days after the obligation period, only when there was no compliant written agreement in place or when a student visa has been refused.

International College of Queensland will process refunds for students in default in accordance with Section 47D or 47E of the ESOS Act and following the International College of Queensland refund policy.

When a refund is required to be paid, it will be processed within 4 weeks of the default day.

NOTICE AND INFORMATION WHEN COURSE CEASES

Notification with the Department

International College of Queensland will give written notice to the Department of any of the following events within 24 hours after the event occurring:

- It ceases to provide an eligible VET course of study;
- Notice is served on the Provider, or proceedings are taken, to:
 - Cancel its incorporation or registration under the Corporations Act 2001 or similar legislation; or
 - Dissolve the Provider as a legal entity
- It comes under a form of external administration referred to in subsection 600H(2) of the Corporations Act 2001 or an equivalent arrangement;
- It fails to comply with a statutory demand within the meaning of section 459F of the Corporations Act 2001;
- It is unable to pay all of its debts when they become due;
- Proceedings are initiated for an order for the Provider's winding up
- At a meeting of the Provider, a resolution is made to wind up the Provider

Within 3 days of the default occur, the International College of Queensland will provide the Service Provider with the units of study and competencies that students achieved by disclosing Statement of attainment, AQF certificates and records of results (transcripts).

Notification with affected students

If the International College of Queensland ceases to provide an eligible VET course of study, affected students will be notified in writing within 2 days that the course is no longer being provided.

Within 7 days after notifying students, the International College of Queensland will call a meeting with the students and the Service Provider at the location where the course was primarily delivered.

As soon as practicable, the International College of Queensland will update its website notifying that the course is no longer available and will advertise information for students regarding the tuition assurance management services

REPAYMENT AND RE-CREDIT

When the Service Provider makes an application for a re-credit of a student's loan balance for a VET unit of study that has been commenced but not completed due to the cession under clause 46 of Schedule 1A to the Act because of special circumstances,

International College of Queensland will then notify the applicant of the decision on the application together with a statement of reasons.

International College of Queensland will notify the Service Provider, as soon as practicable, when the re-credit has occurred.

ACCEPTANCE OF DISPLACED STUDENTS

International College of Queensland will accept any displaced student that has been referred by the Service Provider, based on a replacement tuition offer that has been made and accepted by a student, unless:

- The displaced student failed to abide by, or to agree to abide by, International College of Queensland reasonable policies and procedures, or
- International College of Queensland will satisfy the Service Provider that circumstances apply which indicates it is reasonable to not accept the student.

This may be:

- If the placement is not in the best interests of the student
- International College of Queensland has already accepted displaced students and has reached its capacity to accept others

OBLIGATIONS AS A REPLACEMENT PROVIDER

Once a replacement student accepts International College of Queensland policies and procedures, International College of Queensland will enrol the students as soon as possible.

Displaced students will receive credit transfer for the units of competency they have already completed based on the Statement of attainment and result transcript authentic copy provided by the previous education provider or the department. Displaced students will not be charged with tuition fees for a replacement unit in the replacement course.

Version Control	Date	Reason for Change	Author
V1 1118	04/2018	Initial Document	Ann Donnarumma
V2 0821	08/2021	Review of Policy – updates for clarity and consistency	Robyn Pinel