

## Overview

Part 5 of the [Education Services for Overseas Students Act 2000](#) (ESOS Act), outlines UNE's provider obligations in the event of a provider or student default.

International admissions staff must consult the PRISMS Provider User Guide available in PRISMS for further information on the steps required to record provider default in PRISMS.

## Procedures

### 1. UNE Defaults as a Provider

In the event that UNE defaults by failing to provide a course to an accepted ESOS student at the location and on the agreed start date, the International Admissions Manager must ensure the following steps are followed immediately upon becoming aware of UNE defaulting:

- a. Notify the accepted ESOS student in writing and record this written notification on the student file in TRIM. The date of this correspondence becomes the *default date*.
- b. Notify TEQSA via PRISMS by recording the following against each defaulted students' Confirmation of Enrolment (eCOE):
  - i. Explanation of the default
  - ii. Confirm that UNE intends to discharge its ESOS obligations – either by offering an alternative course OR by refunding fees paid.
- c. If appropriate, offer the student an alternative course such that they need to accept within 14 days of the default date. If they accept then UNE has discharged its obligation. If the student fails to accept the new course offer, then UNE has not yet discharged its obligations under ESOS.
- d. If there is no alternative course or the student has not accepted a new course offer but opted instead for a refund, then this must be done *within 14 days of the default date* by requesting FSBI to refund the student.
- e. The International Admissions Manager must work with FSBI to ensure that refunds occur within the required time. If UNE is at risk of not refunding within the required timeframe, this must be escalated to the Director, International.
- f. Notify TEQSA via PRISMS within 7 days after the *default date* of the following:
  - i. Whether UNE discharged its obligation (new course or refund)
  - ii. If the student accepted the new course offer, then provide details and evidence.
  - iii. If the student opted for a refund, then provide the amount refunded.

### 2. Student Defaults

UNE is required to notify TEQSA including via PRISMS if a student defaults by not starting their accepted course on the agreed date.

In the event a student receives a visa refusal, UNE must do the following:

1. Refund any fees within 4 weeks after the receiving the written request from the defaulted student.
2. The International Admissions Manager must work with FSBI to ensure that refunds occur within the required time. If UNE is at risk of not refunding within the required timeframe, this must be escalated to the Director, International.
3. Report the student default in PRIMS (see steps below from the *PRISMS Provider Guide*).

### 3.6 Defaulting CoEs tab

This tab lists defaulting CoEs that still require action. See section 6 Confirmation of Enrolment (CoE)

Alerts (0) Outstanding CoEs (1) Visa Actions (0) Welfare Arrangements (0) Welfare Alerts (21) Defaulting CoEs (2)

This listing shows CoEs that still require action. To see the CoEs that do not require action, whether due to obligation being met or no obligation was required to be met, please click the search link to search the particular defaulting COE.

The following CoEs are defaulting:

Q Search | Full List

CoE Code	Student Name	Date Of Birth	State	Status	Date Of Default	Type Of Default	Discharge Obligation Period (days remaining)	Reporting Of Default Outcome (days remaining)
A12AB234	DOE, Test1	01/01/1999	NSW	Sent to TPS	26/02/2019	Student (with Visa refused)		
A98AB765	DOE, Test	02/02/1998	NSW	Sent to TPS	25/05/2020	Provider		

Export to Excel

Page 1 of 1 (from 2 rows): 1

1. Click on the row to view the Provider/Student Default for the CoE.
2. The **Provider/Student Default** page is displayed.

#### Provider/Student Default

Amendments to the ESOS Act  
Following recent legislative amendments to the ESOS Act, changes have been made to some PRISMS reporting processes.

Removal of student default reporting:

- Please note providers are no longer required to notify of a student default occurring. Section 47C of the ESOS Act has been repealed.

Note: If you have previously commenced a student default report under the old requirements and it is not complete, you are still able to access the report if you wish to finalise it for your own records.

Reporting the outcome of student default - discharge of obligations (section 47H of the ESOS Act)

- Providers are still required to notify of an outcome of discharge of obligations for a student default in two circumstances:
  1. If the student default is due to visa refusal, or
  2. If there is no compliant written agreement that meets the requirements of section 47B of the ESOS Act.

These reports must be done within 7 days after the end of the provider obligation period, as per the current requirements. The ESOS Act under subsection 47E(3) defines the provider obligation period as 4 weeks after the default day. As such providers have 4 weeks + 7 days to report the outcome.

Note: If you have previously commenced reporting the outcome of an obligation under the old requirements (for circumstances other than visa refusal and no compliant written agreement) you are still able to access the report if you wish to finalise it for your own records.

#### Review Student Details

Student CoE: A12AB234  
 CoE status: Cancelled  
 Title: Mr  
 Name: DOE, Test1  
 Date of birth: 25/07/1999  
 Passport number:  
 Course: Bachelor of Advanced Computing[093855E]  
 Prepaid Fee: 23,250.00

#### Record Default Details

Default type: Student (with Visa refused) [Default Type Help](#)  
 Default date: 26/02/2019 [Date of Default Help](#)

#### Record Outcome

What was the outcome? I did not meet my obligations  
 Reason: Others  
 Comments: We are still waiting on documentation.

[Save & Confirm](#)

3. Review the student details and the default details.
4. Record the outcome by selecting from the drop-down lists and adding relevant comments.
5. Click the **Save and Confirm** button.

### **3. Application for a Refund of Pre-Paid Fees**

- 3.1 If an international student seeks a refund for fees pre-paid to the University of New England (UNE), they must complete the "International Student Application for Refund" form and submit the completed form along with all required supporting documentation, to: The Manager International Admissions at: [international.admission@une.edu.au](mailto:international.admission@une.edu.au)
- 3.2 In order for a refund to be payable, the pre-paid fees must be available to UNE (i.e. money confirmed as received by Western Union, bank cheques must have cleared, telegraphic transfers received).
- 3.3 Refunds will be made within four (4) weeks after the student 's formal written request is received.
- 3.4 Refunds will be paid to the person who originally paid the pre-paid fees. Where a student's fees are paid by a sponsoring body or scholarship agency invoiced by UNE, any refund will be paid to that body or agency.
- 3.5 Refunds will be paid in the same currency as the fees were originally paid except in documented and approved exceptional circumstances.
- 3.6 UNE reserves the right to retain the amount of any recruitment agent fee incurred by UNE in recruiting an international student.

### **4. Refund or Pre-Paid Fees for Studies no undertaken by Commencing Students – Student Default**

- 4.1 A full refund less AUD\$500 of any pre-paid fees will be provided if a commencing student has their student visa application refused.
- 4.2 A partial refund of 90% of pre-paid fees will be provided if an international student advises of their withdrawal more than four (4) weeks before the course start date.
- 4.3 For full-time on campus students UNE will retain AUD\$5,000 to cover administrative and processing costs if an international student advises in writing of their withdrawal less than four (4) weeks before the course start date and up to two (2) weeks after the course start date.
- 4.4 For non-award students who advise in writing of their withdrawal, UNE will retain AUD\$500 to cover administrative and processing costs.
- 4.5 For English Language Centre students that advise in writing less than 4weeks before the course start date of their withdrawal, UNE will retain AUD\$2,500.
- 4.6 For English Language Centre students that advise in writing more than 4 weeks prior to their course start date of their withdrawal, UNE will retain AUD\$500 as a processing fee.

## **5. Refund of Pre-Paid Fees for Studies not undertaken by Continuing Students - Student Default**

5.1 A full refund of pre-paid fees will be provided if:

- 5.1.1 A continuing student is not permitted to re-enrol due to failure to meet academic progression rules.
- 5.1.2 A continuing student has their student visa application refused on or prior to Census date
- 5.1.3 A continuing student withdraws, takes a formal leave of absence or has their enrolment cancelled prior to the census date in a study period.

## **6. Refund of Pre-Paid Fees for Units**

- 6.1 A commencing international student enrolled at UNE who withdraws from a unit/s of study (not the course) before the relevant study period census date, will not be entitled to a refund of tuition fees paid for those units of study. UNE will retain these fees in credit towards the next study period.
- 6.2 A continuing international student enrolled at UNE who withdraws from a unit/s of study (not the course) before the relevant study period census date, will be entitled to a refund of tuition fees paid for those units of study. Students can choose to request UNE to retain these fees in credit towards the next study period.

## **7. Refund of Pre-Paid Fees Relating to Change of Residency Status**

- 7.1 Australian Permanent Residency status is recognised from the date the Permanent Residency visa is granted, not the date on which the Permanent Visa application was made.
- 7.2 International Students granted Permanent Residency after enrolment in their course but before the census date of the relevant study period must advise UNE International immediately. Students granted Permanent Residency cannot continue their enrolment as an international student. If fees have been pre-paid, a refund will be paid less any recruitment agent fee and less any fees owed to the University as a domestic fee paying or Commonwealth Supported Place student.
- 7.3 International Students granted Permanent Residency after the census date in the relevant study period, must advise UNE International immediately. They will be classified as an international student for the remainder of that study period and will be liable for payment of international student fees.

## **8. Refund of Pre-Paid Fees – University Default**

- 8.1 In the event that the University does not commence a program on the agreed start date, international students will be provided a full refund of pre-paid fees received by the University. Students may be offered an alternative course which they can choose to accept instead of a full refund. The University will ask students to indicate their acceptance of any new course in writing.
- 8.2 In the event that the University is unable to deliver a course in full, international students will be provided with a refund of unspent pre-paid fees received by the

University. Students may be offered an alternative course which they can choose to accept instead of a full refund. The University will ask students to indicate their acceptance of any new course in writing. Any refunds provided will be within the legislated period for University default refunds.

## **9. Refund of Pre-Paid Fees In Exceptional Circumstances**

9.1 Exceptional circumstances may be accepted as grounds for a full or partial refund of any pre-paid fees where a student would not otherwise be eligible for a refund. Determination of whether exceptional circumstances apply is at the discretion of the Director, International. Exceptional circumstances may include but are not limited to:

- 9.1.1 A major illness or disability affecting the student.
- 9.1.2 Death of the student or a close family member (parent, sibling, spouse, partner or child).
- 9.1.3 A political, civil or natural event in the student's home country that prevents them from commencing or continuing their study in Australia.

## **10. Online Students (students not holding a Student Visa)**

10.1 If an online student does not commence studies on the start date listed in their Offer, and has not previously withdrawn from studies with approval from the University, they will be entitled to a refund of any unused tuition fees as follows:

- 10.1.1 For full degree online students, UNE will retain AUD\$5,000 to cover administrative and processing costs.
- 10.1.2 For non-award online students, UNE will retain AUD\$500 to cover administrative and processing costs.

## **11. No Refund**

11.1 Students are not entitled to a Refund of any tuition fees in the following circumstances:

- 11.1.1 Department of Home Affairs (DHA) cancels the visa for any reason, including a breach of a visa conditions;
- 11.1.2 Any documents or information submitted as part of the application for admission or application for a student visa are, or later are found to be, fraudulent.
- 11.1.3 A commencing student advises of withdrawal more than two (2) weeks after the course start date
- 11.1.4 A continuing student withdraws, takes a leave of absence or has their enrolment cancelled after the census date in a study period
- 11.1.5 A commencing or continuing student withdraws from unit/s after the census date relevant to the study period.
- 11.1.6 Grant of Permanent Residency status after the census date in a study period.
- 11.1.7 Suspension, exclusion or expulsion from the University following a finding of misconduct
- 11.1.8 Enrolment is cancelled by the University due to your failure to pay tuition fees by the due date.
- 11.1.9 Withdrawal from a unit of study for which tuition fees have been paid, but without permission to reduce the study load, and then subsequently withdraw from a course of study.

## **12. Change of Commencement Intake**

- 12.1 Where a commencing international student provides written advice to UNE International that they wish to change the commencement intake for their course, a new offer will be issued advising of their new commencement details. Any prepaid fees paid to accept the course will be retained as the deposit for the new intake.
- 12.2 UNE reserves the right to review and increase international course fees on an annual basis.

## **13. Overseas Student Health Cover**

- 13.1 OSHC is refundable from UNE if a commencing student withdraws from their course before the start date of the course and before registering for the OSHC Health Cover Card.
- 13.2 Commencing students who withdraw after the start date of the course and after registering for the OSHC Health Cover Card must apply direct to their OSHC provider for any refund due.
- 13.3 Continuing students must apply direct to their OSHC provider for any refund due.

## **14. Administrative Procedures**

### **14.1 All International Refund Requests:**

- 14.1.1 All Completed International Student Refund Application forms are received by UNE International (UNEI) and date stamped on the day of receipt.

### **14.2 Processing Commencing International Student Refund Requests:**

- 14.2.1 Where the refund request is for a commencing international student, UNEI Admission Staff record the application in TRIM. The Manager, International Admissions or nominee makes an assessment of any refund amount according to the Refund Principles outlined above.
- 14.2.2 UNEI Admission staff send the completed International Student Refund Application form and the refund recommendation to FSBI at [finance@une.edu.au](mailto:finance@une.edu.au)
- 14.2.3 UNEI staff record in Provider Registration and International Student Management System (PRISMS) for each refund:
  - 14.2.3.1 Student's details;
  - 14.2.3.2 Whether the refund was in accordance with TPS legislation (s47D or s47E);
  - 14.2.3.3 Amount of fees refunded;

### **14.3 Processing Continuing International Student Refund Requests:**

- 14.3.1 Where the refund request is for a continuing international student, UNE International staff record the application in TRIM.
- 14.3.2 The International Student Refund Application form is sent to the Manager of International Services in UNEI for actioning.

14.3.3 The Manager International Services forwards the completed form to Student Accounts [studentaccounts@une.edu.au](mailto:studentaccounts@une.edu.au) with a recommendation and the Student Accounts staff assess the refund request according to the above Refund Principles relating to continuing international students.

#### 14.4 Payment of Refunds

14.4.1 Refunds are made by Electronic Funds Transfer (EFT) within four (4) weeks of UNE receiving the initial refund request. The transfer is made by FSD directly to either the student or the person who originally paid the tuition fees.

### 15. Tuition Protection Service Reporting Requirements

15.1 UNE must notify the Secretary and the TPS Director of a refund:

15.1.1 where a student's visa is refused, even if there is a compliant written agreement in place

15.1.2 where there is no compliance agreement in place

### 16. English Language Centre Refund of Pre-Paid Fees for Studies not undertaken by Students

Commencing or continuing students studying or intending to study at the English Language Centre follow the above procedures in section 3.

16.1 Should a continuing student seek a refund on compassionate grounds, the Director UNE International will consult with the Director of Studies, English Language Centre before making a decision.

16.2 If an English Language Centre student requests a Refund refer to sections 4.5-4.6 in this document.

16.3 For an English Language Centre student who is not studying on a Student Visa who advises in writing more than 4 weeks prior to their course (Term) start date of their withdrawal, UNE will retain AUD\$500 as a processing fee.

## Administration

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