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## Purpose

The purpose of this policy and procedure is to outline New York Film Academy Australia’s approach to managing fees and refunds and to demonstrate how fees paid in advance are protected by New York Film Academy Australia.

This complies with Clauses 5.3, 7.3 and Schedule 6 of the Standards, as well as the ESOS Act and the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 2 and 3.

## Definitions

**ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO’s registering body

**DET** means Department of Education and Training

**ESOS Act** means Education Services for Overseas Students Act 2000

**National Code** means National Code of Practice for Providers of Education and Training to Overseas Students 2018

**Fee Payer** means the nominated payer of a students course fees, usually either the student or the employer paying on behalf of the student

**Provider default** means where the provider 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starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

**SRTOs** means the Standards for RTOs 2015 – refer definition of ‘Standards’

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework which can be accessed from [www.asqa.gov.au](http://www.asqa.gov.au)

**Student default** means where:

- 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the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or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

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- the registered provider of the course 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 an amount payable to the provider for the course;
  - the student breached a condition of his/her student visa;
  - misbehaviour by the student.

A student does not default for failing to start a course on the agreed starting day if he/she does not start that course because of provider default.

## Policy

### 1. Protection of fees paid in advance

- New York Film Academy Australia protects the fees that are paid in advance by both domestic fee paying and international students.
- For domestic fee for service students, fee protection is ensured through:

New York Film Academy pays into the Australian Student Tuition Assurance Scheme (ASTAS) which is administered by ACPET. This ensures fee protection for fees paid in advance over the \$1500 threshold.
- For eligible Vet Student Loans applicants:
  - New York Film Academy Australia does not require a student to ever pay more than \$1500 in advance for services not yet provided, either prior to course commencement or at any stage during their course. Fees will be paid off during the course in instalments according to a set payment plan.

For international students fee protection is ensured as follows:

- All course fees will be held in a separate bank account that can only be drawn down when the student commences. The course fees are held separately from the day-to-day operating expense accounts, so that if a refund is payable before the student commences, the refund can be made in full and in a timely way without impact on the financial operations of the business or recourse to the tuition protection system.
- New York Film Academy Australia does not require international students to pay more than 50% of course fees prior to course commencement. However, New York Film Academy Australia provides students with the opportunity to pay more than 50% of their tuition fees prior to course commencement if they wish. Where a student chooses not to pay more than 50% upfront, the remaining amount will be collected according to an agreed payment schedule. Note, however, that where a course is less than 25 weeks, New York Film Academy Australia will require students to pay the full cost of the course prior to course commencement.
- New York Film Academy Australia pays into the Tuition Protection Service (TPS) provided by the Australian Government.

### 2. Fees and refund information

- Fee information relevant to a course is outlined in detail on the Student Agreement and summarised on the Course Outline as well as the RTO's website. In compliance with Clause 5.3 of the Standards, detailed fee information is provided prior to enrolment or commencement of training, whichever is first.
- For international students, fee information is always provided prior to enrolment or receipt of payment as per the requirements of the National Code 2018 Standard 2 and 3. Fee information provided to domestic and international students includes:
  - All course fees, including both tuition fees and non-tuition fees and the period to which these fees apply
  - Any additional charges that may apply and the circumstances in which they apply
  - The potential for changes to fees over the duration of the course

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- Payment options (including that international students may choose to pay more than 50% tuition fees before their course commences)
- The Student Agreement and the Student Handbook which are provided prior to enrolment, includes this Fees and Refunds Policy and Procedure and informs the student of their consumer rights. Students are required to sign the Student Agreement in acknowledgement of the terms and conditions of the enrolment and this policy.
- Students have the right to a 'cooling off period' if they signed up to a course as a result of tele-marketing or door-to-door sales. The cooling off period is 7 days from the date they signed their Agreement. To exercise this right, the student must notify our office in writing within 7 days of enrolment.

### 3. Course fee inclusions

- The Student Agreement will clearly itemise all course fees, including both tuition and non-tuition fees.
- Tuition fees include:
  - All of the training and assessment required for students to achieve the qualification or course in which they are enrolling within the attempts allowed.
  - Issuance of one set of certification documents including the testamur (certificate) and record of results and/or a Statement of Attainment (in the case of withdrawal or partial completion).
- Non-tuition fees include:
  - Additional fees that apply for re-assessment, where a student fails to achieve a satisfactory outcome after three attempts at an assessment task.
  - Re-issuance or additional copies of certification documents will attract a fee of \$40 per document.
  - Fees for deferral of study, late payment of tuition fees, or other circumstances in which additional fees may apply.
- Otherwise course fees (tuition or non-tuition) do not include:
  - Equipment hiring (please see Student Handbook for further details).
  - Stationery such as paper and pens.
  - Overseas Student Health Cover
  - Airport pick ups
  - Re-assessment if required, as outlined above.
  - Re-issuance of AQF certification documents – a cost of \$40 per document applies.
  - Direct debit setup, transaction and dishonour fees (where applicable).
  - Credit card payment fees.
- New York Film Academy Australia cannot guarantee that students will successfully complete the course in which they enrol regardless of whether all fees due have been paid.

### 4. Payments

- Payments can be accepted by EFTPOS, electronic transfer, credit card, money order, cash or direct debit.
- Credit card payments can incur additional fees.

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- Students who are experiencing difficulty in paying their fees are invited to call our office to make alternative arrangements for payment during their period of difficulty.
- Debts will be referred to a debt collection agency where fees are more than 40 days past due.
- New York Film Academy Australia reserves the right to suspend the provision of training and/or other services until fees are brought up to date. Students with long term outstanding accounts may be withdrawn from their course if payments have not been received and no alternative arrangements for payment have been made.
- International students who do not pay their fees will receive two warnings regarding non-payment of fees and thereafter will be reported to DET via PRISMS under student default.
- Receipts of payments made by international students will be kept for at least 2 years after the person ceases to be an accepted student.

### 5. Refunds for domestic students

- All course fees for fee-for-service students include a non-refundable deposit which is detailed on the Course Outline and Student Agreement. The deposit is non-refundable, except in the circumstances detailed below.
  - A full refund of any fees paid (including the deposit) will apply where a student withdraws or cancels their course in writing within the cooling off period. The cooling off period is 7 days and applies from the date of first enrolment or sign-up.
  - A full refund of any fees paid (including the deposit) will apply if New York Film Academy Australia is required to cancel a course before it commences due to insufficient numbers or for other unforeseen circumstances.
- In the unlikely event that New York Film Academy is unable to deliver the course or any portion of the course as promised, the student will be issued with a refund for the course or portion of course that was not provided. This includes the following situations:
  - Where New York Film Academy Australia ceases to deliver the course in which a student is enrolled and the agreement is terminated.
  - Where New York Film Academy Australia needs to make a change to the terms of the student agreement (such as the way the course is delivered or conditions of enrolment) and a new agreement cannot be reached with the student to account for changes.
- In any of the above situations, New York Film Academy Australia will automatically conduct a refund assessment of all affected students and issue the refunds due accordingly. In these cases there is no need for a student to make an individual application for a refund. Refunds will be issued within 28 business days.
- Students who withdraw from a course may seek a refund or a reduction in fees owing by making an application for a refund in writing using the *Application for Refund Form*. The application must include the details and reason for the request. Students who have not completed a Withdrawal Form are not eligible for consideration of a refund or reduction in fees.
- The refund assessment will be based on reviewing the services provided to the student and the costs incurred by New York Film Academy Australia to provide those services.
- The outcome of the refund assessment will be provided in writing to the student's registered address within 28 business days, outlining the decision and reasons for the decision along with any applicable refund or adjustment note. Refund decisions can be appealed following our *Complaints and Appeals Policy and Procedure*.
- A student not achieving the qualification or unit/s in which they enrolled due to exhausting their attempts at assessment, does not entitle the student to a refund.

- RPL application fees are non-refundable.

### 6. Refunds for international students

- All course fees for international students include a non-refundable enrolment fee which is detailed on the Course Outline and Student Agreement. The deposit is non-refundable, except in the circumstances detailed below.
  - A full refund of any fees paid (including the deposit) will apply where a student withdraws or cancels their course in writing within the cooling off period. The cooling off period is 7 days and applies from the date of first enrolment or sign-up.
  - A full refund of any fees paid (including the deposit) will apply if New York Film Academy Australia is required to cancel a course before it commences due to insufficient numbers or for other unforeseen circumstances.

- **Circumstances in which a refund will be paid – FULL REFUNDS APPLY**

A full refund of any course fees paid will be provided to students in any of the following circumstances:

- Where a course does not start on the starting date outlined in the Letter of Offer
  - If a student cannot commence the course because of illness, disability or where there is death of a close family member of the student (parent, sibling, spouse or child).
  - At the discretion of New York Film Academy Australia's CEO or approved representative, when other special or extenuating circumstances have prevented the student from commencing their studies including political, civil or natural events.
  - If an offer of a place is withdrawn by New York Film Academy Australia and this is not due to incorrect or incomplete information being provided by the student.
- **Refund process for full refunds**
    - In any of the above situations, New York Film Academy Australia will automatically conduct a refund assessment of all affected students and issue the refunds due accordingly.

- **Circumstances in which a partial refunds will be paid – PARTIAL REFUND**

- Partial refunds will be paid in the event of provider default. The refund will be calculated from the day of the default as per section 7 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014.
- Partial refunds will also be provided in the same manner as for provider default (as above) where New York Film Academy Australia fails to enter into a written agreement with a student or the Student Agreement is not compliant with the requirements of the ESOS Act or the National Code.
- If an international student is refused a visa (student default) before commencing their course, New York Film Academy Australia will refund the total amount of all course fees (tuition and any non-tuition fees) received for the course less whichever is the lower amount of 5% of the total amount of the fees (tuition and non-tuition) or the sum of \$500.
- If an international student is refused a visa (student default) but has already commenced their course, non-tuition fees will not be refunded. However, tuition fees will be refunded from the day of the student default as per Section 7 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014.
- If a student has supplied incorrect or incomplete information and as a result New York Film Academy Australia withdraws the offer prior to commencement of the course, the student will be eligible to receive a refund of all course fees paid less a 20% administration fee.

- Where a student has not met the conditions included in the letter of offer and withdraws 0 – 28 days before course commencement, the deposit paid will be refunded less a 20% administration fee.
  - Where a student withdraws from a course 0 – 28 days before the course commencement, except for the reasons set out in 9.1, 50% of the deposit paid will be refunded.
  - If a student withdraws or defers their course after the course has started and they have paid for units/clusters that have not been commenced. This will be calculated on a per unit or cluster cost calculated as the course fee less administration fees of 20%, less equipment fees divided by the total number of units or clusters in the course.
- **Refund process for partial refunds**
    - Students who withdraw from a course may seek a refund or a reduction in fees owing by making an application for a refund in writing using the Application for Refund Form. The application must include the details and reason for the request. Students who have not completed a Withdrawal Form are not eligible for consideration of a refund or reduction in fees.
    - The refund assessment will be based on reviewing the services provided to the student and the costs incurred by New York Film Academy Australia to provide those services.
    - The outcome of the refund assessment will be provided in writing to the student's registered address within 28 business days, outlining the decision and reasons for the decision along with any applicable refund or adjustment note. Refund decisions can be appealed following our Complaints and Appeals Policy and Procedure.
    - A student not achieving the qualification or unit/s in which they enrolled due to exhausting their attempts at assessment, does not entitle the student to a refund.
  - **Circumstances in which a refund will not be paid – NO REFUND**
    - A student is not entitled to a refund in the following circumstances:
      - Where a student is refused a visa and the reason for the refusal was because the student did not start the course at the location on the agreed starting day or the student withdrew from the course at that location or the student did not pay the fees due.
      - Where New York Film Academy Australia terminates the student's enrolment because of a failure to comply with New York Film Academy Australia policies, misbehaviour or unsatisfactory course progress.

### 7. Recording and payment of refunds

- Refunds will be paid to the person or organisation or nominated person/persons that made the original payment.
- Refund assessments can be appealed following our *Complaints and Appeals Policy and Procedure*.
- Records of refund assessments and issuance of refunds will be stored securely on the student's file and in our accounts keeping system.

### 8. Publication

- New York Film Academy Australia will publish in a prominent place on its website the following:
  - All tuition and non-tuition fees (as shown on Course Outlines).
  - This Fees and Refunds Policy.

## Procedures

### 1. Student fees

Refer

- SRTOs: Clauses 5.3, 7.3
- National Code: Standard 3

Procedure	Responsibility
<p><b>A. Deposit invoices</b></p> <ul style="list-style-type: none"> <li>• All domestic student fee-payers should pay their enrolment fee upon enrolment, preferably prior to course commencement.</li> <li>• All international students should pay their enrolment fee upon enrolment.</li> <li>• Ensure there is a signed written <i>Student Agreement</i> on file before invoicing.</li> <li>• Raise an invoice for the amount in line with the payment schedule for the relevant course.</li> <li>• Fee-payers as outlined on the invoice.</li> <li>• Keep a copy of the invoice on the student's file.</li> </ul>	<p>Administration team/ Finance Team/ Bookkeeper</p>
<p><b>B. Fee instalment invoices</b></p> <ul style="list-style-type: none"> <li>• Charge fee instalments in line with the relevant payment schedule for the course, outlined on the Student Agreement/ Course Outline.</li> <li>• Ensure all payment terms, conditions and amounts are as indicated on the invoice unless a record of an agreed or advised change is in writing and the conditions of such a change were outlined on the initial agreement.</li> <li>• Payments are required as per the invoice.</li> <li>• Keep a copy of the invoice on the student's file.</li> </ul>	<p>Administration team/ Finance Team/ Bookkeeper</p>
<p><b>C. Receiving payments</b></p> <ul style="list-style-type: none"> <li>• Payments may be made by EFTPOS, cash, direct bank transfer, money order, credit card or direct debit.</li> <li>• Fees for international students may not be collected until the Student Agreement has been signed.</li> <li>• Record payments against the relevant invoice on Quickbooks.</li> <li>• Provide the student with a receipt.</li> <li>• Ensure receipts for payments from international students are retained for at least 2 years after the first payment is received.</li> </ul>	<p>Administration team/ Finance Team/ Bookkeeper</p>
<p><b>D. Managing overdue fees – domestic students</b></p> <ul style="list-style-type: none"> <li>• Send out statements monthly to students to show outstanding fees.</li> <li>• Call students where payments are more than 7 days overdue.</li> <li>• Any student with an invoice over 40 days past due should be referred to the debt collection agency.</li> </ul>	<p>Administration team/ Finance Team/ Bookkeeper</p>



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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Refer to the Director about suspending training until fees are brought up to date. If training is suspended send a letter to the student advising of suspension until payment is made. Advise Trainer/Assessor.</li> <li>Where fees continue to be unpaid, refer to Director to consider withdrawal.</li> </ul>	
<p><b>E. Managing overdue fees – international students</b></p> <ul style="list-style-type: none"> <li>Send out statements monthly to students to show outstanding fees.</li> <li>Call students where payments are more than 7 days overdue.</li> <li>Send out first warning letter regarding non-payment of fees when payment are more than 10 days overdue</li> <li>Send out second warning letter regarding non-payment of fees when payment are more than 20 days overdue</li> <li>Send notification of intention to cancel regarding non-payment of fees when payment are more than 30 days overdue.</li> <li>Any student with an invoice over 40 days past due should be referred to the debt collection agency.</li> </ul>	Administration team/ Finance Team/ Bookkeeper Director of Studies

### 2. Refunds

Refer

- SRTOs: Clauses 5.3, 7.3
- National Code: Standard 3

Procedure	Responsibility
<p><b>A. Processing refunds – domestic students</b></p> <ul style="list-style-type: none"> <li>If a course is cancelled by New York Film Academy Australia, students who have enrolled and paid their deposit/enrolment fee should be automatically issued a refund. Notify them in writing and issue refund. Record on file.</li> <li>Students who withdraw from their course and seek a refund are to make a request for a refund in writing.</li> <li>To make an assessment of a refund due, consider the services the student has received. Consider the following:               <ul style="list-style-type: none"> <li>Enrolment fee is non-refundable – this covers administration time for enrolment and induction process.</li> <li>Training received – number of classes attended</li> <li>Individual support provided by the trainer/assessor</li> <li>Assessments marked</li> </ul> </li> <li>Consider the costs incurred by New York Film Academy Australia as per above, plus the fees paid by the student to calculate a suitable refund. Refund assessments are to be approved by CEO/Finance Manager.</li> <li>Notify the student in writing of the outcome of the refund assessment and make payment of refund where applicable.</li> </ul>	Administration team/ Finance Team/ Bookkeeper

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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Keep a copy of the refund assessment on the student's file.</li> </ul>	
<p><b>B. Processing refunds – provider default (international students)</b></p> <ul style="list-style-type: none"> <li>Automatically issue a refund within 28 days to students who have enrolled and paid their enrolment fee and the course is cancelled prior to commencement.</li> <li>Automatically issue a refund to students within 28 days where the course has commenced but is cancelled.</li> <li>Notify students to whom refunds are automatically issued in writing and issue refund. Record on file.</li> <li>All other students who withdraw from their course and seek a refund are to make a request for a refund in writing.</li> <li>Assess refund as per this Policy.</li> <li>Calculate the relevant refunds.</li> <li>CEO/Director of Studies approves refund assessment.</li> <li>Notify the student in writing of the outcome of the refund assessment and make payment of refund where applicable.</li> <li>For student default, process refunds within 28 days.</li> <li>Keep a copy of the refund assessment on the student's file.</li> </ul>	<p>Administration team/ Finance Team/ Bookkeeper CEO/Director of Studies</p>
<p><b>C. Processing refunds – student default (international students)</b></p> <ul style="list-style-type: none"> <li>All other students who withdraw from their course and seek a refund are to make a request for a refund in writing.</li> <li>Assess refund as per this Policy.</li> <li>Calculate the relevant refunds.</li> <li>CEO/Director of Studies approves refund assessment.</li> <li>Notify the student in writing of the outcome of the refund assessment and make payment of refund where applicable.</li> <li>Process refunds within 28 days.</li> <li>Keep a copy of the refund assessment on the student's file.</li> </ul>	<p>Administration team/ Finance Team/ Bookkeeper  CEO/Director of Studies</p>

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## Document Control

<b>Document No. &amp; Name:</b>	SC5 - Fees and Refunds P&P V3.0 (ID 38)
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