

Factsheet For Education Agents

Australia is committed to ensuring the highest standard of service and care is delivered across its international education and training sector. Education agents, both offshore and onshore, make an important contribution to Australian international education.

The Australian Government expects that all agents operating in the Australian market uphold the reputation of Australia's international education sector and act in the best interests of students, who place their trust in Australian international education.

Agents should adhere to responsible business ethics and understand their obligations to provide current, accurate and honest information to students, that helps students make informed decisions about studying in Australia.

Drawn from The Australian International Education and Training Agent Code of Ethics; National Code of Practice for Providers of Education and Training to Overseas Students - Standard 4: Education agents, 2018

Who we are

The Tuition Protection Service (TPS) is an Australian Government entity supported by the Australian Government Department of Education. The TPS is led by a ministerially appointed Director, Ms Melinda Hatton.

The TPS assists international students when an education provider closes or stops offering courses/units in which students have enrolled. The TPS may provide assistance in arranging suitable alternative study options or by providing refunds of unspent tuition fees.

How we work with education agents

In the case of an education provider closure, the TPS will also support education providers and education agents to assist students. We will explain case-specific arrangements in place with other relevant authorities, such as the Department of Home Affairs in relation to student visas, and regulators such as ASQA and TEQSA regarding statements of attainment and unit/course transfers. We may also provide information from local international education entities, such as Study Australia, its state and local branches.

Where a student wishes their agent to represent them in TPS matters, and where a student requests their refund of unspent tuition fees be sent directly to their agent rather than the student's own bank account, Authority to Act forms MUST be completed. The forms MUST be personally signed by the student to be valid.

Frequently Asked Questions

Refunds	
<p>What portion of the student tuition fees will be paid by the TPS?</p>	<p>Education Provider Default</p> <p>The TPS will refund the student the amount of unspent tuition fees in accordance with the Education Services for Overseas Students (Calculation of Refund Specification) 2014 . The TPS is unable to refund any non-tuition fees.</p> <p>Student Default</p> <p>Where a student’s visa has been refused prior to the commencement of their course, the student is entitled to a refund of their total course fees (tuition and non-tuition fees), minus the lesser of 5% of total course fees or \$500. This is outlined in section 9 of the Education Services for Overseas Students (Calculation of Refund Specification) 2014.</p> <p>Where a student’s visa has been refused after the commencement of the course, this may be subject to section 10 of the Education Services for Overseas Students (Calculation of Refund Specification) 2014. The calculation takes into consideration the following formula: <i>Refund amount = weekly tuition fee x weeks in default period</i>.</p> <p>Where the student has withdrawn from their course prior to the closure of their education provider, their refund will be calculated in accordance with the education provider’s refund policy. The education provider’s refund policy should have been a component of the written agreement that the student signed at the time of enrolment.</p>
<p>How does the TPS calculate unspent tuition fees?</p>	<p>The student is sent an email with log-in details for the TPS Online case management system, to submit a claim and to provide evidence of their identity, enrolment details and course payments.</p> <p>The TPS will calculate a student’s refund entitlement in accordance with the Education Services for Overseas Students (Calculation of Refund Specification) 2014.</p> <p>Students may be requested to provide additional documentation to validate their claim.</p>
<p>Is there an email address where can I ask specific details about my student’s refund?</p>	<p>Agents and students can ask any questions relating to the TPS and refunds of tuition fees to: support@tps.gov.au</p>
Visas	
<p>My student still hasn’t received a refund from their education provider where their visa was refused <u>after</u> the education provider closure. Can the student seek a refund of the unspent tuition fees?</p>	<p>Yes. The student should submit a financial assessment in TPS Online and the refund calculation will be in accordance with the Education Services for Overseas Students (Calculation of Refund Specification) 2014.</p> <p>The student may be asked to provide email documentation showing their attempts to recover their tuition fees.</p>
<p>My student still hasn’t received a refund from their education provider where their visa was refused <u>before</u> the education provider closure. Can the student seek a refund of the unspent tuition fees?</p>	<p>Yes. The student should submit a financial assessment in TPS Online and the refund calculation will be in accordance with the Education Services for Overseas Students (Calculation of Refund Specification) 2014.</p> <p>The student may be asked to provide email documentation showing their attempts to recover their tuition fees.</p>
<p>What happens with students who are</p>	<p>The Department of Home Affairs (Home Affairs) will contact a student</p>

<p>currently offshore waiting for their visa outcome?</p>	<p>whose visa application is still to be decided and their education provider has closed, to request a new Certificate of Enrolment from another education provider.</p> <p>The student’s visa application will be assessed based on the new course they have chosen to study.</p>
<p>How long are students permitted to not be studying prior to commencing their new course?</p>	<p>Home Affairs has advised that students generally have three months to enrol and start their new course following an education provider closure and default. This is a guideline, and if the student has taken all reasonable steps to enrol and begin their new course, they will not be sanctioned.</p> <p>If it has been over three months since their education provider default, and your student has not found a placement at a new education provider we recommend that the student contacts Home Affairs either by phone on 131 881 or email student.visa.help.desk@homeaffairs.gov.au to find out whether this has any implications for their student visa.</p>
<p>If the new course is longer than their current CoE/student visa, would you recommend that the student applies for their new student visa when they find out their course completion date, or wait until the visa expires?</p>	<p>The Home Affairs website states that if the new course finishes after the expiry date of the student’s current visa, they will need to apply for a new student visa (subclass 500) before their current visa expires.</p> <p>In the case of an education provider closure where the TPS is activated, students are eligible for a Visa Application Charge (VAC) exemption. Further information is available at http://www.homeaffairs.gov.au/</p>
<p>Do students who need to extend their student visas must pay to do so?</p>	<p>Students are eligible for a Visa Application Charge (VAC) exemption in the case of an education provider default. Further information is available through from Home Affairs at http://www.homeaffairs.gov.au/</p>
<p>Agents</p>	
<p>How can I be sure I won’t lose the agent commission if I assisted a student of the education provider who defaulted to enrol and to pay the full tuition fee?</p>	<p>There is currently no scope in the <i>Education Services for Overseas Students Act 2000 (ESOS Act)</i> for the TPS to provide payment of agent commissions where an education provider has failed to do so. Therefore, unfortunately, if you believe you are owed commissions from the education provider in default, you will have to lodge as a creditor with the liquidator or seek reimbursement from the education provider.</p>
<p>What happens if a student has made a payment to the education provider in default but has not received a CoE?</p>	<p>If the student has paid money to the education provider in default and not received a Certificate of Enrolment, you can forward the documentation to the support@tps.gov.au. Such documents include:</p> <ul style="list-style-type: none"> • Payment information • Copy of the student’s passport • Visa information • Letter of offer <p>The TPS will decide to create a Certificate of Enrolment on behalf of the education provider in default.</p>
<p>Can an education agent log into TPS Online on behalf of a student?</p>	<p>Where the student gives authority for you to act on their behalf, they will need to sign the Authority to Act form (see below). The student will also need to provide you with their login details so that you can access the TPS Online on their behalf.</p>
<p>Student Records</p>	
<p>My student has not received a copy of their qualification(s) or statement of</p>	<p>The student can apply to ASQA for a copy of their student records. It is a requirement that education providers, when they close, supply ASQA with</p>

<p>attainment. Is there someone we can talk to about this?</p>	<p>their students' records. ASQA may be able to assist the student to obtain a copy of these.</p> <p>To apply to ASQA for a copy of student records, please go to: https://www.asqa.gov.au/students/student-records/apply-for-copy-record</p>
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Authority to Act forms

Authority to Act Form – Proof of Payment

Tuition Protection Service
Authority to Act Form – Proof of Payment

Completion of this form authorises an agent to act on behalf of a student when providing proof of payment in TPS Online.

STUDENT INFORMATION	
Full name of student	
Full address	
Phone number	
Student email address	
AGENT INFORMATION	
Full name of agent	
Name of agency	
Full address	
Phone number	
Agent email address	

Authorisation
 I (full name of student) _____
 authorise my agent (full name of agent) _____
 of (address of agent) _____

to act on my behalf in relation to:

(i) completing the *Proof of Payment* task in my TPS Online account so the Tuition Protection Service can calculate my unspent tuition fees from Xamerg Pty Ltd, trading as The Eagle Academy [02480G].

Student Signature
 Full name of student: _____
 Signature of student: _____
 Date: _____

Authority to Act Form – Proof of Payment | Page 1 of 1

Authority to Act Form – Payment of Refund

Tuition Protection Service
Authority to Act Form – Payment of Refund

Completion of this form authorises the Tuition Protection Service to transfer a student's unspent tuition fee amount to a bank account belonging to the student's agent.

STUDENT INFORMATION	
Full name of student	
Full address	
Phone number	
Student email address	
AGENT INFORMATION	
Full name of agent	
Name of agency	
Full address	
Phone number	
Agent email address	

Authorisation
 I (full name of student) _____
 authorise my agent (full name of agent) _____
 of (address of agent) _____

to:

(i) receive my refund of unspent tuition fees from Xamerg Pty Ltd, trading as The Eagle Academy [02480G] to the amount of \$_____.

Declaration
 The Tuition Protection Service strongly recommends that you obtain written confirmation from your agent stating how and when they will pay you the unspent tuition fee amount to ensure you receive your refund.
 Please tick:
 I understand that it is not the responsibility of the Tuition Protection Service to ensure that I receive my unspent tuition fee refund amount from my agent.

Authority to Act Form – Payment of Refund | Page 1 of 2

Authority to Act Form – Payment of Refund

Bank account details
 Please provide the bank account details for payment of your unspent tuition fee refund.

Australian bank account
 Account name: _____
 BSB: _____
 Account number: _____
 Branch address: _____

Non-Australian bank account
 Country: _____
 Full name of bank account owner: _____
 Account name: _____
 Residential address of recipient: _____

SWIFT or Bank Identification Code (BIC): _____
 Account number: _____

Student Signature
 Full name of student: _____
 Signature of student: _____
 Date: _____

Authority to Act Form – Payment of Refund | Page 2 of 2