

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

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 FPAS to refund the student.
- e. The International Admissions Manager must work with FPAS 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 Strategy.
- 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.

Student defaults

UNE is only required to notify TEQSA via PRISMS if a student defaults by not starting their accepted course on the agreed date **due to a student visa refusal**.

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.

- The International Admissions Manager must work with FPAS 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 Strategy.
- 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)

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		

- Click on the row to view the Provider/Student Default for the CoE.
- 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:
 - If the student default is due to visa refusal, or
 - 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.

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

Administration

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