

# Overseas Student Factsheet: Making a Complaint about your Education Provider

## Introduction

While studying in Australia, you might experience problems with your education provider.

Some common problems that students encounter include:

- your provider has told you that you have not complied with the conditions on your student visa;
- your provider has refused your request for a refund of your tuition fees;
- the quality of the education you are receiving is poorer than you expected;
- your provider has refused your request to transfer to another provider;
- your provider has refused your request to defer or suspend your studies; and/or
- the provider has misled you about the course.

In handling your complaint, the education provider must comply with the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (**National Code**).

## Resolving Disputes Informally

Where possible, you should try to resolve your complaint through direct discussions with your education provider (this is known as "informal" dispute resolution). You can have informal discussions over the telephone or by email.

## Internal Dispute Resolution Process

If you cannot resolve your complaint informally, you may access your provider's 'internal review' process.

All education providers in Australia must have an internal complaints and appeals process (National Code, 10.1). The internal complaints and appeals process must be free, easy to access, and cover a wide range of issues. Under this process (National Code, 10.2):

- you can lodge a formal complaint or appeal a decision you are unhappy with;
- the education provider will look at your complaint or appeal within 10 days, and try to finalise their decision as soon as they can;
- you will be able to present your case to your provider at minimal or no cost;
- you can have a support person with you; and

- you will be given a written statement when the provider is finished with their investigation – it will include the outcome and reasons for the decision (National Code, 10.2.7).

## External Dispute Resolution Processes

If you have lodged a complaint or internal appeal with your education provider and you have received an outcome that you are unhappy with, you can take your complaint or appeal further.

Within 10 working days of finalising your 'internal review', your education provider will give you details of an independent external person or organisation that you can lodge a complaint or appeal with (*National Code*, 10.3).

**Private education provider:** If you are studying with a private education provider, you can make a complaint to the Commonwealth Ombudsman. For more information about this, please refer to the Redfern Legal Centre factsheet on '*Making a complaint to the Commonwealth Ombudsman*' (see: <https://bit.ly/RLC-self-help>).

**Public education provider:** If you are studying with a public education provider, you can make a complaint to the State or Territory Ombudsman.

**Complaint about quality:** If your complaint is about the quality of education you are receiving from your education provider, you can make a complaint to the Australian Skills Quality Authority (**ASQA**) or the Tertiary Education Quality and Standards Agency (**TEQSA**).

- ASQA deals with problems relating to vocational education, training courses or English language courses.
- TEQSA deals with problems relating to higher education courses and English language courses that lead to a foundation or higher education course.

**Australian Consumer Law:** The *Australian Consumer Law* provides protections to students in relation to paid education. If your complaint is about the quality of the services you have received from your provider, you may complain to your local State or Territory consumer protection agency, whose details are available here: <https://bit.ly/3qkn3Ze>

## Tips

- Make sure you read and understand your education provider's internal complaints or appeals policy, as each education provider's policy will be different.
- If your complaint with the education provider's internal complaints process is unsuccessful, ask for written reasons for the decision.
- Make sure you keep copies of any documents or communications between you and the provider.

Complaint and appeal processes can be slow and involve a lot of work, so be patient.

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*This factsheet is not a substitute for legal advice. If you have a problem, please contact RLC's International Student Legal Service NSW at [www.rlc.org.au/contact](http://www.rlc.org.au/contact) or phone 02 9698 7645.*