

International Student Factsheet

Making a complaint about your education provider



This factsheet provides an overview of how to resolve a dispute with your education provider when issues arise during your study.

1. Introduction

While studying in Australia, you may encounter problems with your education provider ('provider') from time to time.

You might have a dispute with your provider because:

- Your provider has notified you that you have not complied with your student visa conditions (e.g. academic progress and attendance at classes)
- Your provider has refused your request for a refund of your tuition fees
- Your provider has refused your request to transfer to another provider
- The quality of the education you are receiving is poorer than you expected, or your provider in some way misled you about the course. For example, by telling you that a particular person would be your lecturer for a given course, when in fact that person never agreed to teach the course

This is **not** an exhaustive list of complaints that can be made against an education provider.

Standard 8 of the National Code* sets out some of the legal obligations placed on an education provider when a dispute with a student arises.

2. Your options to resolve disputes with your education provider

If you have a problem with your education provider and you want to make a complaint, your education provider is required to have an internal complaints and appeals process. The provider's internal complaints and appeals process must:

- Provide the student with the opportunity to formally present his or her case at minimal or no cost
- Allow the student to be assisted or accompanied by a support person
- Provide a written statement of the outcome, including reasons for the provider's decision, and
- Begin within 10 working days of the student lodging a formal written complaint or appeal

3. Options if your education provider refuses your internal appeal

If you have lodged a complaint or internal appeal with your education provider and you have received a negative outcome, you can still take your complaint or appeal further.

Your education provider is obliged to have arrangements in place for an independent external person or organisation to hear a complaint/appeal where the provider's internal process has been completed and you are still unhappy with the decision.

If you are studying with a private education provider, you can also complain to or lodge an appeal with the Overseas Students Ombudsman. If you are studying with a public education provider,

you can complain to or lodge an appeal with your state or territory ombudsman.

Australia has consumer protection laws contained in the 'Australian Consumer Law' which protect students in the context of education.

Your education provider must comply with the Australian Consumer Law and if you have attempted to resolve a consumer related issue with an education provider internally, then you may be able to complain to your local state or territory consumer protection agency:

<https://www.accc.gov.au/contact-us/other-helpful-agencies/state-territory-consumer-protection-agencies>

To find out more details about the Australian Consumer Law, checkout the Australian Competition and Consumer Commission website: <http://www.consumerlaw.gov.au/>

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

ASQA handles complaints about vocation education and training courses or standalone English language courses.

TEQSA handles complaints about higher education courses and English language courses that are a pathway to a higher education course and foundation courses.

4. Tips for resolving disputes with an education provider

- Before you make a complaint or lodge an internal appeal, you should be familiar with your education provider's internal complaints/appeals policy. Each education provider has different policies on how a complaint or appeal is handled
- If you have been unsuccessful with an internal complaint or appeal, always ask for

written reasons for the provider's decision so that you can assess the likelihood of success if you choose to challenge the decision further

- Always keep copies of correspondence between you and your provider, as well as any notices that your provider sends you. This will help you to establish a timeline of events to support your complaint or appeal if you choose to take your matter to an external dispute resolution provider
- Always be mindful that resolving disputes in Australia is a slow process. You should take this into consideration when deciding whether to lodge a complaint or appeal

Produced by the Redfern Legal Centre.

This factsheet is not a substitute for legal advice. If you have a problem with an education provider, please seek legal advice from your local community legal centre or other legal advisors.

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** National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (Cth). ESOS framework refers to the National Code and the Education Services for Overseas Students Act 2000 (Cth).*