Australian Government
Department of Education

International education: ensuring quality and protecting students

Australia welcomes international students

Coronavirus (COVID-19) information for international students

International students are an important and valued part of Australia's world class education system. Those impacted by the COVID-19 pandemic can find a range of resources and support on the Department of Education website.

Additional information can also be found on the Study in Australia website, the official Australian Government website for international students.

Australian laws protect international students

The Australian Government wants international students to have a rewarding and enjoyable experience when they come to Australia to study. Australia offers high quality education services and protects the rights of international students to ensure you make the most of your time here.

This fact sheet contains important information for student visa holders about living and studying in Australia, including your consumer rights and responsibilities as an international student and key things you should know before and during your study.

As a student on a student visa, you benefit from Australian laws that ensure high standards of education, facilities and support services while you are in Australia. You also have rights to information about your course and the education institution you wish to study with before and during your enrolment. The Education Services for Overseas Students (ESOS) framework offers you financial protection in case your education institution does not deliver what it has promised you.

You can find out more about the framework on the Department of Education website.

Last updated 14 July 2022

Before you begin your studies

Choosing a course to study

As an international student, you can only study a course with an education institution listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). All education institutions registered on CRICOS have met the quality standards set out in Australian law, which ensures you receive the best possible education services.

CRICOS is a good place to start when you want to find a course or education institution to study with.

Using an education agent

International students **do not** have to use an education agent. You can enrol directly with an Australian education institution. Information about what education institutions offer is usually on their websites.

If you want to use an education agent, it's best to pick one used by the education institution you want to study at. You can find a list of education agents on the education institution's website.

The law requires education institutions to only use education agents that act honestly and with integrity. Agents must give you accurate advice about the courses on offer, including entry requirements, and information about living in Australia. You should still be careful and alert when dealing with agents to ensure you enrol in a course that is suitable for you and will help you achieve your learning goals.

In Australia, education agents cannot give you information on visa and immigration matters – only migration agents can do this. You can find out more about using migration agents at the Department of Home Affairs website.

If you think your education agent might be behaving dishonestly or unethically, you should stop using them immediately and contact your education institution directly.

Written agreements or contracts between the student and institution

Under Australian law, an education institution must have a written agreement with you outlining the services they will provide, all the fees you are required to pay, and conditions for refunds of money you pay for the course.

The written agreement is a legal contract. You should read it carefully and make sure you fully understand what it says before signing it. You and your education institution must follow whatever is set out in the written agreement once you have accepted it, so you should keep a copy of it. Should you ever make a complaint about your education institution, you will need to refer to your written agreement. You can find out more about making complaints on page 6 of this fact sheet, **Making complaints and getting help**.

Your rights before you enrol

Even before you enrol with an education institution, under Australian law you have the right to:

- receive current and accurate information about the courses, entry requirements, all fees and modes of study from your education institution and your education institution's agent;
- sign a written agreement with your education institution before or at the time you pay fees. You do not have to pay the education institution any money or fees until you accept the agreement;
- seek a refund in certain situations for course money you have paid. Information about refund arrangements must be included in your written agreement;
- get the education you paid for. The law includes tuition protections that will allow you to be placed in another course or receive a refund if your education institution is unable to teach your course (known as a provider default), visit the TPS website for more information;
- access complaints and appeals processes; and
- request to transfer to another education institution and have that request assessed by your education institution.

Paying your tuition fees

From 14 December 2015, changes to Australian law give international students more choice about how they pay their fees. Previously you could not pay more than 50 per cent of your fees before you started a course. Now you can **choose** to pay more than 50 per cent of your tuition fees before you start. For example, you or the person who is paying your fees may decide this is a good idea if the Australian dollar exchange rates mean you will save money by paying more of your fees early.

Your education institution may ask you if you would like to pay more than 50 per cent of your fees before you start your course. This is your choice. Your education institution cannot require you to pay more, unless you are doing a short course of 25 weeks or less. If your course is longer than 25 weeks, you cannot be asked to pay more than 50 per cent of your tuition fees before you start.

Your education institution may wish to organise a payment plan so you can start regularly paying the rest of your tuition fees once you start the course. Your written agreement should include an itemised list of all the fees you will be charged for your course, including your tuition fees, and information on how they will be paid and what refund arrangements apply.

In Australia there are also very strong protections for students' fees, which you can learn more about on **page 6** of this fact sheet under **Protecting your tuition fees**.

What happens if you can't start the course because your visa is refused?

If you have paid fees to an education institution and your visa is refused, you are entitled to a refund. Under Australian law, the education institution is allowed to keep either 5 per cent of the tuition fees you paid or $500, whichever is the lowest amount, and must refund you the rest.

If your visa is refused after the course was due to start, the education institution can keep tuition fees for the number of weeks that have passed since commencement and must refund you the rest of the fees.

What happens if you decide you don't want to start or continue the course?

If you change your mind and do not want to start the course, you may be entitled to a refund.

If you have a written agreement with the education institution, the amount of your refund will depend on the written agreement, which should tell you what will or will not be repaid to you.

If you do not have a written agreement, you have the right to receive some of your fees back. Under Australian law, the education institution is allowed to keep either 5 per cent of the fees you paid or $500, whichever is the lowest amount, and must refund you the rest of the tuition fees you paid them.

During your studies

Support services for you in Australia

Under Australian law your education institution must offer you support services to help you adjust to study and life in Australia, achieve your learning goals and maintain satisfactory progress in your learning. This support is available because we recognise that Australia may be a new environment for students, with different laws, culture and customs. Your education institution must give you free information and advice on:

- support and welfare services available at the education institution;
- legal services;
- emergency and health services;
- facilities and resources;
- complaints and appeals processes;
- any student visa condition that relates to the course you are studying; and
- services international students can access for information on their employment rights and conditions, and how to resolve workplace issues, such as through the Fair Work Ombudsman.

Many education institutions also offer career advice services. You should ask them whether they can help advise you on working and careers.

Welfare for students under 18 years of age

If you are under 18 years of age, you will only be granted a visa if there are adequate arrangements in place for your accommodation, support and general welfare. This is for your personal safety and applies for the length of your student visa or until you turn 18.

If you are under the age of 18, your visa application must demonstrate that you will be accompanied by a parent, legal custodian or an eligible relative. If you will not be living with one of these people, your education institution can agree to be responsible for approving your accommodation, support and general welfare arrangements while you are in Australia on a student visa.

If your education institution has approved your living and general welfare arrangements, but you wish to change them, you **must** have the approval of your education institution before you do so. This is because your education institution must advise the Department of Home Affairs as soon as possible about changes to living and welfare arrangements for students under 18.

If you don't have your education institution's approval, this may be reported to the Department of Home Affairs. If this happens, you will be in breach of student visa condition 8532 and your visa may be cancelled.

Visit the Department of Home Affairs website for more information about visa requirements and welfare arrangements for students under the age of 18.

Your responsibilities as an international student in Australia

Your student visa

As an international student on a student visa, you must:

- comply with your student visa conditions;
- ensure you have and continue to maintain your Overseas Student Health Cover (OSHC) for as long as you stay in Australia on a student visa;
- tell your education institution if you change your address or other contact details;
- meet the terms of your written agreement with your education institution; and
- maintain satisfactory course progress and attendance.

Information about visa conditions for student visa holders is available on the Department of Home Affairs website, or call 131 881 on Monday – Friday from 9am to 5pm inside Australia (except public holidays).

Academic integrity and misconduct

The Australian Government and education institutions take issues of academic integrity very seriously. Education institutions have many ways of detecting cheating or plagiarism in exams and assessments.

Using ghost writing services, asking someone to take an exam in your place, or any other kind of academic misconduct will result in serious action being taken against you. Your enrolment or student visa could be affected or cancelled altogether.

If you are struggling with your studies, it's best to ask your education institution what support services they can offer you.

Your consumer rights and protections

Protecting your tuition fees

Australia is widely recognised as a world leader in protecting the tuition fees of international students through its Tuition Protection Service (TPS). The TPS assists international students whose education institutions are unable to fully deliver their course of study, and ensures that international students can either:

- complete their studies in another course or with another education institution; or
- receive a refund of their unspent tuition fees.

In the unlikely event your education institution is unable to deliver a course you have paid for, they have obligations to offer you an alternative course or, if you do not accept the alternative course, pay

you a refund of your unspent prepaid tuition fees. If your education institution is unable to meet these obligations for some reason, the TPS will assist you in finding an alternative course or getting a refund if a suitable alternative is not found.

Visit the TPS website for more information. If you are a student whose provider is unable to fully deliver your course, you can call (02) 6271 3440 for assistance.

Working in Australia

Australian workplace laws provide basic protection and entitlements for all workers in Australia, including workers from overseas. International students have the **same** entitlements to minimum wages and conditions as Australian workers, as well as superannuation and workers' compensation under Australian workplace laws.

The minimum wages and conditions to which an employee is entitled are set out in awards (also known as modern awards). Awards apply to employees depending on the industry they work in or the job that they do. Awards don't apply when a business has an enterprise agreement or other registered agreement that covers the employee's working conditions. For more information on awards and agreements, visit the Fair Work Ombudsman website.

Australian laws also protect you from being discriminated against at work, for example because of your race, when you are applying for a job, about to begin a job, or any time during your employment. For more information about discrimination at work, visit the Fair Work Ombudsman and Australian Human Rights Commission websites.

The Fair Work Ombudsman (FWO) helps employers and employees to understand their rights and responsibilities at work. The FWO can also investigate suspected breaches of workplace laws. To find out what you should be paid and learn more about your minimum workplace entitlements you can visit the Fair Work Ombudsman website. You can also call 13 13 94 from 8am to 5.30pm Monday to Friday inside Australia (except public holidays). Getting help to resolve a workplace issue will **not** automatically affect your student visa.

You are limited to 40 hours of work per fortnight when your course is in session, and unlimited hours in out of session periods. This is to ensure you are mainly focused on your studies. Work conditions for student visa holders can be found on the Department of Home Affairs website.

Changing education institutions or courses

If you are not satisfied with the course you are doing and wish to transfer to another education institution, before you make the decision to enrol with another education institution you should be aware that there are rules about what you can or cannot do.

If you are a school student and want to change to another education institution before finishing the first six months of your first school course, you must seek permission from your original education institution to transfer. Six months after you start your first school course, you can change to another education institution without asking your original education institution for approval.

For all other students, if you haven't completed six months of your principal course (the final course of study you are undertaking), Australian law says that you can only change education institutions if:

- your original education institution can no longer provide the course you enrolled in;

- your original education institution says they will release you; or
- you have a government sponsor and that sponsor writes a letter saying they support you changing education institutions.

In other words, you will usually need your education institution's permission if you want to transfer before you have completed six months of your principal course.

Your original education institution can only provide a letter of release if:

- you have a letter from another education institution saying they have made you an enrolment offer; and
- where you are under 18, you have the support of your parent or legal guardian, or the education institution wishing to enrol you says they will take responsibility for your welfare.

You should read and understand your education institution's transfer policy, as it should clearly state the reasons that you may or may not be granted a transfer. Your education institution must assess or consider your request to transfer against this policy.

If you are not satisfied with your education institution's decision, you can appeal through their internal appeals and complaints handling process. If you are not satisfied with the outcome of that internal appeal process, your options are outlined in the section below, **Making complaints and getting help**.

If you are thinking about changing your course, you need to ensure that you continue to meet the conditions of your student visa. Further information about the impact of changing courses or education institutions is available on the Department of Home Affairs website.

Making complaints and getting help

If you have a complaint about your education institution, you should talk to them first. Your education institution must have complaints and appeals processes in place to help students resolve their issues.

If you cannot resolve your complaint with an education institution, there are other actions you can take. You will need to find out whether your education institution is a private or government type by searching them and looking at the **Institution type** field on the CRICOS website.

If your education institution is a private (non-government) organisation, you can make a complaint to the Commonwealth Ombudsman using the online complaint form on their website. If you are unable to complete the online form, you can contact them on 1300 362 072 from 10:30am to 3pm AEDT Monday to Friday inside Australia (except public holidays).

If you are studying with a government education institution, which includes most universities and TAFEs, the external appeal body will most likely be the ombudsman for the state/territory or Commonwealth. Your education institution can give you the best information about the appropriate external appeals process for their institution. You can find the contact details of all Australian ombudsmen on the Commonwealth Ombudsman website.

Questions?

If you have any questions or concerns that have not been answered in this fact sheet, you can submit an enquiry on the Department of Education website.

Find out more and connect on social media

Study in Australia is the official Australian Government website for international students. You can connect with it through their website, Facebook, Twitter or YouTube.

The **Fair Work Ombudsman** gives you information and advice about your workplace rights and obligations. You can connect with it through their website, Facebook, Twitter, YouTube or subscribing to email updates.