

ESOS for Students

Your rights as an international student

As an international student you are responsible for meeting your visa conditions and following Australian laws. There are many laws to protect you during your time in Australia and most of these laws also apply equally to Australian citizens, residents and other temporary visa holders.



The Education Services for Overseas Students (ESOS) legislative framework

The Education Services for Overseas Students (ESOS) legislative framework protects and enhances the experiences of international students coming to Australia on a student visa. It is designed to uphold Australia's high standards for, and commitment to, international education through a consistent national approach, provide tuition protection and to support the integrity of the student visa program. The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) has been made under the ESOS Act.

If an education provider is unable to fully deliver your courses of study, it must assist you to transfer your studies to another education provider, or to refund some of your tuition fees.

If the education provider does not do this, the **Tuition Protection Service** will assist you to find an alternative course or get a refund.

Complaints about an education provider

Education providers must have a policy and process for handling complaints from international students. Providers must tell you about their complaints and appeals process during orientation; it must be easy to access and free.

If you are unhappy with a decision or action of your education provider, have a look at their information about how to make a complaint or appeal. Follow that process. If you have followed it but are still not satisfied, your provider should give you information about how you can make an external complaint or appeal.

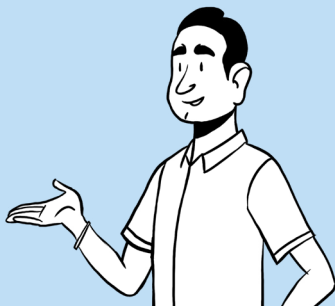
An external complaint or appeal can be made with an Ombudsman. If you are studying with a public university or TAFE, you can complain to your **State or Territory Ombudsman**. If you are studying with a private university, Vocational Education and Training provider, or English language provider, you can complain to the **Commonwealth Ombudsman**.

Regulation of education providers

The **Tertiary Education Quality and Standards Agency** (TEQSA) regulates higher education and the **Australian Skills Quality Authority** (ASQA) is the regulator for the vocational education and training sector and most English Language schools.

ASQA and TEQSA have powers to investigate and take action against registered providers for breaches of the ESOS Act and the National Code.

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Consumer protection

Australian Consumer Law protects the rights of consumers when buying goods and services. In Victoria, the **Australian Competition and Consumer Commission** and **Consumer Affairs Victoria** have resources to educate you about your consumer rights, including renting and the different types of accommodation.

Legal services

As an international student you have the right to access **legal services**. In Victoria, there are community legal centres that support international students on a range of issues. **Inner Melbourne Community Legal** has free resources in different languages based on legal problems international students have had.

Work rights and protection

Everyone working in Australia, including international students, has basic rights and protections in the workplace, including minimum pay and conditions. The Fair Work Ombudsman makes sure that these rights are protected and enforced fairly under Australia's workplace laws. It has resources to help you understand your basic workplace rights, where to obtain further information, and how to seek assistance from the **Fair Work Ombudsman**.

Human rights and discrimination

Australia has laws to protect individuals from discrimination. The **Australian Human Rights Commission** protects and promotes human rights in Australia and internationally. The **Victorian Equal Opportunity and Human Rights Commission** has responsibilities to protect all Victorians from discrimination and human rights breaches.

It is against the law to be discriminated, harassed or bullied based on your sex, disability, race, national or ethnic origin, immigration status, age or sexual orientation. You should lodge a complaint and seek support if you are a victim of this behaviour.



Privacy

The collection, use and disclosure of personal information is protected by the **Privacy Act** and other laws. Please refer to your education provider's website for details about its privacy policy.

The information in this fact sheet is based on an education provider's obligations in Standard 10 of the **National Code of Practice for Providers of Education and Training to Overseas Students 2018**.

ESOS for Students is an ISANA project funded by Study Melbourne under its International Student Welfare Program. The ESOS legislation protects and enhances the experiences of international students studying in Australia. This project aims to raise awareness of their rights and responsibilities.



<http://www.isana.org.au/esosforstudents>