

## What if I choose to transfer to another provider?

Under Standard 7 of the National Code 2007, education providers must assess requests from students to transfer between providers if the student has not completed six months of their principal course.

If you choose to transfer to another education provider you will need to refer to your written agreement to see if you are entitled to a refund.

If you are entitled to a refund, your education provider must pay this amount within **four weeks of receiving your written request**.

### Tips

- Make sure you read and understand your education provider's refund agreement before signing
- If you don't understand seek assistance
- Keep a copy of the written agreement between yourself and your education provider
- Keep a copy of receipts of all money paid to your education provider
- Keep copies of any letters or emails you send to or receive from your education provider about your course or enrolment
- Apply for a refund in writing and keep copies of any letters or emails that you exchange with your education provider about your claim
- If you are not happy with the outcome of your application for a refund, you should use your education provider's complaints and appeals processes as outlined in Standard 8 of the National Code 2007
- If you are still not happy with the decision after going through the complaints process, contact DEEWR for assistance.

- Your written agreement, and the availability of complaints and appeals processes, do not remove your right to take action under Australia's consumer protection laws.

### Student Complaints

Students unhappy about the refund they receive must firstly try to resolve the matter with their education provider in accordance with Standard 8 – Complaints and Appeals of the National Code 2007. If after following these procedures the issue remains unresolved, you can contact the Department of Education, Employment and Workplace Relations (DEEWR).

#### Further ESOS Information

Website: [www.aei.gov.au/ESOS](http://www.aei.gov.au/ESOS)

Email: [esosmailbox@deewr.gov.au](mailto:esosmailbox@deewr.gov.au)

Fax: (02) 6123 5870

### How DEEWR makes the system work

DEEWR manages the ESOS legislative framework. It maintains CRICOS and PRISMS, and educates education providers about their ESOS obligations. It works closely with DIAC and Australia's eight state and territory governments. DEEWR has the authority to investigate education providers to make sure they are complying with the ESOS laws.

DEEWR can impose sanctions against an education provider if they are not following the law. Sanctions include suspending or cancelling the right of the education provider to teach overseas students. Breaching the laws may also be a criminal offence attracting fines or imprisonment.



Australian Government

Australian Education International

# Refunds for International Students

Education Services for Overseas Students (ESOS) Act



AUSTRALIAN EDUCATION  
INTERNATIONAL  
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Australia has a reputation as a safe, progressive and enjoyable place to study. Australia's laws promote and maintain this reputation by providing quality education and consumer protection for overseas students. Any education provider that recruits, enrolls or teaches overseas students must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

*The Education Services for Overseas Students (ESOS) Act 2000* and the National Code 2007 are part of the ESOS framework governing the responsibilities of education providers towards overseas students. This brochure aims to assist overseas students on student visas. It will help them understand their rights to refunds under the ESOS Act and their obligation to understand the Written Agreement they sign with their provider.

## ESOS Consumer Protection

The ESOS framework protects you if:

- your visa is refused;
- your education provider is unable to teach your course for any reason; or
- you choose to cancel your course/enrolment.

## What happens if my visa is refused?

If your application for a student visa is refused by the Department of Immigration and Citizenship (DIAC), you will receive a refund calculated in accordance with the ESOS Act.

DIAC will write to you to say your visa has been refused. You must give a copy of this notice to your education provider and request a refund.

The ESOS Act allows your education provider to keep some money to cover administration expenses and any part of the course you have already studied.

## What happens if my education provider can not continue to teach my course?

In the unlikely event that your education provider stops teaching or cannot offer your course (anytime after you have enrolled) your tuition fees will be protected under the ESOS Act.

This may occur if your education provider closes its business or the provider or its course is removed from CRICOS. This situation is called **provider default** and there are strict rules that your education provider must follow in such situations.

If this occurs, you can choose to accept either:

- a refund of all your course money
- OR**
- be placed in an alternative course at no extra cost to you with the provider or another provider.

The refund for **provider default** must be for all the course money paid including those parts of the course you have already completed. The refund must be paid **within two weeks** of the course not being provided.

Your education provider must give you information about both choices – a refund or placement in an alternative course.

If you choose to accept placement in an alternative course, **you must agree to this in writing**.

## Written Agreements

Under the National Code 2007 education providers must enter into a written agreement with a student (or their parent or legal guardian) at the same time as or before accepting your money.

The written agreement sets out the course you will be enrolled in, the fees you are required to pay to your provider and information about how and when you can apply for a refund.

The written agreement must specify your refund entitlements if you choose to cancel your course or enrolment. This situation is called **student default**.

The ESOS framework does not specify how much an education provider must refund a student when a student defaults. Therefore it is your responsibility to ensure you read and understand the written agreement before you sign it. **It is a legal contract and when you sign it you agree to the terms and conditions.**

## What happens if I choose to cancel my course?

If you choose to cancel/withdraw from your course you will need to refer to your written agreement to see if you are entitled to a refund.

If you are entitled to a refund, your education provider must pay this amount **within four weeks of receiving your written request**.