

Fact sheet 12

Overseas students and the role of the Ombudsman

Providers of education and training for overseas students are required to comply with the Commonwealth *Education Services for Overseas Students Act 2000* (ESOS Act). The ESOS Act establishes the requirements and standards for the regulation of education and training providers offering courses to international students in Australia on a student visa. Under the ESOS Act, education providers have a responsibility to follow a National Code. More information about the ESOS legislative framework can be found at:

<https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx>

In particular circumstances, a provider may have to report the suspension or cancellation of an overseas student's enrolment to the Department of Immigration and Border Protection. This can lead to the student's visa being cancelled. But, under the National Code, a provider cannot report the cancellation or suspension of a student's enrolment (for unsatisfactory course progress or attendance) to the department until the student has been given the opportunity to seek a review from an external complaint handling body. Depending on whether the provider is a private or public provider, the external review of the complaint may be carried out by either the Overseas Student Ombudsman or the Victorian Ombudsman.

The role of the Overseas Student Ombudsman

The Overseas Student Ombudsman (OSO) investigates complaints from overseas students about **private** schools, colleges or universities in Australia. More information about the OSO and how to contact the OSO office can be found at:

<http://www.oso.gov.au/>

The role of the Victorian Ombudsman

The Victorian Ombudsman can look at complaints from overseas students about Victorian **public** education providers.

The Ombudsman is an independent officer of the Victorian Parliament. Her role under the *Ombudsman Act 1973* is to make enquiries and investigate complaints about administrative actions and decisions of Victorian government departments, most statutory authorities and local government.

You can contact our office if you are unsure whether the Ombudsman is able to consider your complaint about a particular education provider.

What does the Ombudsman look at?

When we consider a complaint about an education provider, we will look at relevant information, including correspondence, documents relating to the matter and the

applicable laws, to assess whether the provider has acted in a fair and reasonable way, and in accordance with its legal obligations.

We are independent and do not advocate on behalf of you or the education provider.

Making a complaint to us

You should follow all the steps offered through the education provider's internal review process before making a complaint to the Ombudsman. If you have done this and are still dissatisfied, you can complain to us. Generally, we request that complaints are made in writing; however, you are welcome to contact us via telephone to discuss your complaint first. Telephone and on-site interpreters are available free of charge – please call 131 450 for a telephone interpreter. Written complaints can be sent in by letter, facsimile, email, delivered in person or submitted by the complaint form on our website.

In your complaint you should explain why you believe the education provider's decision is unfair or does not comply with its obligations. You should also give us copies of supporting documents and information, including correspondence to and from the provider about your complaint.

Translations

Translations of this fact sheet in Arabic, Bahasa Indonesia, Korean, Mandarin and Vietnamese can be found at:

<http://www.ombudsman.vic.gov.au/www/html/72-translations.asp>.

Translations about how to make a complaint to the Ombudsman in 19 languages can also be found at the above link.

Please note: This document is intended as a guide only. For this reason the information contained herein should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Victorian Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to www.legislation.vic.gov.au.

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Contact Details

Victorian Ombudsman
Level 2
570 Bourke Street
Melbourne VIC 3000
Email ombudvic@ombudsman.vic.gov.au
Website www.ombudsman.vic.gov.au

Phone	03 9613 6222
Toll free	1800 806 314
Fax	03 9602 4761
TTY	133 677 or 1800 555 677
Interpreter service	131 450