

## THE ESOS ACT & YOU

Australia has a strong reputation as a study location for international students. To maintain this reputation and to protect the rights of international students, the Australian Government has a legal framework in place that governs the responsibility of education institutions towards overseas students.

The Education Services for Overseas Students (ESOS) Act is the main piece of legislation that governs the responsibility of education institutions towards overseas students. In addition to the ESOS Act (2000), there are a number of other pieces of legislation that work together to protect the interests of international students. These are;

- *Education Services for Overseas Students (ESOS) Act 2000*
- Education Services for Overseas Students (ESOS) Regulations 2001
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code) 2018
- *Education Services for Overseas Students (Registration Charges) Act 1997*
- ESOS Assurance Fund Act.
- Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Act 2010

Other Amendments to the ESOS Act include three measures that came into effect on **14 December 2015** to directly reduce administrative costs for education institutions. Please click [here](#) for fact sheets outlining the changes to:

- Removal of study periods
- Reporting student defaults and refunds
- Flexibility in paying tuition fees upfront

The ESOS laws benefit two particular groups:

1. It protects overseas students coming to Australia on student visas. It does not cover overseas students on other kinds of visas, nor does it cover students studying at Australian institutions based in other countries.
2. It sets out clear roles and responsibilities for education institutions wanting to teach overseas students.

The ESOS laws details your rights and responsibilities as an overseas student on a student visa and the standards of education provision that education providers to overseas students must meet. These include the following;

### Your rights:

- Before you enrol, you should receive accurate and up to date information about your courses, fees, modes of study (whether distance or face-to-face) and other information from your education provider or an agent representing your education provider.
- If you are under 18 years, you will be granted a visa only if there are appropriate arrangements in place for your accommodation, support and welfare. This is to ensure the safety of students under 18 years.
- you should receive and sign a written agreement between you and your education provider before when you are paying fees which give accurate details of the services that you will receive, the fees payable and

information about refunds of your course money

- your right to get the education that you have paid for. The ESOS framework provides for consumer protection that will allow you to receive a refund or to be placed in another course if your education provider is unable to provide the course you have paid for.

**Your responsibilities:**

- You must satisfy your student visa conditions
- You must maintain your Overseas Student Health Cover (OSHC) for the period of your stay
- You must meet the terms of the written agreement with your education provider
- You must inform your provider if you change your address
- You must maintain satisfactory course progress for the duration of your studies
- You must maintain satisfactory attendance for the duration of your studies.
- If you are under 18 years, you must maintain your approved accommodation, support and general welfare arrangements.

**Education standards:**

- The education standards that your education provider must offer you include;
- an orientation when you commence your studies
- access to support services to help you study and adjust to life in Australia
- access to and the name(s) of contact officer(s) who will assist overseas students
- information about if/ how you can apply for course credit
- information about if/ when your enrolment can be deferred, suspended or cancelled
- information about your provider's policy & procedures for satisfactory progress in your studies and what support is available if you are not making satisfactory progress
- information about provider's policy & procedures for satisfactory attendance for your course and what support is available if your attendance is not satisfactory.
- Information about the complaints and appeals process available to you
- Normally an education provider cannot enrol a student who wants to transfer to another course if they have not completed six months of the final course of study in Australia. Your first education provider must inform you of this, outline the procedures for transfer to another provider and indicate that permission from the first provider is required for transfers.

For a summary of the ESOS Framework, visit Australian Education International's link at [Easy Guide to ESOS](#)

If more detailed information about ESOS, visit Australian Education International's website: [The ESOS Framework](#)

You can also visit the Australian Government's Department of Education & Training's website for more information about international education: <http://education.gov.au/international-education>

For ESOS enquiries:

Phone: 1300 615 262

Online: [ESOS Online Enquiry Form](#)

### **If you have a complaint**

Every education provider should have a complaints and appeals process that you can access if you are unhappy with the quality of education or services you receive.

If the issue cannot be resolved, they can contact the Australian Skills Quality Authority (ASQA) for information and advice to help them understand your rights and obligations.

Visit ASQA's Complaints page [here](#)