

For most students there are three levels of financial protection:

- 1) A Refund – depending on the circumstances, students may be entitled to a refund. Students should check their refund entitlements as outlined in the written agreement.
- 2) Placement in Alternative Course – if the provider is at fault and for some reason the provider cannot refund the student their course fees, then the student may be placed in a suitable alternative course at the provider's expense.
- 3) ESOS Assurance Fund – if the provider is at fault, and the student cannot be placed in another course or get a refund from the provider, then the ESOS Assurance Fund will find an alternative course for the student or refund the course fees.

What students should do if they want to enrol in a course in Australia

Make sure the education institution provides all the necessary information to make an informed choice. This includes things like a description of the course and environment, teaching methods, facilities, minimum English language proficiency, and a written agreement before paying any fees. Consult the National Code Part D Standards 2-3 and visit the Study in Australia website at <http://studyinaustralia.gov.au/Sia/Splash.aspx> for detailed information.

Complaints and Appeals

If students are unhappy about any issue they should:

- 1) Check the detail of their Written Agreement
- 2) Try to resolve it informally or through the provider's internal appeal process
- 3) If unsuccessful, resolve the issue through the provider's external appeal mechanism

Students can phone the ESOS Helpline (02) 6240 5069 or email esosmailbox@dest.gov.au for information and assistance to help them understand their rights and obligations.

ESOS Contact details

Website: aei.dest.gov.au/ESOS

Email: esosmailbox@dest.gov.au

ESOS Helpline: (02) 6240 5069

Fax: (02) 6123 5870

How DEST makes the system work

DEST manages the legislative framework. It maintains CRICOS and PRISMS, and educates education institutions about their ESOS obligations. It works closely with DIAC and also has the authority to investigate education institutions to make sure they are complying with the ESOS laws.

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

The ESOS Framework – providing quality and protecting students' rights, is a document that describes the ESOS framework. It is designed for prospective students, and is available at aei.dest.gov.au/ESOS.

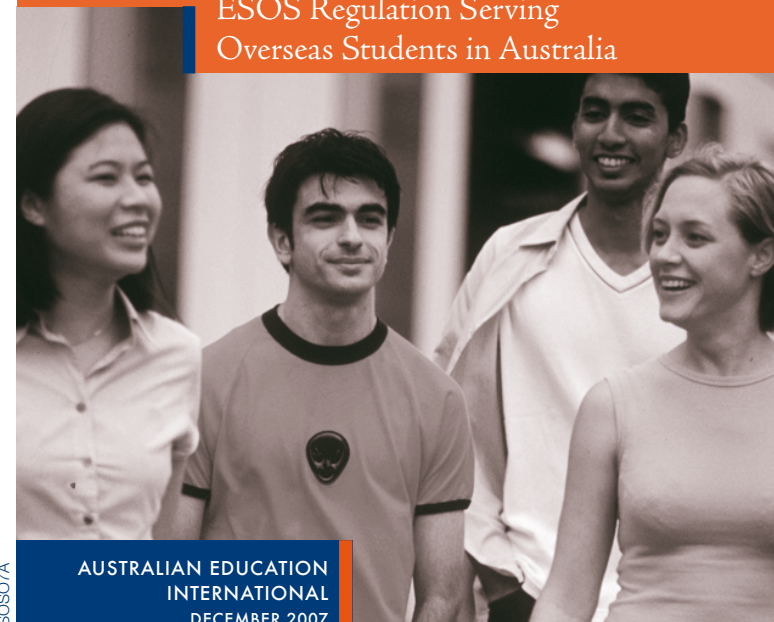


Australian Government

Australian Education International

Easy Guide to ESOS

ESOS Regulation Serving Overseas Students in Australia



AUSTRALIAN EDUCATION
INTERNATIONAL
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Australia has a reputation as a safe, progressive and dynamic place to study; and we maintain this reputation by providing quality education and consumer protection specifically developed for overseas students.

The *Education Services for Overseas Students (ESOS) Act 2000* and associated legislation is the legal framework governing the responsibility of education institutions towards overseas students.

ESOS Act and complementary legislation

The ESOS legislative framework comprises:

- 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 2007 (National Code 2007)
- Education Services for Overseas Students (Registration Charges) Act 1997
- ESOS Assurance Fund Act

Australia has a federal system of Government - one federal government and eight state and territory governments. The ESOS framework is administered by both levels of government. The result is a nationally consistent, high quality education and training system.

Legislation benefits everyone

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 registered to teach overseas students.

What is CRICOS?

The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is a database of more than 1200 Australian education institutions. Any education institution that recruits, enrolls or teaches overseas students, must be registered on CRICOS.

Education institutions must also register each course they offer to overseas students.

Each institution and course registered on CRICOS has an identifying CRICOS number. The institution number must be shown on all promotional material offered to overseas students. If there is no number, then the institution may not be registered to teach overseas students.

To get registered an education institution must firstly satisfy state and territory government laws. However the Federal Government retains the final power to register a provider on CRICOS and must be satisfied they comply with the ESOS legislation.

To determine if an institution or course is registered on CRICOS, please check the publicly available website at: <http://cricos.dest.gov.au>

What is PRISMS?

The Provider Registration and International Students Management System (PRISMS), is a secure computer system that is the information source for CRICOS.

Education institutions and their courses are listed on PRISMS, as is each student studying in Australia on a student visa.

That is because this system interfaces with Department of Immigration and Citizenship (DIAC) data.

Through PRISMS education institutions notify DIAC of each student's enrolment in a course. This should occur before the student applies for a student visa to study in Australia. The enrolment information generates an electronic Confirmation of Enrolment (CoE) as evidence of enrolment in a registered, full-time course. This CoE is a key requirement for DIAC to issue a student visa.

Education providers also use PRISMS to notify DIAC of students who may have breached the terms of their student visa - for example when the student has not been attending classes.

PRISMS has reduced visa fraud and ensured education institutions keep track of the students in their care.

Ensuring students get what they paid for

The ESOS legislation requires all education providers to enter into a written agreement with overseas students when they enrol. The agreement must specify a student's entitlement to a refund in cases of both provider and student default. The ESOS legislation protects students if their visa is refused or their education provider is unable to teach the course for any reason. Students may be entitled to a refund if they cancel their enrolment, however, the amount (if any) will depend on the terms and conditions they have agreed to in the written agreement.