

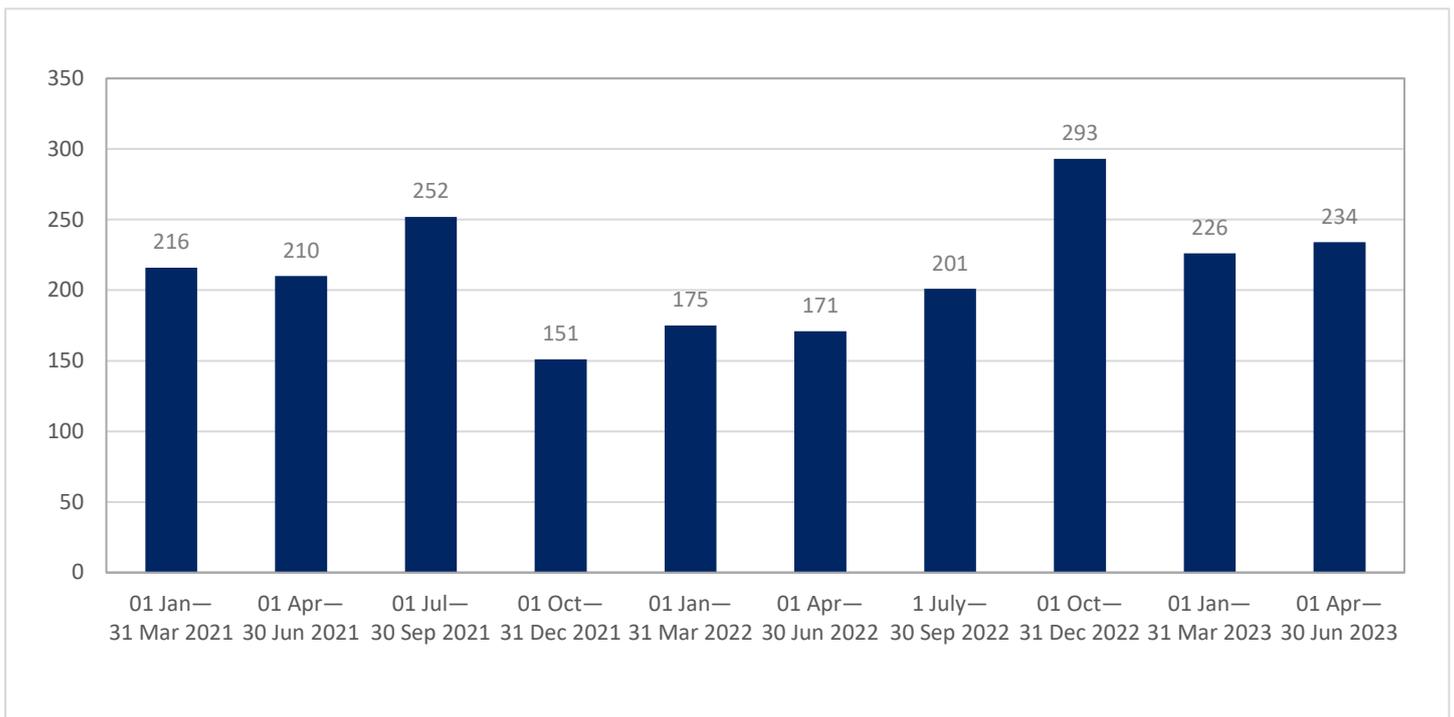
Quarterly update: 1 April to 30 June 2023

This is the last quarterly update for the 2022–23 financial year for the Office of the Commonwealth Ombudsman’s (the Office) Overseas Students Ombudsman function.

In its role as Overseas Students Ombudsman, the Office assists students to resolve complaints through independent complaint handling. We can investigate private registered education providers’ actions in connection with intending, current or former student visa holders. The Office also offers private registered education providers advice and training about best practice complaint handling, and reports on trends and systemic issues arising from its complaint-handling activities.

From 1 April to 30 June 2023, we received 234 complaints and enquiries from international students enrolled with private registered education providers (see Figure 1). This is an increase of 37% compared to the same period last year which is consistent with the recovery in international student numbers following the reopening of international borders in early 2022.

Figure 1: Complaints and enquiries received from 1 Jan 2021 – 30 June 2023



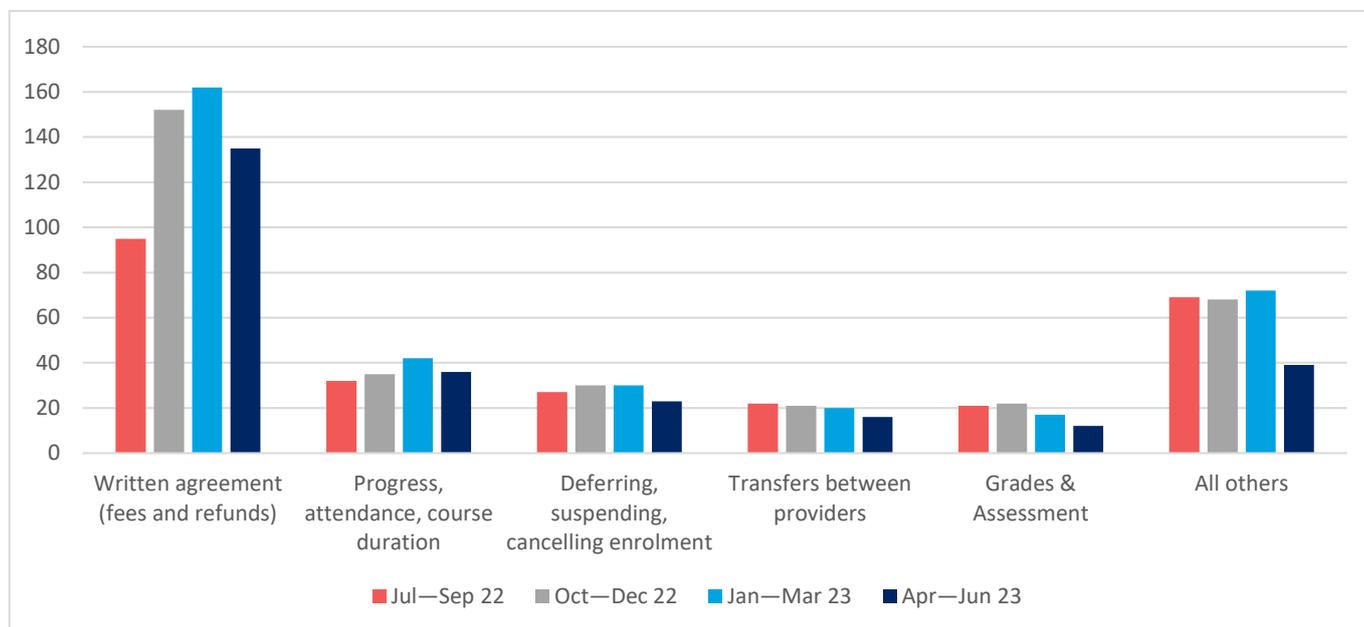
Issues raised in complaints

During this quarter, we finalised 227 complaints, comprising 261 issues. We received some of these complaints during previous quarters.

As in previous quarters, the most common issue in complaints to the Office between 1 April and 30 June 2023 was written agreements and students seeking refunds of pre-paid tuition fees because they ceased studying before they finished their course (52 per cent). Many of these complaints were from students whose visas were refused but who had not received a refund from their providers.

Progress, attendance and course duration (14 per cent), and deferring, suspending, cancelling enrolment (9 per cent) were the next most common issues in complaints to our Office. Figure 2 below shows common issues raised in complaints during the quarter.

Figure 2: Common complaint issues – Comparative data for 1 July 2022 to 30 June 2023



Did providers meet their responsibilities?

When delivering education products and services for overseas students, education providers must treat students fairly and reasonably and act consistently with relevant legislation and national standards.

Between 1 April and 30 June 2023, the Office finalised 33 investigations, comprising 42 issues. Table 1 summarises our view on whether providers met their responsibilities to their students for each issue in the complaints we investigated during this period.

Table 1: Views on finalised investigations: 1 April to 30 June 2023

View	Total issues
Provider substantially met responsibilities to student	17
Provider did not substantially meet responsibilities to student	25
No view – provider and student resolved matter, or we otherwise discontinued the investigation	0

When we consider that a provider has not substantially met their responsibilities, we work with both parties to find a suitable remedy for the student. If we observe that a provider's non-compliance is serious or repeated, we may disclose the matter to regulators and other bodies such as the Tuition Protection Service and the Department of Education.

Case study

In February 2021, Diego commenced a Masters-level course with a private education provider. He completed two trimesters, but shortly after commencing his third trimester he withdrew from all units for medical reasons, wishing to suspend his studies and credit his trimester 3 payment to trimester 1, 2022.

Diego's course coordinator accepted his request to withdraw from his units and supported his request for payment to be credited to the next trimester. The coordinator advised Diego to contact student services about next steps.

Diego re-commenced study as planned in trimester 1. Three months later, his provider advised that his request for credit towards trimester 1 was not approved, his fees were overdue, and he needed to pay \$10,000. He was given 28 days to pay the outstanding amount. Diego appealed the provider's decision, based on:

- his course coordinator's support
- the significant delay in advising Diego that the credit had not been approved, and
- his medical evidence.

His provider advised that the decision would stand. It apologised for the delay in communication, which was due to staffing issues. However, the provider noted that the course coordinator had only expressed support, not approval, and did not have power to make decisions about credits. In relation to the application, the provider noted that Diego's medical evidence showed that his condition had commenced before enrolment with the provider, so did not meet the credit requirements in its special consideration policy.

Diego then complained to the Office.

Our involvement

The Office requested information from the provider, including correspondence between Diego and the provider relating to the outstanding fees. In collecting this information, the provider noticed that Diego had submitted another medical certificate when responding to a notification of intention to cancel for non-payment of fees.

This medical certificate clarified that although Diego's condition was pre-existing, it had worsened around the beginning of trimester 3, 2021, meaning he was unable to study during that period.

Outcome

The provider considered this evidence against its policy and determined that Diego would have been eligible for a refund of fees paid for trimester 3, 2021. It credited those fees to Diego's account.

Further comments/observations:

In its investigations, the Office analyses the refund policies of a wide range of education providers. In many cases, providers have a 'no refund' policy if a student withdraws after a study period commences. This can be very hard on students who need to withdraw due to circumstances outside their control.

Policies like this provider's would not normally allow a refund to a student after commencement of their study period unless special circumstances exist that:

- occur, become worse, or only make their full impact apparent to the student after commencement, and
- affected the ability of the student to complete their enrolled units.

This appears to protect the interests of the provider and discourage withdrawal after a course or study period has commenced, while acknowledging the impact of compassionate or compelling circumstances. For more information on compassionate or compelling circumstances, view the Office's [factsheet](#) on the subject.

Annual summary: 1 July 2022 to 30 June 2023

In 2022–23, the Office received 961 complaints from international students, a 28 per cent increase from the 750 complaints we received in 2021–22. This increase in complaint numbers is consistent with the recovery in international student numbers following the reopening of international borders in early 2022.

Other than a general increase in complaint numbers, the Office observed a significant number of complaints about 2 education providers who were not paying refunds of course fees within the mandated 28 days of a student's visa being refused.¹ One provider noted they were struggling to process all refund applications following a large number of visa refusals in October 2022. The other provider identified problems with its systems and processes which it rectified.

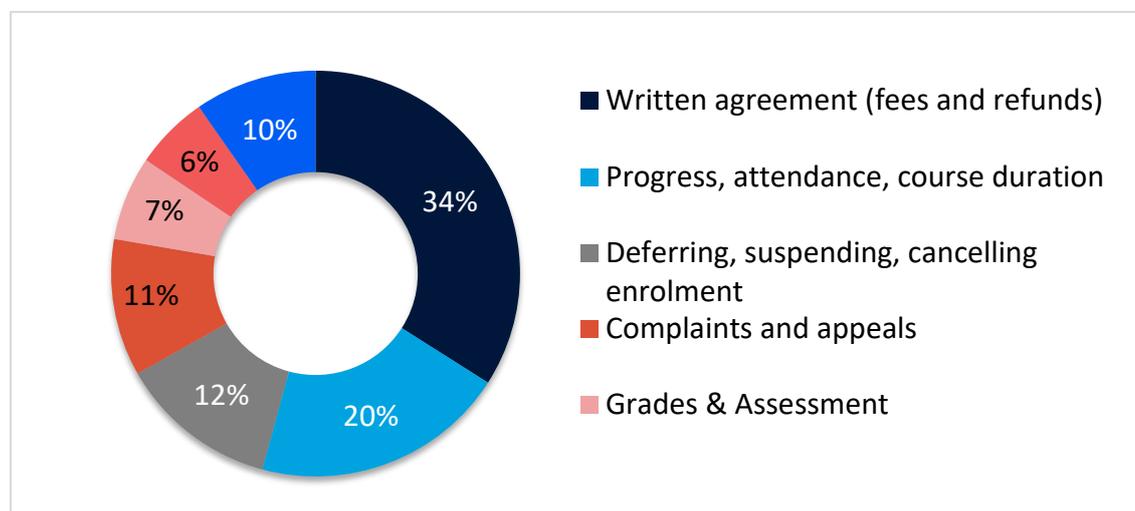
The Office also observed a small but noteworthy increase in complaints from students whose providers found they had engaged in academic misconduct. The Office was satisfied with providers' internal decision making and procedural fairness offered to students in some investigations. However, in others the Office found that the provider had not reasonably justified their decision or had not considered the student's account of their actions when deciding the student's appeal.

Issues raised in investigated complaints

Disputes regarding written agreements continued to be the number one issue in complaints to the Office in 2022-23, making up 34 per cent of complaints finalised. These complaints are usually from students who are seeking refunds of fees they pre-paid for study they did not commence or complete.

The second most common issue in complaints was progress, attendance and course duration. Students complaining about this issue have been or are in process of being reported for poor academic progress or unsatisfactory attendance. This is up from the number 3 spot in 2021-22.

Figure 3: Complaint issues – investigated complaints – 1 July 2022 to 30 June 2023

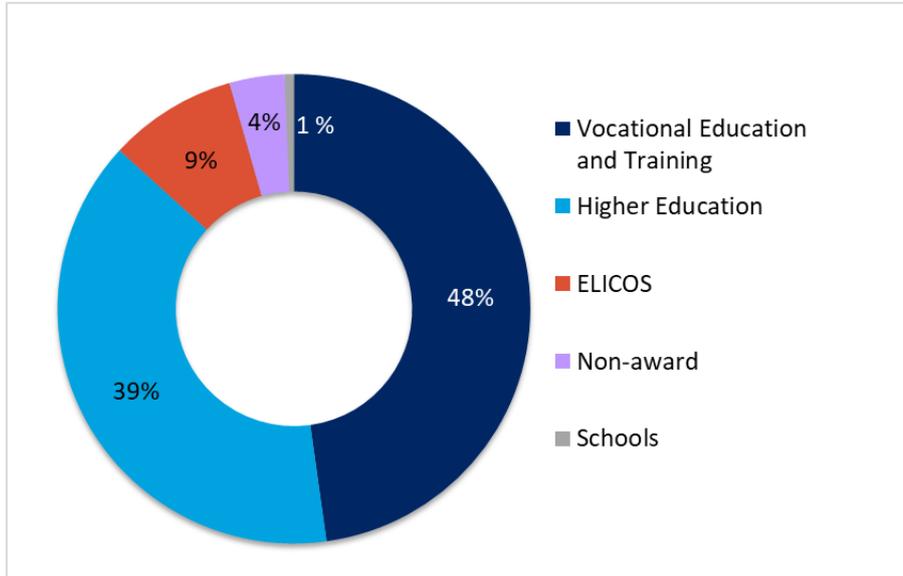


¹ Education Services for Overseas Students Act 2000, s 47E.

Complaints investigated by education sector

Vocational Education and Training (VET) is the sector we investigate most often, with 48 per cent of investigated complaints coming from students studying VET courses. The VET sector also has the highest proportion of international students in the Office’s jurisdiction (75 per cent), followed by the Higher Education sector (17 per cent).²

Figure 4: Complaints investigated by sector: 1 July 2022–30 June 2023



Complaints by provider’s registered state or territory

Providers registered in Victoria and New South Wales were the subject of the greatest numbers of complaints to our Office during the 2023–23 financial year. This is consistent with higher numbers of international students studying in these states.³

Table 2: Complaints finalised by registered state/territory of provider: 1 July 2022–30 June 2023

State or territory	Complaints finalised	%
Victoria	301	31%
New South Wales	205	21%
South Australia	147	15%
Queensland	102	10.5%
Western Australia	31	3%
Australian Capital Territory	8	1%
Tasmania	4	0.5%
National	170	17.5%
Total	968	100%

² Number of ‘Studying CoEs’ by main course sector, non-government providers. Source: Provider export report from the Provider Registration and International Student Management System (PRISMS). Data extracted 26 June 2023.

³ Number of ‘Studying CoEs’ by provider registered state, non-government providers. Source: Provider export report from the Provider Registration and International Student Management System (PRISMS). Data extracted 26 June 2023.

Complaints finalised by complainant's home location

We finalised complaints from students originating in 62 different countries and administrative regions during the financial year. Students from India made the largest number of complaints finalised in the year (25 per cent), followed by students from Nepal (8 per cent).

In 2021-22, India was also the country most represented in finalised complaints to the Office (23 per cent), followed by Brazil (8 per cent), and Nepal, Colombia, China, Pakistan, and the Philippines (7 per cent).

Table 3: Complaints by country of origin: 1 July 2022–30 June 2023

Country	Complaints finalised	%
India	243	25%
Nepal	79	8%
Colombia	68	7%
China	67	7%
Pakistan	58	6%
Philippines	43	4.5%
Brazil	40	4%
Chile	21	2%
Thailand	20	2%
Japan	19	2%
Sri Lanka	16	1.5%
Korea, Republic of	14	1.5%
United Kingdom	13	1.5%
Malaysia	13	1.5%
Spain	11	1%
All others	243	25%
Total	968	100%

Stakeholder engagement

In 2022-23, we regularly engaged with the Department of Education, the Department of Home Affairs, the Australian Skills Quality Authority, the Tertiary Education Quality Standards Agency and the Tuition Protection Service on issues raised in complaints from international students about private education providers.

For education providers, we produced guidance materials on international student complaint issues, including:

- An issues paper on improving fairness in written agreements between international students and Australian education providers, and
- Factsheets on:
 - assessing compassionate and compelling circumstances
 - online reviews
 - superseded courses, and
 - fairness in refund terms.

Data

The annual data in this update covers the period 1 July 2022 to 30 June 2023. Our data is dynamic and may be updated if new information comes to light. For this reason, there may be minor differences in data when compared to what was reported if previous updates are aggregated. Previous quarterly updates are available on the Ombudsman's [website](#).

More information is available at ombudsman.gov.au/complaints/international-student-complaints