

Overseas Students Ombudsman statistical update: 1 January 2024 – 30 June 2024

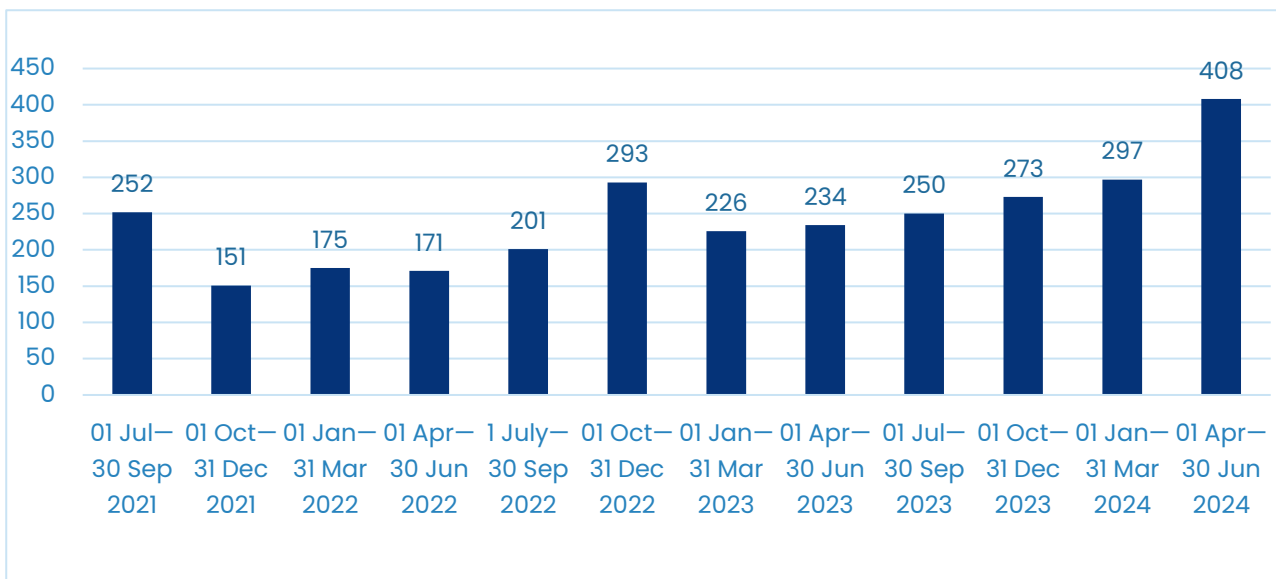
This update includes data for the period January 2024 – June 2024 for the Office of the Commonwealth Ombudsman’s (the Office’s) Overseas Student Ombudsman function, and a summary of the 2023–24 financial year.

As the Overseas Students Ombudsman, the Office assists international students 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 gives providers advice and training about complaint handling, and reports on trends and systemic issues arising from its activities.



Between 1 January 2024 and 30 June 2024, the Office received **705** complaints and enquiries from international students enrolled with private registered education providers (see Figure 1), a 66 per cent increase on the same period last year (when we received 460 complaints and enquiries).

Figure 1: Quarterly complaints and enquiries received from 1 July 2021 – 30 June 2024



Issues raised in complaints

Between January and June 2024, we finalised 323 complaints, comprising 356 issues. We received some of these complaints during previous quarters.

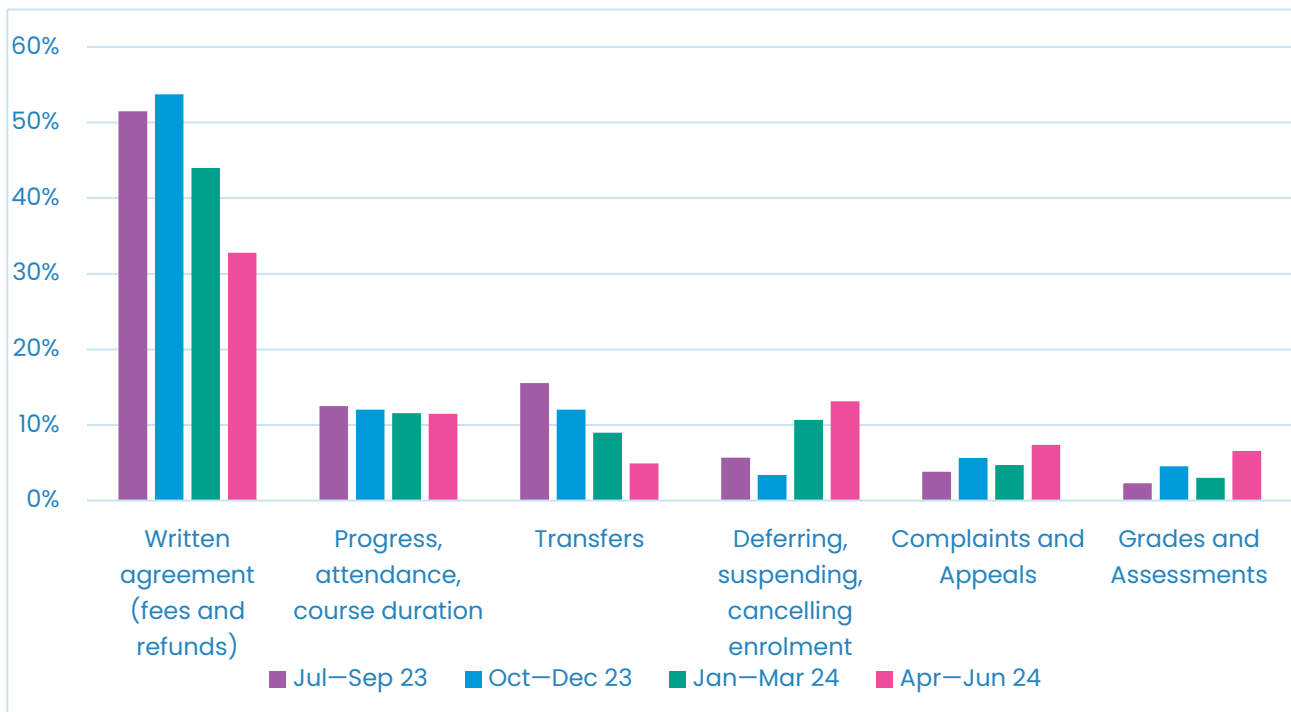
The most common issue in complaints to the Office between 1 January 2024 and 30 June 2024 related to written agreements and students seeking refunds of pre-paid tuition fees. Students sought refunds because they ceased studying before they finished their course or their application for a study visa was refused.

The next most common issues in complaints to the Office were:

- Course progress, attendance, and course duration,
- Deferring, suspending and cancelling enrolment, and
- Transfers between providers.

Figure 2 shows common issues raised in complaints during each quarter.

Figure 2: Common complaint issues (%): July 2023 – 30 June 2024



Did providers meet their responsibilities?

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

Between 1 January and 30 June 2024, the Office finalised 66 investigations (out of the 323 complaints finalised in this period). These 66 investigations related to 84 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 January 2024 – 30 June 2024

View	Total issues
Provider substantially met responsibilities to student	34
Provider did not substantially meet responsibilities to student	40
No view – provider and student resolved the matter, or we discontinued the investigation for another reason	10

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

Josef enrolled in a Certificate IV course in June 2022 and pre-paid \$17,300 to the education provider. His visa was refused a few months later, so he applied for a refund.

Josef's provider ignored his refund application and all his follow-up emails over the next 11 months. In August 2023, Josef made a complaint to the Ombudsman.

Our assessment

We had received several other similar complaints about this provider. We contacted the provider to ask if it had received Josef's application and emails. The provider immediately refunded Josef \$16,040, but to the incorrect bank account. The provider told Josef he would have to wait until the money was returned to them.

We advised the provider they should refund Josef immediately and not wait for money to be returned to them because the error wasn't his fault. Josef should have received his refund within 28 days of his first request and further delays were unreasonable.

The provider promised to refund but continued to stall and was similarly not refunding other students who had complained to us.

Next steps

As the provider was not giving Josef and other students their refund entitlements, we decided it was in the public interest to disclose the matter to the appropriate regulators, the Department of Education and the Tuition Protection Service (TPS).

We also transferred Josef and other students' complaints to the TPS, as the TPS may assist students when providers fail to pay refund entitlements.

Our disclosure resulted in regulatory action against the provider, and the TPS has assisted affected students to receive refunds.

*Section 9 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014 and s 10 of the Education Services for Overseas Students (Calculation of Refund) Instrument 2024 require providers to refund the lesser of a) 5% of the amount of the course fees [received from the student], or b) \$500.



Annual summary: 1 July 2023 to 30 June 2024

In 2023–24, the Office received 1,228 complaints from international students, a 29 per cent increase on the 954 complaints we received in 2022–23. The Office expected this increase given the return to pre-pandemic levels of international students in Australia, however significant numbers of complaints about some providers also contributed to the growth in international student complaints.

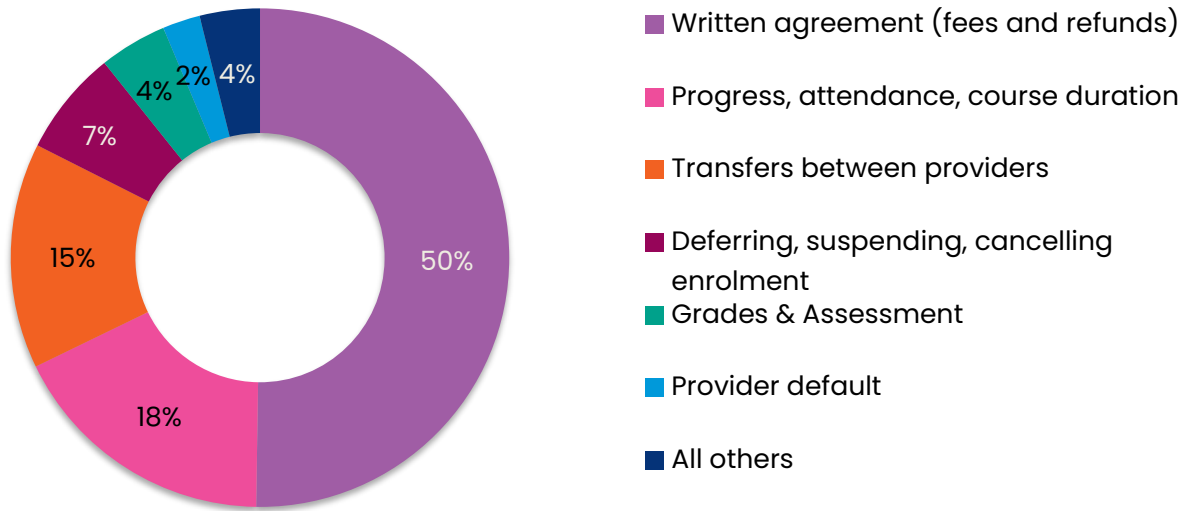
Most of the complaints about those providers were from students who had visas refused from late 2022 onwards but had not received a refund of the fees they had pre-paid to the provider. For example, we received 77 complaints about one provider, that eventually went out of business. Other providers explained they had struggled to process refund applications following an unexpectedly large number of visa refusals in October 2022.

Issues raised in investigated complaints

Disputes regarding written agreements continued to be the number one issue in complaints to the Office in 2023–2024, making up 50 per cent of complaints investigated. These complaints are 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.

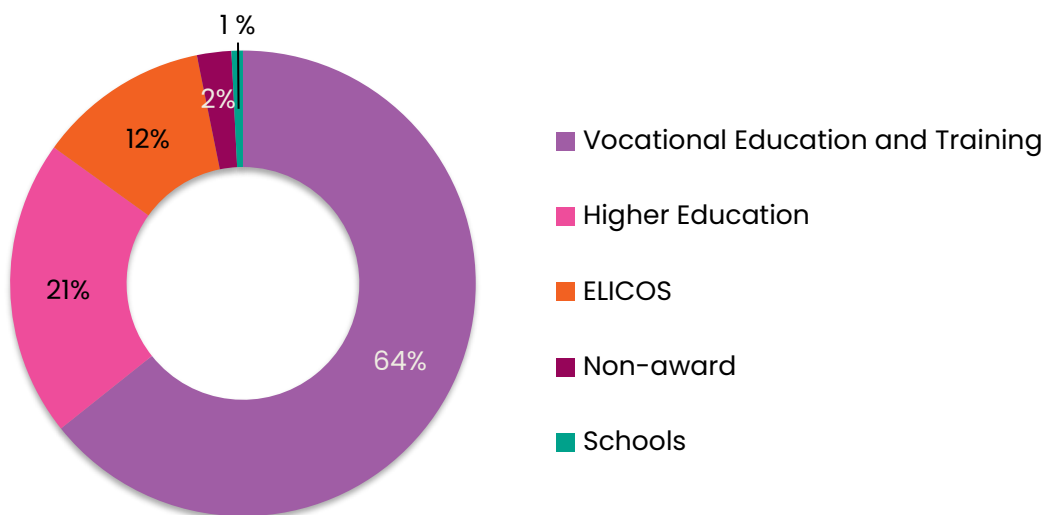
Figure 3: Complaint issues – investigated complaints – 1 July 2023 to 30 June 2024



Complaints investigated by education sector

Vocational Education and Training (VET) is the sector we investigate most often, with 64 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 (73 per cent), followed by the Higher Education sector (20 per cent).¹

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



¹ 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 29 May 2024.



Complaints by provider's registered state or territory

Providers registered in New South Wales and Victoria were the subject of the greatest numbers of complaints to our Office during the 2023–24 financial year. This is consistent with higher numbers of international students studying in these states.²

Table 2: Complaints finalised by registered state/territory of provider: 1 July 2023–30 June 2024

State or territory	Complaints finalised	%
New South Wales	293	33%
Victoria	226	26%
Queensland	103	12%
South Australia	58	7%
Western Australia	55	6%
Australian Capital Territory	12	1%
Northern Territory	2	0.2%
National	137	15%
Total	886	100%

Stakeholder engagement

In 2023–24, 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.

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For more information visit ombudsman.gov.au or call 1300 362 072

2. Number of 'Studying CoEs' by registered state, non-government providers. Source: Provider export report from the Provider Registration and International Student Management System (PRISMS). Data extracted 29 May 2024.

