



Advice for international students

Brighton Pacific Pty Ltd

This fact sheet provides information for international students who are enrolled with the Brighton Pacific Pty Ltd (Brighton Pacific). It brings together advice from a number of Australian Government agencies and other sources. The information is general and students may want to get legal advice.

4 March 2019

Key messages for students

Under the Tuition Protection Service (TPS) rules, you need to maintain your enrolment to be eligible for support if Brighton Pacific's registration is cancelled.

Do not cancel or withdraw from your course. If you leave or cancel your enrolment with Brighton Pacific now, you will not be covered by the Australian Government's TPS.

If you change or end your Brighton Pacific enrolment, you could lose entitlement to the Australian Government's TPS assistance.

Keep attending classes or any work-based training or clinical placements to make sure you meet your visa conditions.

If you breach your visa conditions, you will not be covered by the Australian Government's TPS.

If your classes stop being offered, please contact the TPS at

<https://tps.gov.au/StaticContent/Get/ContactUs>.

If you should have been offered work based training or clinical places but you did not receive this training or placement, please report this to the Australian Skills Quality Authority (ASQA) and the TPS. You can contact ASQA at www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider.

If you have already made an internal complaint and appeal with Brighton Pacific, and you are not satisfied with the outcome, you are welcome to make a complaint with the Overseas Student Ombudsman (OSO). The OSO will consider your complaint based on your individual circumstances. You can contact the OSO at www.ombudsman.gov.au/making-a-complaint.

Why should I keep going to classes?

Brighton Pacific is currently legally allowed to teach classes.

You should keep attending classes because if you don't, you may breach your student visa conditions. If you are studying a Diploma of Nursing you should continue to attend any work based training/clinical placements organised by Brighton Pacific.

What happens if Brighton Pacific stops operating?

The Australian Government's primary concern is to help international students.

If Brighton Pacific closes, it is Brighton Pacific's responsibility to find you a suitable alternative course, or pay you a refund of your unspent tuition fees.

If Brighton Pacific doesn't do this in a reasonable time, the Government's TPS will help you to find an alternative course. If you cannot be placed in an alternative course, you will receive a refund of any unspent tuition fees.

What are 'unspent tuition fees'?

Unspent tuition fees are monies paid by a student to the provider in advance of having received the tuition/teaching: e.g. if a student pays \$1000 for a 10 week course and only receives 7 weeks of tuition, they would be entitled to a refund of \$300.

Brighton Pacific has asked me to pay more tuition fees. What should I do?

You are obliged to pay fees as set out in the written agreement between you and Brighton Pacific. Your provider cannot require you to pay fees for a course before the due date specified in the written agreement. You should carefully review your written agreement to determine when the fees for your course are due for payment.

If you are unsure about your obligations under the written agreement, you may wish to seek legal advice.

If you are concerned that your provider is requiring you to pay fees before the due date specified in the written agreement, you should report this information to ASQA.

What is the Australian Nursing and Midwifery Accreditation Council (ANMAC)?

Accreditation of nursing and midwifery education programs is undertaken in the interest of public safety. ANMAC is responsible for determining whether programs of study for nurses and midwives seeking to practice in Australia meet the required accreditation standards. All education programs leading to eligibility to apply for registration as a nurse or midwife are subject to a national accreditation process.

How do I know if a nursing or midwifery program is accredited in Australia?

You can find out by visiting the [approved programs of study list](#) on the Nursing and Midwifery Board of Australia (NMBA) website. If the program you want to enrol in is not on this list, it has not been accredited by ANMAC or approved by the NMBA and may not lead to registration as a nurse or midwife in Australia.

Questions about visa impacts

If my visa is due to expire, what do I need to do?

Despite the possible closure, to remain lawfully in Australia you must hold a valid visa.

If your visa is due to expire between now and the date that the ASQA cancellation of Brighton Pacific comes into effect you should lodge a Student visa application. To make a valid Student visa application, you will need a Confirmation of Enrolment (CoE) or letter of offer from your education provider. Upon lodging a valid Student visa application you will be granted a Bridging visa which will keep you lawful until a decision is made on your new Student visa application. The Bridging visa will come into effect when your current, substantive, Student visa expires.

If Brighton Pacific is cancelled after you lodged your Student visa application and before a decision is made, you will need to provide a new CoE with a different provider for your visa to be granted.

If your visa expires after Brighton Pacific has defaulted, you can lodge a valid visa application with a letter of offer from a new provider. However, you will need to obtain a CoE from the provider in order for your visa to be granted.

If Brighton Pacific stops operating how long do I have to make alternative arrangements?

Usually, you have 28 days to enrol with another education provider. However, if Brighton Pacific stops teaching your course, you will have up to the three months to finalise a new enrolment.

If it takes longer than three months to finalise your enrolment, the Department of Home Affairs may further extend its special arrangements on a case-by-case basis.

Will I have to pay for a new visa?

If Brighton Pacific's registration is cancelled, and you need to apply for a new visa to complete your studies, you may be able to have the application fee waived if:

- you were enrolled with Brighton Pacific on the day that they defaulted; and
- you apply in the 12 months after Brighton Pacific defaulted.

Australian Government protection for international students

The Australian Government takes its responsibilities to international students very seriously. There are a number of protections in place to support students. Some of the most important are mentioned here.

What is the Tuition Protection Service?

The Tuition Protection Service (TPS) supports students in the case of their provider is unable to provide courses for students. This is called a "provider default".

In the case of provider default, the provider is required to either place the student in an equivalent course, or refund unspent tuition fees to the student. If the provider fails in its obligations, TPS steps in and assists the students.

Unspent tuition fees are monies paid by a student to the provider in advance of having received the tuition/teaching: e.g. if a student pays \$1000 for a 10 week course and only receives 7 weeks of tuition, they would be entitled to a refund of \$300.

What is the Australian Skills Quality Authority?

The Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector.

ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

What is the Overseas Student Ombudsman?

The Overseas Students Ombudsman has a special role in considering complaints from international students.

International students in Australia have the right to complain to their education provider about problems that they are having with that provider or an education agent.

If after using Brighton Pacific's internal complaints and appeals process students are not happy with the outcome, students have the right to make an external complaint to the Ombudsman.

The sorts of complaints that we commonly consider include:

- complaints about tuition fees and refunds
- complaints about provider decisions not to release a student for study with another provider
- complaints about statements of attainment and academic transcripts
- complaints about education agents
- complaints about provider monitoring of attendance and course progress.

What do I do if my CoE is being cancelled?

If your CoE is going to be cancelled, Brighton Pacific must give you a written notice of intention to report your CoE and 20 working days to access their internal complaints and appeals process. A provider cannot cancel your CoE without giving you access to their internal complaints and appeals processes.

If you have accessed Brighton Pacific's internal complaints handling and appeals process and the review did not result in a satisfactory outcome for you, Brighton Pacific must advise you of your rights to seek an external complaints and appeals process at minimal or no cost. This advice must also be given to you within 10 working days of the completion of the internal complaints handling and appeals process. The appropriate external complaints body will be the Overseas Students Ombudsman:

<http://www.ombudsman.gov.au/contact>.

Once your external appeals process has been completed, Brighton Pacific must immediately implement the decision or recommendations, and/or take any preventative or corrective action required by the outcomes of the external complaints handling or appeals process, and notify you of the outcome.

For more information, please refer to [Standard 9](#) and [Standard 10](#) factsheet of the National Code 2018.

If I make a complaint, could my provider decide to report me to the Department of Home Affairs and will my visa be cancelled?

While we are not aware of specific providers saying they would report students to the Department of Home Affairs, you have the right to an internal and external appeal before a provider can report you for unsatisfactory attendance or unsatisfactory course progress (see question ***What do I do if my CoE is being cancelled?*** above). For more information, please refer to [Standard 8](#) factsheet of the National Code 2018.

Only the Department of Home Affairs can grant, refuse or cancel a person's visa. If you are in Australia or immigration clearance, the Department of Home Affairs will usually notify you of their intention to consider cancelling your visa and give you the opportunity to put forward reasons why your visa should not be cancelled.

Support for overseas students

Where can I go for support?

Find a doctor/accessing mental health support through OSHC

Allianz: <https://allianzassistancehealth.com.au/en/find-doctor>

Bupa: www.bupa.com.au/health-insurance/oshc/members-help-guide/find-a-doctor

Refer to your provider and policy for mental health coverage

Redfern Legal Centre

Email: <https://rlc.org.au>

Social media: www.facebook.com/redfernlegalinternational

Phone number: (02) 9698 7277

Beyond Blue

Website: www.beyondblue.org.au

Phone number: 1300 224 636

Lifeline

Website: www.lifeline.org.au

Phone number: 13 11 14

Kids Helpline (age 5-25)

Website: <https://kidshelpline.com.au>

Phone number: 1800 551800

If you are studying in Queensland, you can contact:

1800QSTUDY (1800 778 839) 24/7 for referrals and information

Brisbane Student Hub on 07 3337 5400

Alternatively, you can drop into 28 Dibley Street, Woolloongabba, QLD between 12 and 5pm.

For more information

Tuition Protection Service

Website: www.tps.gov.au

Contact: Administrator@A.TPS.gov.au

Overseas Student Ombudsman

Website and contact: www.ombudsman.gov.au/How-we-can-help/overseas-students

Australian Skills Quality Agency

Website and contact: www.asqa.gov.au/complaints

