



# 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.

24 April 2019

### Key messages for students

The Australian Skills Quality Authority (ASQA) has made the decision to cancel the registration of Brighton Pacific Pty Ltd, trading as the Australia Institute of Business and Technology (AIBT). Brighton Pacific has appealed ASQA's decision in the Administrative Appeals Tribunal (AAT) and while this is being considered, the AAT has ordered that Brighton Pacific:

- a) Is entitled to enrol students but must not permit students enrolled on or after the date of this order (18 April 2019) to commence study with Brighton Pacific before 7 October 2019, or at any such later date that may be provided by the Tribunal;
- b) must release any overseas student who seeks a transfer to another provider regardless of whether they have completed six months of their principal course, provided that the student does not owe outstanding monies for any completed units; and
- c) must provide to every enrolled student and any student considering enrolling, including publishing on their website, the following statement.

#### *"Important Information for Students"*

*On 19 February 2019, the Australian Skills Quality Authority (ASQA) issued a notice to cancel the VET and CRICOS registration of Brighton Pacific Pty Ltd t/a Australia Institute of Business and Technology (AIBT). This cancellation was to take effect on 26 March 2019.*

*AIBT has lodged a review/appeal of the decision of ASQA to cancel its registration in the Administrative Appeals Tribunal (AAT) and is challenging ASQA's decision. The hearing of the review/appeal is scheduled to be heard in mid to late June 2019.*

*AIBT has applied for a stay of ASQA's decision with the AAT. The AAT has granted a stay subject to*

*specific conditions, including that AIBT is able to continue providing training and education to its currently commenced students (until further order of the AAT). AIBT is also allowed to continue to enroll students but their studies cannot commence before 7 October 2019 (until further order of the AAT).*

*AIBT is also required to release any overseas students who are seeking a transfer to another provider, regardless of whether they have completed six months of their principal course. Any student who wishes to transfer should contact [f.kee@aibtglobal.edu.au](mailto:f.kee@aibtglobal.edu.au).*

*Please be aware that any monies that you pay to AIBT will be secured in a protected account and cannot be released until after the AAT decision. If AIBT is successful in its appeal/review against the ASQA decision, any monies paid by you will be used towards payment of your tuition fees. If AIBT is unsuccessful in its review/appeal, all monies paid by you will be refunded to you in full and AIBT will assist you to seek to find another education provider that offers the same or similar course."*

- d) must pay any tuition fees paid by students who did not commence prior to 18 March 2019 (including new students enrolled after the date of this order) into a protected account and must not withdraw that money from the protected account before 7 October 2019.

At this time, Brighton Pacific is continuing to operate and currently studying students should continue attending classes.

Brighton Pacific has a related entity, the Australia Institute of Business and Technology – International (AIBT-I). The providers operate under the same trading name and share resources, facilities, staff, and a website. The decision to cancel the registration of Brighton Pacific does not affect the registration of (AIBT-I) and this provider remains registered.

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.

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 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](http://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](http://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.

***Brighton Pacific has asked me to transfer to AIBT-I. What should I do?***

If you are considering a transfer, you should refer to your written agreement to understand Brighton Pacific's transfer and refund terms. If you leave Brighton Pacific while they are still operating you may not be able to access the Australian Government's TPS assistance for the course you are currently enrolled if the provider stops operating.

***Brighton Pacific has suggested I transfer to a different course with Brighton Pacific. What should I do?***

As above, you should remain enrolled with the course you are currently studying to ensure you remain eligible for the Australian Government's TPS assistance.

***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.

### ***What would happen to my visa if Brighton Pacific cancels my Confirmation of Enrolment (CoE)?***

Your Student visa requires that you meet certain visa conditions.

Visa condition 8202 requires that you must remain enrolled in a registered course for the duration of your visa. If the education provider cancels your current CoE and you do not have another valid CoE, you may be in breach of your Student visa conditions.

If you are taking action about your cancelled CoE and have an ongoing matter with the OSO, you will not be in breach until the matter is resolved. (Please refer to information from the OSO regarding the options available to you in reinstating your CoE).

If you are not taking action and are not enrolled in study, you may be in breach of your visa conditions and this could lead to your visa being cancelled.

Before we consider cancelling your visa, you will be sent a Notice of Intention to Consider Cancellation (NOICC) letter from the Department of Home Affairs that explains why we believe there is reason to consider cancellation. You can provide us with information as to why you do not think cancellation should occur and any other compelling or compassionate circumstances that explains your situation.

Your response and the circumstances of the case will be considered before any decision is taken.

## **Information for students who are overseas**

***I have a CoE and a student agreement with Brighton Pacific Pty Ltd (RTOID: 41138 / CRICOS: 03430J), a visa and a No Objection Certificate (NOC) to travel to Australia. What should I do?***

You will need to carefully weigh your options. This general advice is focused on:

- how to protect any investment you have made in tuition fees;
- keep your options open; and
- ensure you maintain a legal visa status.

It will give you some things to think about but is not a substitute for your own consideration of your personal situation. It does not consider airfares or other costs, or the living arrangements you might have made in Australia. You may wish to seek your own legal advice.

### ***What happens if I decide to stay home?***

You should make sure you understand the terms of your student agreement. The agreement you hold with Brighton Pacific will include terms that describe what will happen if you choose not to take up your enrolment. It is possible that if you do not take up your enrolment, that you will be in default of your agreement. This may mean that Brighton Pacific is entitled to keep some or all of your prepaid tuition fees.

If you have paid money to Brighton Pacific and did not commence prior to 18 March 2019, your tuition fees will be paid into a protected account and Brighton Pacific will not be allowed to withdraw that money from the protected account before 7 October 2019.

Before you make any decision, be sure you know how this might affect the fees you've paid. If you are not sure, consult with Brighton Pacific or the agent you enrolled through.

The second important factor to consider is what happens to your visa. If you have a valid visa you will be able to travel up until your visa expires. You can check when your visa expires in *immiAccount*.

### ***What happens if I travel to Australia to take up my enrolment?***

Brighton Pacific has been issued with a Notice of Cancellation of registration by ASQA. It is appealing this decision but if it is not successful, it could still close before you finish your course of study. The cancellation was made because the provider was non-compliant in its obligations as a registered training organisation.

If you still choose to take up your enrolment with them and meet all of the terms in your student agreement, you will be entitled to protections under Australia's Tuition Protection Service. This means that, if the institute closes, you will be entitled to an alternative placement with another training provider or a refund of your unspent tuition fees. If the institute closes before you come to Australia, you will still be covered by these protections.

If Brighton Pacific does close, there is no guaranteed way of knowing when this will happen. This means that it is not possible to predict how much unspent tuition fees you would be refunded. You can choose to be placed with an alternate provider where you can finish your course. It is possible that you may have to pay additional fees to the second provider to complete your course.

If you have paid tuition fees to Brighton Pacific and did not commence prior to 18 March 2019, Brighton Pacific must pay any tuition fees received into a protected account and must not withdraw that money from the protected account before 7 October 2019.

Home Affairs will provide extra time for you to make new visa arrangements if Brighton Pacific closes (see '**Question about student visas**' above for more information).

### ***What do I do if I was going to study a Diploma of Nursing?***

It is important to remember that Brighton Pacific's Diploma of Nursing is not accredited by the Australian Nursing and Midwifery Accreditation Council, so you would not be able to work in Australia as an enrolled nurse using this diploma and may not be able to transfer to a university for further study. If you do choose to take up the Diploma of Nursing, and Brighton Pacific closes, you would have the same protections as other students: an alternative placement or refund of unspent tuition fees. Students who have paid money to Brighton Pacific and did not commence prior to 18 March 2019, your tuition fees will be paid into a protected account and Brighton Pacific will not be allowed to withdraw that money from the protected account before 7 October 2019.

If you do not wish to wait on Brighton Pacific closing before you make a decision, you should consider whether another provider would be more suitable for your needs. If you choose this option, you will need to check your student agreement with Brighton Pacific to see what choices you have for cancellation. Brighton Pacific may be entitled to keep some or all of any tuition fees you have paid to them.

## **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.

### **How to make a complaint**

As an international student, there are steps you should take if you wish to make a complaint about your provider. The *National Code of Practice for Providers of Education and Training for Overseas Students 2018* (National Code 2018) sets out obligation to education providers to deal with student complaints.

#### **Internal complaints and appeal process:**

First, if you wish to make a complaint about your provider or the services provided to you, you are entitled to lodge a complaint through your provider's internal appeal process. Providers must have a process for you to lodge a formal complaint if it cannot be resolved informally, and must respond to any complaint you have regarding:

- your dealings with the registered provider
- the registered provider's education agents
- any related party the registered provider has an arrangement with to deliver the overseas student's course or related services.

If you have not already made a formal complaint to your provider about your grievances, you should do so as soon as possible to allow your provider to address your concerns. Your provider is required to address your complaint in accordance with the requirements of the National Code 2018.

#### **External complaints and appeals process**

After you have accessed the internal complaints handling and appeals process, and if you are not satisfied with the outcome of the internal appeals process, you can follow up your complaint to an external body. Your provider must advise you of your rights to seek an external complaints and appeals process at minimal or no cost 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 (OSO): <http://www.ombudsman.gov.au/contact>. In some cases, the OSO may decide not to investigate your complaint if you have not made a complaint or appeal to your provider first.

***In what circumstances can my CoE be cancelled? What do I do if my CoE is being cancelled?***

Your student agreement set out the circumstance where your provider may cancel your CoE, which may include a requirement not to disparage your provider. You must ensure you meet these terms. 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 (see question ***What would happen to my visa if Brighton Pacific cancel my Confirmation of Enrolment (CoE)?*** above, under 'Questions about student visas').



## 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](http://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](https://www.facebook.com/redfernlegalinternational)

Phone number: (02) 9698 7277

#### **Beyond Blue**

Website: [www.beyondblue.org.au](http://www.beyondblue.org.au)

Phone number: 1300 224 636

#### **Lifeline**

Website: [www.lifeline.org.au](http://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](http://www.tps.gov.au)

Contact: [Administrator@A.TPS.gov.au](mailto:Administrator@A.TPS.gov.au)

#### **Overseas Student Ombudsman**

Website and contact: [www.ombudsman.gov.au/How-we-can-help/overseas-students](http://www.ombudsman.gov.au/How-we-can-help/overseas-students)

#### **Australian Skills Quality Authority**

Website and contact: [www.asqa.gov.au/complaints](http://www.asqa.gov.au/complaints)

