

Department	Vocational Education & Training		Author	RTO CEO
Quality Controlled Document No. & Title	ESOS 6.1	Student Rights and Responsibilities	Approved	RTO CEO
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ESOS National Code 2018	Standard 6		Distribution	Internal RTO Staff RTO Students External Prospective Students

Marriott Academy acknowledges that overseas students may face challenges with studying in a foreign country, away from home. English may not be their first language and, for many, this will be their first experience living away from home for an extended period. Whilst Marriott Academy provides information to students in a range of documents and resources, the Student Support and Careers Manager (SSCM) is responsible for ensuring that all students are aware of their rights and responsibilities, and where to seek support if and when required.

Education Services for Overseas Students (ESOS) Framework

ESOS legislation makes sure training providers meet nationally consistent standards in education delivery, facilities and services, and provides tuition fee protection for international students.

ESOS Act

Australia provides rigorous protection for international students through the [Education Services for Overseas Students Act 2000](#) (ESOS Act) and related legislation, which protects and enhances Australia's reputation for quality education, provides tuition protection and supports the integrity of the student visa program. Breaches are treated seriously, and the penalties can be significant.

- [Changes to ESOS](#)
- [The ESOS legislative framework](#)

ESOS Standards for Education Providers

The *National Code of Practice for Providers of Education and Training to Overseas Students 2018* ([National Code 2018](#)) sets nationally consistent standards for the delivery of courses to overseas students. The National Code 2018 commenced on 1 January 2018.

Education institutions must comply with the National Code to maintain their registration to provide education services to international students.

- [National Code 2018 factsheets](#)

An [online training tutorial](#) on the National Code 2018, has been developed by the ISANA International Education Association. The development of this project was supported by the Australian International Education: Enabling Growth and Innovation project fund, Department of Education, Skills and Employment.

The [English Language Intensive Courses for Overseas Students \(ELICOS\) Standards 2018](#) outline specific quality requirements for registered providers delivering English language courses to overseas students and are in addition to the National Code requirements.

- [ELICOS Standards 2018 factsheet](#)

The [Foundation Program Standards](#) are designed to equip international students with the skills and capabilities to seek entry into higher education programs in Australia, and must be followed by registered providers delivering Foundation Programs to overseas students.

Provider Registration

The Department of Education, Skills and Employment is responsible for the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Only education institutions registered under the ESOS Act and listed on CRICOS can enrol overseas students to study in Australia on a student visa.

- [How do I register?](#)
- [ESOS Agencies](#)
- [Fees and Charges](#)
- [PRISMS FAQs](#)

Tuition Protection Service

The Tuition Protection Service (TPS) is a placement and refund service that helps:

- International students on student visas affected by a provider closure
- When students have withdrawn from or not started their course and are eligible for a refund of tuition fees that have not been paid by the provider
- Provide students with the information they need to choose an alternative course that best suits them through an online placement system
- Arrange a refund of any pre-paid tuition fees if there is no course that meets their needs

Visit the [TPS](#) website for more information.

International Education Agents Data Project

The Government initiative aims to provide data to institutions on the outcomes achieved by their agents, and to see the majority of agents recognised for their high standards and levels of service.

For more information, visit the [Education Agents](#) page.

Including work integrated learning in your studies

There are many opportunities to increase your employability while you study. This includes work integrated learning (WIL) opportunities such as internships, cadetships, work placements and more.

- preparing for WIL
- understanding Australian workplace cultures
- undertaking WIL in an online environment.

WIL to Work is a collaborative project supported by the Australian International Education: Enabling Growth and Innovation project fund, Department of Education and Training, to address issues facing international students in accessing and benefiting from Work Integrated Learning (WIL) experiences. [A Project team](#) from five Universities (RMIT, Curtin University, University of South Australia, University of Technology Sydney and QUT) collaborated to develop [online modules](#) and [resources](#) specifically to support international students in preparing for WIL. The modules aim to build the capability of students to enhance their WIL experiences and optimise employability outcomes.

What to do if your education provider closes or you cannot complete your course

The Tuition Protection Service (TPS) is a placement and refund service that helps:

- Eligible students who are affected by an education provider closure
- Students who have either withdrawn from or not started their course, and who are eligible for a refund of tuition fees, but the refund has not been processed by their education provider
- Provide students with the information they need to choose an alternative course that best suits them
- Arrange a refund of any pre-paid tuition fees if there is no course that meets their needs.

<https://tps.gov.au/Home/Login>

The rights of international students at work

International students have the same workplace rights and protections as anyone else working in Australia. For all you need to know about paying tax, working hours and the type of work you can do.

International students have the opportunity to work in Australia while studying. It can be a great way to experience the local culture and connect with the community.

International students have the same workplace rights and protections as anyone else working in Australia.

Here's what you need to know before starting to work in Australia:

- You must be paid at least the minimum wage
- You must pay tax on your income
- You must receive a payslip
- You can work up to 40 hours every two weeks during term time (unless you are a PhD student), and unlimited hours during your holiday breaks
- Casual work means you don't have a fixed number of hours every week.

Are your work rights at risk?

- International students have the same workplace rights and protections as anyone else working in Australia, but sometimes your work might not feel right.
- How do you know if your rights are at risk? How do you know if your rights are at risk? [Download this flyer](#) to learn about the warning signs of workplace exploitation.
- If you think you are not being treated fairly at work, talk to your boss or contact the Fair Work Ombudsman for help. There is free advice in multiple languages for anyone working in Australia. Phone - [13 13 94](#) Online - [Fair Work Ombudsman](#)

Go to the following pages to see this information in other languages:

- [Hindi \[हिन्दी\]](#)
- [Indonesian \[Bahasa Indonesia\]](#)
- [Portuguese \[Português\]](#)
- [Simplified Chinese \[简体中文\]](#)
- [Traditional Chinese \[繁體中文\]](#)
- [Spanish \[Español\]](#)
- [Thai \[ไทย\]](#)
- [Vietnamese \[Tiếng Việt\]](#)



Getting ready to work in Australia

The information you need to know, and how to find it.

As an international student working in Australia, you have the same protections as any Australian in the workplace. Here are some things you need to know, and a checklist to make sure you are well prepared.

Your pay

Australia has a minimum wage. You must be paid at least this amount – it's the law!

What is the minimum wage?

- The minimum wage is reviewed every year and depends on the work you do. So, do your research to find out how much you should be getting paid this financial year.

How do I find out my minimum wage?

Q Search "FWO Pay and Conditions Tool"

This is a tool from the Fair Work Ombudsman.

It will help you find out the minimum wage for your work.

How do I get a TFN?

- Use the official ATO (Australian Taxation Office) website to apply for a free TFN.

Q Search "apply TFN ATO"

Do I need a TFN or ABN?

- Some jobs may ask you to work under an **Australian Business Number** or ABN. This is when you are considered self-employed.
- You might not need an ABN. If you only work in fixed locations, report to a boss or manager, have a similar schedule each week and get paid the same amount each hour – a TFN might be all you need.

Tip: If you are working under an ABN, you still need to pay tax AND you need to have your own insurance.

What can I find on my payslip?

- A payslip tells you how much you have earned and how much tax has been taken from your pay. If you are paid an hourly rate, a payslip shows you the number of hours you have worked.

What to do if I have not received my payslip?

- Inform your boss or manager that you didn't get your payslip. Normally, it is just a mistake. They must provide it for you when you ask.

Tip: Getting an Australia bank account makes it easier for you to get paid.

Q Search "student bank account"

Paying tax You might need to pay tax depending on how much you earn.

Get a **Tax File Number** (TFN) before

starting work. Give your TFN to your boss to make sure you do not pay more tax than you should. Everyone gets their own TFN and it's yours for life! It's important you don't let anyone else use it – not even friends.

You will also need to lodge a 'tax return' each year.

Payslips In Australia, you must get a payslip within one working day of getting paid. Normally, workers get paid weekly, fortnightly (every two weeks) or monthly. The payslip is an important document.

Work hours

Remember – as an international student you can work up to 40 hours every two weeks during term time, and unlimited hours during your holiday breaks.

It is important you keep to this limit –

it is what you agreed to when you were given your student visa.

Types of work

In Australia, you can either work part-time, or on a “casual basis”. In part-time work you have a set number of hours. In casual work your hours may vary week to week.

How can I keep track of my work hours?

- First, make sure your boss knows about your 40-hour working limit. If they do not know this, they might ask you to do extra hours.
- Also, download the ‘**FWO Record my Hours**’ app – it’s a great tool in many languages that will help you keep track of how many hours you have worked.

What’s the difference between casual and part-time?

- If you get a casual job, you might get paid more than regular part-time work. Your hourly pay could increase by up to 25%. This is called ‘casual loading’, and it is extra money.
- In casual work, your hours can change each week, and you won’t get paid for any days you are sick or on holidays.

Where can I get more information?

Search “FWO employee entitlements”

	To do	How to do it	Done?
Before work	I have calculated my minimum wage	<ul style="list-style-type: none"> Use the PACT Calculator on the Fair Work Ombudsman website – or search “minimum wage Australia” and the current 	<input type="checkbox"/>
	I have opened my Australian bank account	<ul style="list-style-type: none"> Search ‘compare student bank accounts’ to find the best deals on student bank accounts. Some accounts won’t charge you any fees. 	<input type="checkbox"/>
	I have applied for a TFN/ABN	<ul style="list-style-type: none"> Search “contractor vs employee” to find out whether you need a TFN or an ABN. Visit the ATO Website - Search “apply TFN ATO” or “apply ABN ATO” for instructions. 	<input type="checkbox"/>
Starting work	I have talked to my boss about the restrictions on work hours	<ul style="list-style-type: none"> Tell your boss that you can only work 40 hours every two weeks during term time, but unlimited hours during term breaks. Make sure your boss agrees. 	<input type="checkbox"/>
	I have downloaded the FWO Record MyHours app	<ul style="list-style-type: none"> Download the app from the Apple App Store or Google Play Store – search “FWO Record My Hours”. 	<input type="checkbox"/>
	I have checked my rights at work	<ul style="list-style-type: none"> Search “Fair Work Ombudsman international students” for information about your rights at work. 	<input type="checkbox"/>
At work	I have asked my boss for my first payslip	<ul style="list-style-type: none"> Get your payslip from your boss, in electronic or printed form. Ask “please give me my payslip”. 	<input type="checkbox"/>
	I have started recording my hours on FWO Record My Hours app	<ul style="list-style-type: none"> Explore the app to make sure you know how to use it. Record your hours after you finish each shift. 	<input type="checkbox"/>

