

Short changed

The cost of refund non-compliance

Our investigation into whether the Crown Institute of Higher Education was compliant with the *Education Services for Overseas Students Act 2000*



**An NSO
Investigation
Report**

September 2026

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Executive Summary

Overseas students make a significant financial, personal and professional commitment when choosing to study in Australia. In some circumstances, students are unable to commence or continue studying because their visa is refused, or because of other serious, unexpected events beyond their control. In other cases, students may determine that continuing their studies is no longer appropriate and wish to withdraw. Students have the right to make these decisions.

In recognition of the inherent power imbalance between students and higher education providers in these situations, legislative frameworks impose specific obligations on providers to safeguard students' rights. Compliance with these legal obligations is **mandatory** and ensures fairness, transparency and accountability within the higher education sector.

This report is about the complaints of two Crown Institute of Higher Education (CIHE) overseas students, 'Hari' and 'Ali' (not the students' real names – names have been changed to protect student confidentiality). Both students experienced similar issues when attempting to withdraw their course enrolments at CIHE.

After considering the available evidence in both matters, the National Student Ombudsman (NSO) has serious concerns that CIHE's handling of course withdrawal requests, tuition fee refund requests and request for documents from overseas students is unfair, unreasonable and appears contrary to the law.

While the cases are distinct in that Hari withdrew after his student visa was refused and he could no longer study in Australia, and Ali withdrew due to a change of mind, across both cases the NSO finds that:

- CIHE failed to follow its legal obligations under the *Education Services for Overseas Student Act 2000* (Cth) (ESOS Act) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code 2018) and relevant instruments (collectively the ESOS Framework).
- CIHE's *International Student Refund Policy* and *International Student Deferral, Suspension and Cancellation Policy* appear contrary to law, resulting in students not being refunded amounts that they are legally entitled to.



- CIHE wrongly refused both Hari and Ali's withdrawal requests.
- CIHE made unreasonable requests for supporting evidence from Hari to progress his refund application.
- CIHE should have supplied Ali with his academic transcript when requested.
- CIHE should cease pursuing tuition fees from Ali for Semester 2, 2024.

Notably, and concerningly, CIHE's responses to the NSO's enquiries indicates it is aware of its legal obligations under the ESOS Framework but is choosing not to follow them, particularly in relation to calculating refunds to students who withdraw from their course due to visa refusal.

By knowingly not following the law, CIHE is withholding money from students that the students are legally entitled to. As this report shows, this is unfairly impacting students and the practice is manifestly wrong in the circumstances.

The NSO provided CIHE with a draft copy of this report and the opportunity to make submissions in response. While CIHE made submissions to justify the actions that were the subject of this report, it has accepted all recommendations and findings.

The NSO commends the accountability CIHE has demonstrated by accepting and already taking steps to implement the recommendations. CIHE's response (with the students' names anonymised) is attached to this report at Appendix A. We carefully considered CIHE's submissions and, where relevant, we include our response to its submissions in this report to ensure our commentary balances provider and student views.

Ultimately, in this case, we find that providers must comply with the law. The NSO acknowledges CIHE's view that higher education providers must undertake careful fiscal management in a complex operating environment, especially as it relates to overseas students.

However, it is not open to providers to decide not to adhere to the law because they believe this is necessary to mitigate their financial risks. Adopting this approach not only breaches legal obligations but unfairly passes on provider financial risks to overseas students.

We note that recommendations 1-4 and 7-13 in this report are enforceable under standard 10.4 of the National Code 2018, which states:



If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

The NSO will monitor the implementation of the recommendations in this report by following up with CIHE as specified in the report, and otherwise within 6 months of the date of the report.



Important terms used in this report

Academic transcript: An official, complete record of a student's studies at a higher education provider.

Course: A structured program of learning of multiple subjects or units that leads to a formal higher education qualification (like a bachelor's degree or master's degree).

Higher education provider (provider): An institution that provides higher education courses.

Overseas student: A student from overseas studying in Australia on a student visa. The term **international student** is used interchangeably within the higher education sector.

Release to transfer: Official permission from a higher education provider allowing an overseas student to transfer to a different higher education provider before the student completes the first six calendar months of their main (principal) course.

Student visa: Prospective students from overseas need to apply and be accepted for a student visa to study at a higher education provider in Australia.

Tuition fees: The cost charged by a higher education provider for a course.

Withdrawal: The formal process of a student ending their enrolment in an individual unit of study or an entire course. In the context of this report, withdrawal refers to the overseas student withdrawing from the entire course.

Written agreement: A legally binding contract between an overseas student and a higher education provider. It sets out course details, fees, refund rules, and the rights and responsibilities of each party before enrolment begins.



Legislation

The **Education Services for Overseas Students Act 2000** (ESOS Act) is the Act of Parliament that sets out the rules and requirements for higher education providers and training institutions offering courses to overseas students.

The ESOS Act provides for the creation of other legislative instruments, which establishes the legal framework that governs the delivery of education to overseas students in Australia. Together this legislation is collectively referred to as the **ESOS Framework**.

The **National Code of Practice for Providers of Education and Training to Overseas Students 2018** (National Code 2018) is a legislative instrument of the ESOS Framework which sets out the nationally consistent standards to support providers to deliver training and assessment to overseas students studying in Australia.

The **Education Services for Overseas Students (Calculation of Refund) Instrument 2024** (Refund Instrument) is a legislative instrument under the ESOS Framework that defines the exact formulas for calculating unspent pre-paid tuition fee refunds for overseas students when provider or student defaults occur.



Report 1. 2025-804670 – ‘Hari’

Complaint background and timeline

‘My request is straightforward – I am unable to study due to the visa refusal, and therefore, I am entitled to a full refund. Over the past month, I have followed up with CIHE several times, clarifying my position and the policy that supports my refund entitlement. I feel that my case is being continuously delayed, and my legitimate request is being ignored. Even though I have made it clear that I am not withdrawing voluntarily and that my request is based on the visa refusal, CIHE continues to suggest unrelated options, suppressing my decision to have my refund processed according to their policy.’

[Quote from Hari’s complaint submission]

Hari¹ is an overseas student who was enrolled at CIHE in a Master of Information Technology from 22 July 2024.

Following Hari’s completion of his first semester at CIHE, but before his second semester, the Department of Home Affairs refused his student visa on 17 February 2025. Overseas students are required to apply for and have an approved visa to study in Australia. Hari had already paid the tuition fees for his second semester.

Because he could no longer study in Australia, Hari applied to CIHE for a withdrawal and a refund on 27 February 2025. Despite Hari providing evidence of his visa refusal, on 11 March 2025 CIHE refused his withdrawal and refund because he did not submit the application either 2 weeks before the current semester or 2 weeks before the tuition fee date (whichever comes first).

Hari followed up his request for withdrawal and a refund. Hari emphasised that his request was on the grounds of a visa rejection and not by personal choice. CIHE did not

¹ Not the student’s real name – names have been changed to protect student confidentiality.



reconsider its decision to refuse his withdrawal and refund request and instead referred Hari to the email sent to him on 11 March 2025.

On 12 March 2025, Hari submitted a complaint to the National Student Ombudsman (NSO).

Hari did not return to classes for Semester 1, 2025 and CIHE reported him on Provider Registration and International Student Management System (PRISMS) for Cessation of Studies on 4 April 2025.

NSO contact with CIHE

The NSO first contacted CIHE on 15 September 2025, requesting a copy of the written agreement between CIHE and Hari and asking why his withdrawal and refund application was rejected. CIHE responded on 26 September 2025, explaining that the reason for refusing Hari's withdrawal was that his application was after the due date, needing to be submitted either 2 weeks before the end of the current semester or 2 weeks before the tuition fee date, whichever came first.

CIHE also told the NSO that it asked Hari to provide supporting documentation confirming that he had appealed his visa refusal to the Administrative Review Tribunal (ART) in order for CIHE to enable assessment of his refund case. Hari had not submitted an appeal to the ART.

After considering the available information, the NSO decided to investigate Hari's complaint. On 10 October 2025, the NSO sent an investigation notice under s 21AU of the *Ombudsman Act 1976* to CIHE. This notice focused on clarifying Hari's right to a refund, and the relevance of requiring proof of an appeal to the ART in order for CIHE to consider his refund request.

On 21 November 2025 and 19 December 2025, the NSO sent follow up questions to CIHE seeking further information about the reasons for rejecting Hari's refund request, and CIHE's compliance with the ESOS Framework.



Finding 1: Crown Institute of Higher Education did not have the power to refuse Hari's withdrawal, and therefore should have granted his refund request sooner

On 11 March 2025, CIHE refused Hari's withdrawal and his refund request and said that it 'will not be able to approve [Hari's] request to withdrawal [sic] as it was requested after the due date.' The NSO finds this is wrong, appears inconsistent with the ESOS Act, and is contrary to previous feedback the Overseas Students Ombudsman (OSO) has provided to CIHE about the same issue, as CIHE does not have the power to 'refuse' a student's withdrawal from a course.

CIHE's *International Student Deferral, Suspension and Cancellation Policy* (Cancellation Policy) clause 7.9 says 'Continuing students who wish to terminate/withdraw their studies must advise CIHE in writing 2 weeks prior to the completion of the current semester or 2 weeks prior to tuition fee due date (whichever comes first).'²

Overseas students may withdraw from their course **at any time** under subsection 47A(1)(b) of the ESOS Act. Dependent on the timing of the withdrawal, withdrawing *may* have visa consequences or incur late withdrawal fees, and providers may prohibit a student *transferring* – also referred to as a 'release' – to another provider before a student has completed six months of their principal course.

CIHE should never have refused Hari's withdrawal because higher education providers do not have an authority under the ESOS Framework to decline students' withdrawal from a course and should not have policies implying such an authority.

The OSO has previously advised CIHE of this on 25 August 2025, and provided CIHE with a position statement explicitly stating that providers cannot decline withdrawal. CIHE's response of 28 August 2025 stated that it will implement the OSO's suggested changes, but evidently this has not happened.

² Crown Institute of Higher Education, [International Student Deferral, Suspension and Cancellation Policy](#), clause 7.9.



In the email to Hari of 11 March 2025, CIHE also said 'as per Standard 7 of the National Code 2018, this request for withdrawal/release has been refused'. Standard 7 of the National Code refers to overseas students wishing to transfer providers which is a separate process to withdrawing entirely from a course. This reference to Standard 7 is wrong, and does not apply to Hari's circumstances.

The NSO notes that CIHE, in an email to the NSO on 30 January 2026, stated that 'our team made an error while rejecting Hari's withdrawal application by referencing Standard 7 of the National Code 2018'.

The NSO remains concerned that CIHE has confused its obligations regarding withdrawals and student release especially given the OSO has previously provided feedback to CIHE about this same issue; which indicates a systemic issue that CIHE **must** address.

Request for evidence of Administrative Reviews Tribunal appeal

CIHE told the NSO on 26 September 2025 that it asked Hari to 'provide supporting documentation confirming access to the ART appeal process to enable assessment of his case', asking him to prove that he had applied to the ART to contest his visa refusal before it would grant a refund.

CIHE advised the NSO on 30 October 2025 that while evidence of an application to the ART is not a requirement for withdrawal or refund requests in cases of visa refusal, CIHE requests this to ensure students remain legally in Australia after their visa is refused.

The NSO is concerned that CIHE sought this information from Hari as a precondition to a refund. The ESOS Act does not permit providers to refuse a refund request on the ground the student has not appealed their visa refusal to the ART.

Additionally, applying to the ART is costly and unnecessary for some students such as those who genuinely do not intend to remain in Australia or consider their chances of successfully appealing the visa refusal are low.

While the NSO acknowledges that providers may be concerned that a student withdrawing from their enrolment creates a potential risk of visa non-compliance, this is not in itself a lawful basis on which a provider can refuse to action a withdrawal request.



In addition, providers already have obligations to inform overseas students of the need to seek advice from Immigration on the potential impact on their student visa, as outlined in Standard 9.5.1 of the National Code 2018. CIHE should never have requested evidence of the ART appeal as a precondition for granting the refund and should cease doing so in future.

CIHE's response to this finding (included in this report at Appendix A) states that it did not require evidence of applying to the ART as a precondition of processing a withdrawal or refund application.

This is not consistent with CIHE's previous response to the NSO of 26 September 2025, which stated '[Hari] was asked to provide supporting documentation confirming access to the [ART] appeal process to enable assessment of his case', his case being the request to withdraw.

CIHE also stated that it requested evidence that Hari appealed to the ART to make 'reasonable efforts to minimise the compliance risks' that would impact the Department of Home Affairs (Home Affairs) evidence level rating for CIHE.³

The scope of this report does not include consideration of how Home Affairs assesses provider evidence level. However, regardless of CIHE's intention, the ESOS Act does not allow providers to refuse a student's withdrawal.

³ The Department of Home Affairs [calculates an 'evidence level' for every higher education provider](#). The 'evidence level' influences how much documentation a prospective student of that provider is required to provide when applying for their student visa.





Recommendation 1

We recommend that CIHE, within 2 months of this report, amend its *International Student Deferral, Suspension and Cancellation Policy* and associated internal staff guidance documents to:

- reflect a student's right to cancel their enrolment at any time, noting that in accordance with Standard 9.5.1 they should be informed to seek advice on the potential impact on their student visa, and
- ensure any request is actioned in accordance with the time limits specified within section 19 of the ESOS Act.

Recommendation accepted



Recommendation 2

We recommend that CIHE, when assessing all current or future requests for withdrawal, ensure that CIHE staff are aware of the distinction between withdrawal and release, and process each request accordingly. CIHE should therefore update any written internal guidance, policy, procedure or other documents, and issue written guidance to staff on this distinction.

This includes compliance with Standard 7 in cases where a student indicates they may require release.

Recommendation accepted





Recommendation 3

We recommend that CIHE immediately cease the practice of asking students to provide evidence that they have applied to the Administrative Review Tribunal to process CIHE refund applications. CIHE should issue written guidance to relevant staff that this practice has ceased.

Recommendation accepted



Finding 2: Crown Institute of Higher Education failed to apply the ESOS Act when refunding overseas students who have had their visa rejected

On 9 December 2025, during our investigation, CIHE told the NSO:

Upon review, we acknowledge that the decision to refuse [Hari's] refund request, was not consistent with clause 6.8.3 of CIHE's International Student Refund Policy. We are therefore willing to proceed with the refund in accordance with the refund policy. As the refund request was submitted (on 17 February 2025) less than 28 days prior to semester commencement date (10 March 2025), we will process a refund of 50% of the tuition fees paid. It appears that a misjudgement [sic] was made by staff at the time regarding the handling of this refund request.

A subsequent focus of the NSO investigation was whether CIHE, when calculating Hari's refund, met its obligations under the ESOS Framework, specifically the *Education Services for Overseas Students (Calculation of Refund) Instrument 2024* ('Refund Instrument'), in its *International Student Refund Policy* (Refund Policy).

Whilst CIHE identified it made an error when refusing Hari's refund request, the calculation of 50% still appears to be non-compliant with the ESOS Framework and is refunding Hari and other students less than they are legally entitled to.

Subsection 47E(2) of the ESOS Act requires higher education providers to pay the student a refund of the amount worked out in accordance with the Refund Instrument, when a student defaults due to visa refusal.

The Refund Instrument s 10(4) specifies the refund amount for students who have their visa refused after the student has commenced their course, calculated as follows:⁴

⁴ Education Services for Overseas Students (Calculation of Refund) Instrument 2024, s 10(4).



Refund amount = weekly tuition fee x weeks in default period

As well as a specified amount, the ESOS Act under s 47E(3) requires providers to pay the refund within **4 weeks** (provider obligation period) of the default day (the day the student had their visa refused).

Within 7 days after the end of the provider obligation period, providers who are required to pay a refund under s 47E are also required – under s 47H of the ESOS Act – to notify TEQSA and the Tuition Protection Service Director of the refund, details of the student, and the amount of the refund provided.

CIHE's Refund Policy specifies how it calculates refunds in the event of a student's visa being refused:⁵

6.8.3. If a student visa is refused after the course has commenced, a refund is calculated on the fees paid for the part of the course after the formally notified withdrawal date. Certified evidence from DHA must be provided.

6.8.4. If a notice of claim is received twenty-seven (27) days or less before the course commencement date, 50% of the paid tuition fees will be refunded.

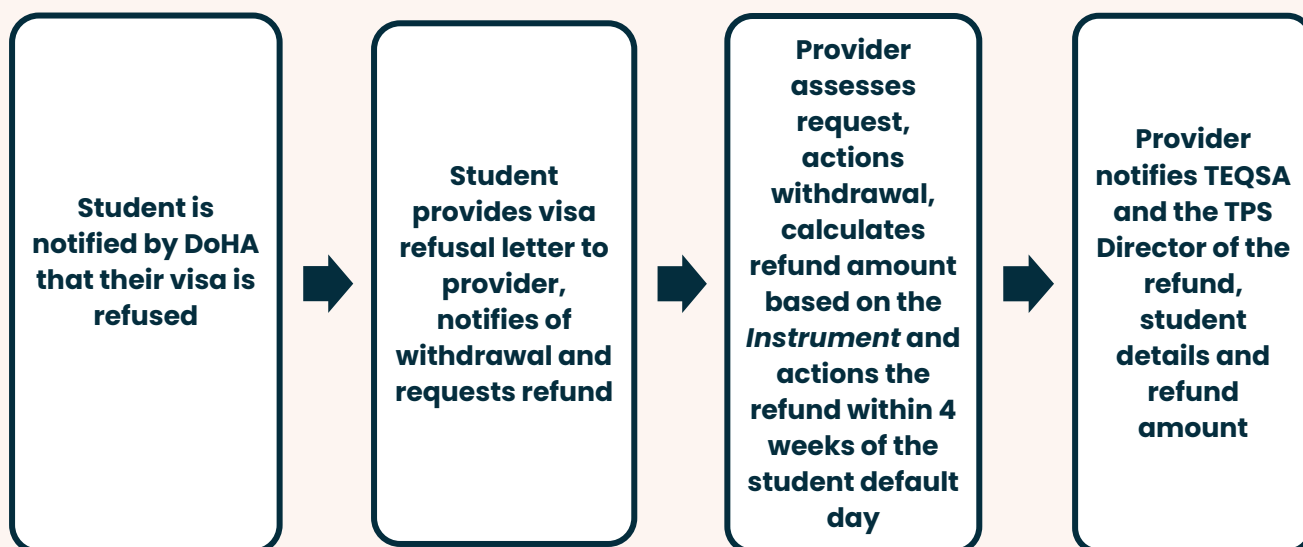
6.8.5. If a notice of claim is received twenty-eight (28) days or more before the course commencement date, 70% of the tuition fees already received by CIHE will be refunded.

Clause 6.8.4 and clause 6.8.5 appear to be inconsistent with the ESOS Framework. Under s 47E(2) of the ESOS Act, higher education providers **must** work out the refund amount in accordance with the Refund Instrument.

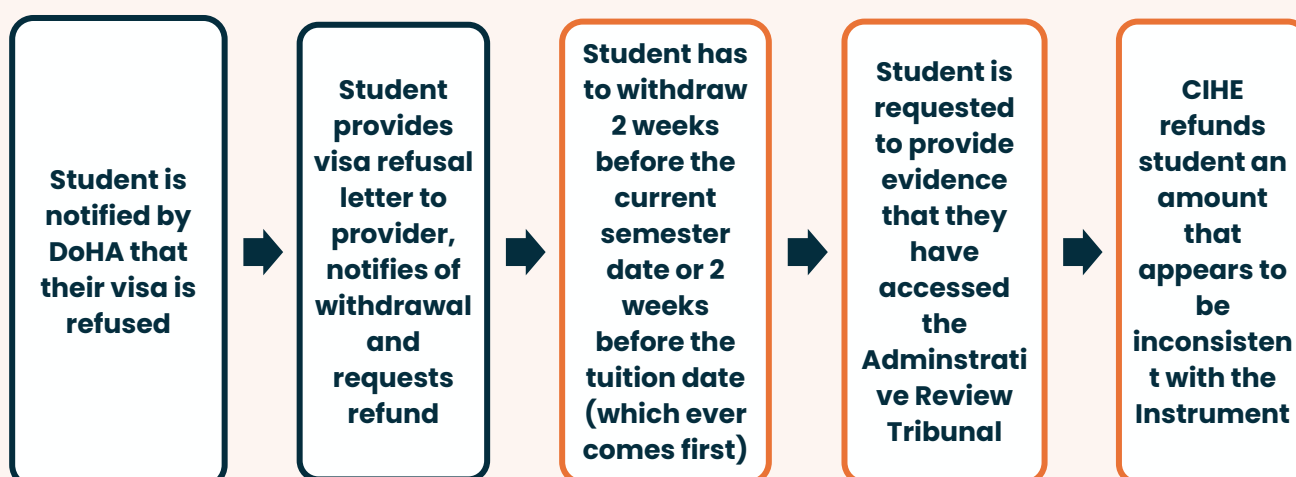
⁵ Crown Institute of Higher Education, [International Student Refund Policy](#), clause 6.8.3. – 6.8.5.



What should happen when an overseas student who has already commenced their course has their visa cancelled



How CIHE appears to be handling refund requests due to visa refusals



On 19 December 2025, the NSO asked CIHE to explain how the refund amount under its Refund Policy is compliant with the Refund Instrument. On 30 January 2026, CIHE stated:

'...[the Refund Instrument] requiring providers to refund fees on a pro-rata basis (as per clause 10(4) of the ESOS (Calculation of Refund) Instrument 2024) for the remainder of the semester would be particularly challenging and, in our view, unfair to providers.'

CIHE's legal obligations as a higher education provider under the ESOS Framework are not open to interpretation based on perceived 'unfairness'. This statement



demonstrates CIHE is aware of its legal obligations but has been deliberately disregarding them.

The NSO is deeply concerned that CIHE is knowingly refusing and withholding student's refunds they are legally entitled to because of their view that the law is 'unfair'. This statement suggests a culture of non-compliance and raises the question of what else CIHE may be not complying with that it believes to be 'unfair'.

In the same email of 30 January 2026, CIHE asked:

We would appreciate your guidance on whether, under the ESOS (Calculation of Refund) Instrument 2024, providers are obliged to refund fees for the remaining portion of a commenced semester (for continuing students), or whether refund obligations apply only to future, uncommenced study periods.

Our view is that CIHE does not need the NSO's guidance to know that it must follow the law.

In addition, the written agreement signed by Hari includes specific reference about ESOS requirements for refunds in the event of student visa refusal. The written agreement says:

As per section 47E of ESOS Act, a refund in other cases where CIHE has not entered into a written agreement that complies with section 47B or where a student has been refused a visa, CIHE is required to pay the student a refund worked out in accordance with the legislative instrument under subsection 47E(4).

Again, this shows that CIHE is aware of its obligations for refunding students who have had their visa refused, yet CIHE is choosing to apply policies and make decisions that appear unlawful and which are having a significant detrimental effect on students' legal rights and financial circumstances.

Accordingly, the NSO recommends the CIHE make this right for Hari by giving him the refund he is legally entitled to.





Recommendation 4

We recommend that CIHE within 1 month of this report refund [Hari] his tuition fees in accordance with the *Education Services for Overseas Students (Calculation of Refund) Instrument 2024*.

This includes a response within 1 month of this report with evidence of a refund, and the calculation of refund amount.

Recommendation accepted

This investigation has led the NSO to review all complaints from CIHE students made to either the NSO or the OSO since CIHE commenced operations in 2019. We have identified a number of prior complaints relating to the refusal of withdrawal requests and refunds.

While we have not assessed all of the complaints, the number of complaints involving similar issues is concerning. It appears to us that CIHE may have been systematically non-compliant with its refund obligations, and has been retaining overseas students' pre-paid tuition in ways that are inconsistent with its own policy and the ESOS framework.

The total number of students who have been wrongly denied a refund, or refunded an incorrect amount, would almost certainly be greater than the number of students who have approached the NSO and OSO. CIHE has a lawful obligation to rectify this.

Whilst this report is in response to Hari's and Ali's complaints, the historical cases also require attention. Therefore, the NSO makes recommendations 5-7 to address this situation.

The NSO acknowledges that the following recommendations will require significant resources to implement. However, CIHE must follow the law. Where it has refused to issue a student a refund that they were lawfully entitled to, CIHE must rectify this, or it is operating in contravention with the legal frameworks governing the operation of all higher education providers within Australia.





Recommendation 5

We recommend that CIHE within 6 months of this report audit all requests for refunds for overseas students since CIHE commenced operations in 2019, including refunds that were paid and refunds that were refused and:

- a) identify where CIHE has wrongly denied a refund due to clause 7.9. of the CIHE Cancellation Policy or did not refund an amount in accordance with the Calculation of Refund instrument and provide a copy to the NSO
- b) develop an implementation plan to contact the impacted individuals and rectify the refunds in accordance with the ESOS Framework
- c) refund the individuals and provide evidence of payment
- d) notify TEQSA and the TPS Director in accordance with s 47H of the ESOS Act.

Recommendation accepted



Recommendation 6

We recommend that CIHE reports back to the NSO within 2 months of this report with its plan for implementing Recommendation 5, including:

- the number of overseas students who have requested refunds since 2019
- the number of refund requests which have been refused since 2019
- the number of overseas students who have requested withdrawal since 2019



- the number of withdrawal requests which have been refused since 2019
- total sum of money that has not been refunded per the ESOS Instrument calculation
- the planned method of contacting historical students.

Recommendation accepted



Recommendation 7

We recommend that CIHE within 2 months of this report update its *International Student Refund Policy* to reflect the Education Services for Overseas Students (Calculation of Refund) Instrument 2024.

(As of date of publication, CIHE has since updated its *International Student Refund Policy* to reflect the above recommendation.)

Recommendation accepted



Report 2. 2024-707850 – ‘Ali’

Complaint background

Ali's⁶ complaint about CIHE was first received by the Overseas Student Ombudsman (OSO) on 26 July 2024. He told OSO that he 'enrolled at [CIHE] to receive a quality education, but my experience has been the opposite. Consequently, I decided to transfer to a different institution.'

After obtaining a letter of offer from another provider, Ali notified CIHE of his intent to withdraw and sought an academic transcript for course credit at his new provider. Both requests were refused, and CIHE did not discuss with Ali the process for applying for release under Standard 7 in order to transfer to the new provider within the 6 months of Ali's primary course. Instead, CIHE maintained Ali's enrolment and requested tuition fees for a semester that CIHE knew Ali never had any intention of studying.

Timeline of Ali's complaint:

- On 11 March 2024, Ali commenced the Master of Information Technology course at CIHE for Semester 1, 2024.
- On 28 May 2024, 55 days before the commencement of Semester 2, 2024, Ali notified CIHE by email of his intention to withdraw. CIHE refused the withdrawal, stating that Ali was required to provide 2 weeks' notice before the current semester ended (17 May 2024) or 2 weeks before the tuition fee date (24 June 2024), whichever came first. CIHE also told Ali that it did not release students prior to completion of 6 months of their principal course.
- On 7 June 2024, \$7,900 was due for Semester 2, 2024.
- On 2 July 2024, Ali requested his academic transcript. CIHE responded saying that it would not provide this until Ali had settled outstanding tuition fees.

⁶ Not the student's real name – names have been changed to protect student confidentiality.



- On 9 August 2024, CIHE sent Ali a final warning of its intention to report him for non-payment of fees. It said that he was required to pay \$7,720 (for Semester 2) and a \$150 late payment fee, which was due on 7 June 2024.
- On 8 October 2024, CIHE reported Ali for non-payment of fees and cancelled his enrolment.

On 8 July 2025, the OSO sent the following preliminary views to CIHE, that:

- CIHE confounded its obligations for release of a student and withdrawal/cancellation of enrolment.
- Ali does not owe CIHE tuition fees.
- CIHE should have provided Ali with an academic transcript.
- CIHE policies and written agreement unfairly allow it to charge additional tuition fees based only on the timing of document requests.

CIHE disagreed with these preliminary views. Ali's complaint was subsequently transferred to the NSO for finalisation.

The NSO has made multiple findings arising from the investigation and recommendations to remedy Ali's complaint and improve CIHE's policies, procedures and staff training.



Finding 1: Crown Institute of Higher Education wrongly refused Ali's withdrawal request, and should have instead explained Ali's option to apply for release

The NSO has found that CIHE wrongly refused Ali's withdrawal and refund request. The NSO is concerned that CIHE is routinely confusing its obligations for *release*, as per Standard 7 of the National Code 2018, with a student's right to *withdraw* from a course.

On 28 May 2024, Ali notified CIHE of his intention to withdraw, saying 'I don't want you to enrol me in [the] next semester'. Ali intended to enrol in another course at a different provider.

On 29 May 2024, CIHE notified Ali that it refused his withdrawal request. CIHE stated that '...you must inform your intention to withdraw from the course 2 weeks before the current semester end or 2 weeks before the tuition fee due date, whichever comes first.' CIHE then referenced Standard 7 of the National Code 2018, stating 'As per standard 7 of the National Code 2018, this request for withdrawal/release has been refused.'

As previously highlighted, overseas students may withdraw *at any time*, and providers do not have the authority under the ESOS Framework to refuse a student's withdrawal. However, given Ali appears to have wanted to transfer providers, the NSO supports as good practice providers first checking if the student requires *release* to transfer to another provider.

In that situation, it would be appropriate for the provider to advise the student of the requirement to apply for release if it is within 6 months of the student's primary course and the implications of withdrawing without a release, before confirming that the student wishes to proceed with withdrawing.



We note that following a different complaint about CIHE, on 25 August 2025, the OSO sent CIHE a decision letter with a preliminary view about Clause 5.1 of CIHE's *International Student Transfer Between Providers Policy* (Transfer Policy):

CIHE will assess transfer applications in line with the requirement for international student visa holders to remain with their education provider for the first six (6) months of study of their principal program.

It was OSO's view that clause 5.1 of CIHE's policy does not accurately reflect a student's option to apply for release when they have not completed 6 months of their principal course, in accordance with the National Code 2018 Standard 7.2.

The NSO agrees with the OSO's view and notes that to date, Clause 5.1. of the Transfer Policy has not been altered. Students are not *required* to remain with their education provider for the first 6 months of study of their principal program, but rather if they wish to transfer providers during that period, are required to request release from their current provider, which must be assessed by the provider under the provider's policy, and meet the requirements of Standard 7 of the National Code 2018.

CIHE also advised Ali that it has a blanket rule that students will not be released within 6 months of their principal course. This position is contrary to the requirements of the National Code 2018. In combination with CIHE's Transfer Policy not meeting requirements, this means students are being wrongfully refused their right to have a release application considered by CIHE under the criteria in Standard 7.

Under the circumstances, Ali should have been informed of his options under Standard 7 of the National Code 2018 for release to another provider, or if he could not meet the requirements for release, CIHE should have actioned his withdrawal request in accordance with Standard 9.5 and advised him of the implications on his student visa.

CIHE's response to this finding (included in this report at Appendix A) addresses CIHE's decision to not process Ali's withdrawal, but CIHE does not provide a response to why it did not explain to Ali his option to apply for release.





Recommendation 8

We recommend that CIHE, within 2 months of this report, amend its *International Students Transfer Between Providers Policy* to reflect student's rights to:

- request a release to transfer to another registered provider prior to completing 6 months of their principal course
- have their release request assessed in accordance with the requirements of Standard 7.2 of the National Code 2018.

Recommendation accepted



Recommendation 9

We recommend that CIHE, when assessing all current or future requests for withdrawal, ensure that CIHE staff are aware of the distinction between withdrawal and release, advise students of their requirement to seek release where it might apply, and process each request accordingly.

This includes compliance with Standard 7 in cases where a student indicates they may require release.

Recommendation accepted

Finding 2: Ali does not owe Crown Institute of Higher Education course fees for Semester 2, 2024

The NSO finds that CIHE's decision to pursue Ali for the full tuition fees for Semester 2, 2024, despite him requesting to withdraw 55 days prior to the commencement date, is wrong and unreasonable.

Charging Ali fees for the subsequent semester contradicts Ali's written agreement. While this agreement states CIHE's expectations on notice periods, it does not state that students will incur a fee liability if they provide less notice.

Instead, page 7 of the written agreement refers only to a \$200 'CoE fee' being applicable to each Confirmation of Enrolment if a student withdraws from their course. The written agreement signed between CIHE and prospective students should make clear what cancellation fees may be payable in the event of a student withdrawal.

The NSO acknowledges that student withdrawals have financial implications for providers, who must incur costs ahead of the commencement date (such as marketing, enrolment processing, teaching materials and resources, staffing and other overheads).

The expected amount of loss may increase if the student withdrawals close to or after their commencement date. We recognise that if a student first asked to withdraw shortly before commencement of a semester, it would be fair, reasonable and in keeping with common sector practice for an education provider to not refund a portion of fees paid by a student, so long as the portion withheld is a fair and reasonable estimate of the actual expenses incurred in relation to the student.

However, requesting students pay a full semester of tuition fees when they have withdrawn prior to the tuition fee due date is, in the NSO's view, unreasonable, manifestly unfair, inconsistent with common sector practice, and appears contrary to Australian Consumer Law. It is also not stated in the written agreement.



Australian Consumer Law defines a contract term as unfair if it:

- would cause a significant imbalance in the parties' rights and obligations arising under the contract
- is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by the term, and
- would cause detriment (whether financial or otherwise) to a party if it were to be applied or relied on.

In applying the 'legitimate interests' principle to terms which seek to limit a student's refund of pre-paid fees, or in this case a debt for intended semesters, the NSO shares the OSO's view that providers should:

- only seek to recover their losses to the extent they relate to actual expenditure on students (by reference to the direct costs incurred in that situation)
- actively take steps to mitigate the losses attributable to students, for example by recruiting another student to fill a student's place
- explore other means to protect their legitimate interests
- not retain any funds that could amount to a penalty on the student withdrawing.⁷

CIHE's written agreement does not appear to meet these principles. It is the NSO's view that CIHE is seeking a greater sum of money than actual losses relating to expenditure on Ali for Semester 2, 2024.

CIHE's written agreement requires overseas students to pay tuition fees for a semester that they withdraw from before the tuition fee due date, which could be considered an unfair contract, and in the NSO's view, it is not reasonably necessary to protect the legitimate interests of CIHE.

⁷ [Improving fairness in written agreements between international students and Australian education providers](#), Overseas Students Ombudsman, issue paper, p 9.



Further, the conditions of the written agreement and CIHE's Cancellation Policy would, in the NSO's opinion, cause detriment to a student who has invested significant financial commitments towards an education that they would never receive.



Recommendation 10

We recommend that CIHE cease pursuing tuition fees from [Ali] for Semester 2, 2024, and apologise to [Ali] for having pursued such payment.

Recommendation accepted



Finding 3: CIHE incorrectly refused Ali's request for an academic transcript, and the timing of document requests should not have any impact on tuition fee liability

The NSO finds that CIHE incorrectly refused Ali's request for an academic transcript, given that as per Finding 2 our view is that Ali does not owe tuition fees for a semester he should have been withdrawn from.

In the circumstances, withholding Ali's academic transcript was unreasonable and not in keeping with the *Higher Education Standards Framework (Threshold Standards) 2021* s 1.5.10, which states:

Students who complete one or more units of study that do not lead to the award of a qualification have access to an authorised record of results for the units undertaken.

CIHE's decision has resulted in Ali having to repeat similar units at another provider when he may have been eligible for recognition of prior learning if he could have proved his study history with an academic transcript.

An academic transcript may have saved him from additional financial and time commitment required to finish his studies in Australia.

In addition, despite CIHE knowing that it was going to refuse Ali's academic transcript request, it nevertheless charged and accepted a \$50 administration fee from Ali for requesting documents.



The NSO also finds that CIHE's *International Student Fees Payment Policy 3.0* is unreasonable. Clause 8.5. states:

Document requests are usually processed within ten (10) working days of the written request via the appropriate CIHE form. If a student tuition fee due date falls within the next 10 working days from the document request date, the document request from the student will not be processed until the student pays any outstanding fees.⁸

The written agreement between Ali and CIHE contains similar information.

These documents appear to enable CIHE to charge students significant additional fees based only on the timing of document requests rather than the date of course withdrawal. In this case, CIHE has indicated it will charge Ali any tuition fees that became owing up to 10 days after the date he requested his transcript. We consider this policy unreasonable, noting that overseas students are entitled to request a transcript anytime and potentially months or years after withdrawing.

A provider can charge fees for processing document requests, but the fees should be reasonable and *proportionate* to the provider's actual costs, that is, the specific costs associated with providing the documents and not other costs such as tuition. Instead, clause 8.5 of the *International Student Fees Payment Policy 3.0* appears to allow CIHE to charge students tuition fees due to the timing of a document request.

Further, we are not satisfied that charging additional tuition fees for actions not directly related to the provision of the course is in keeping with the requirements of the National Code 2018 or regulations 7(2) and 7(3) of the *Education Standards for Overseas Students Regulations 2019*. Instead, non-tuition fees such as processing transcripts should be listed clearly in the written agreement or accessible via a hyperlink, as per Standard 3.3.5 of the National Code 2018.

⁸ Crown Institute of Higher Education [International Student Fees Payment Policy 3.0](#), clause 8.5





Recommendation 11

We recommend that within 1-month CIHE provide the requested documents to the student at no cost.

This includes a response within 1 month of this report with evidence of the requested documents being provided.

Recommendation accepted



Recommendation 12

We recommend that CIHE review its policy, including withdrawal policy and written agreement templates, to ensure that these do not state or imply CIHE can withhold or charge tuition fees based on the timing of a document request.

Recommendation accepted



Recommendation 13

We recommend that if CIHE intends to charge a non-tuition fee for processing document requests, it ensure that any such fees are listed clearly in the written agreement in accordance with Standard 3.3.5 of the National Code 2018.

Recommendation accepted



Appendix A: Crown Institute of Higher Education's response to the findings and recommendations (student names redacted)

As with the report, we have removed the students' names and replaced them with the pseudonyms 'Hari' and 'Ali' in square brackets.

Table 1 – 'Hari's' complaint (reference: 2025-804670)

NSO's Findings/ Recommendations	CIHE's Response
Finding 1 Crown Institute of Higher Education did not have the power to refuse [Hari's] withdrawal, and therefore should have granted his refund request sooner	CIHE accepts NSO's findings. However, we believe the NSO's findings and recommendations are one-sided, as they appear to consider only the student's perspective without adequately taking into account the provider's position and operating model. Education providers must plan and commit resources based on expected student enrolments. This includes engaging academic staff, allocating classrooms, preparing teaching materials and arranging other administrative and student-support resources.



NSO's Findings/ Recommendations	CIHE's Response
	For example, if students are permitted to withdraw at any time without any financial consequences, a provider may have already committed substantial resources based on those students' enrolments. If a student, or a group of students, decides to withdraw at closer to semester commencement or after the semester commences, the provider may have already engaged lecturers and allocated classrooms and other resources for the entire teaching period. A requirement that allows students to withdraw at any time without reasonable financial consequences would place an unsustainable financial burden on providers and could significantly affect their ability to operate effectively. Therefore, any findings should appropriately balance student protections with the legitimate operational and financial commitments made by education providers.
Recommendation 1 We recommend that CIHE, within 2 months of this report, amend its <i>International Student Deferral, Suspension and Cancellation Policy</i> and associated internal staff guidance documents to: •reflect a student's right to cancel their enrolment at any time, noting that in accordance with Standard 9.5.1 they should be informed to seek advice on the	CIHE accepts NSO's recommendation. However, it is important noting; we did not refuse the student's withdrawal or refund request. We only asked the student to provide evidence that an appeal had been lodged with the Administrative Appeals Tribunal (AAT), or evidence confirming that the student intended to leave Australia following the visa refusal. It is also important to note that the student did not communicate further with CIHE following the visa refusal and instead approached the NSO directly. Furthermore, the student did not depart Australia after the visa refusal. The VEVO check provided to the NSO indicates that the student remains in Australia and appears to have subsequently enrolled or continued studying with another provider. It is important to distinguish between an offshore student visa refusal and an onshore student visa refusal. Unlike offshore visa refusals, onshore refusals can involve additional



NSO's Findings/ Recommendations	CIHE's Response
potential impact on their student visa, and • ensure any request is actioned in accordance with the time limits specified within section 19 of the ESOS Act.	compliance considerations on providers. The provider must take reasonable steps to ensure that the student is not remaining in Australia unlawfully or using enrolment arrangements for purposes unrelated to genuine study. These matters may also affect the provider's immigration risk profile and assessment level risk rating with the Department of Home Affairs. For this reason, providers are expected to make reasonable efforts to minimise compliance risks. Unfortunately, NSO's finding does not considers this provider side of the story. Accordingly, the student was asked to provide either evidence that an appeal had been lodged with the AAT or evidence that arrangements had been made to leave Australia following his visa refusal. Despite our repeated attempts to contact the student, the requested evidence was not provided, rather he chose to appeal to NSO. Had the student supplied the requested documentation, CIHE would have approved the withdrawal request and processed the applicable refund on time.
Recommendation 2 We recommend that CIHE, when assessing all current or future requests for withdrawal, ensure that CIHE staff are aware of the distinction between withdrawal and release, and process each request accordingly. CIHE should accordingly update any written internal guidance, policy, procedure or other	CIHE accepts NSO's recommendation. Going forward, CIHE will ensure that all relevant staff clearly understand the distinction between a withdrawal request and a request for release to transfer to another registered provider. Each request will be assessed and processed according to its nature and the applicable legislative, regulatory and policy requirements.



NSO's Findings/ Recommendations	CIHE's Response
documents, and issue written guidance to staff on this distinction. This includes compliance with Standard 7 in cases where a student indicates they may require release.	
Recommendation 3 We recommend that CIHE immediately cease the practice of asking students to provide evidence that they have applied to the Administrative Review Tribunal to process CIHE applications. CIHE should issue written guidance to relevant staff that this practice has ceased.	CIHE accepts NSO's recommendation. CIHE has already ceased the practice of requesting evidence that a student has applied to the Administrative Review Tribunal (ART) before processing a withdrawal or refund application. It is important to clarify that, even under the previous practice, the provision of such evidence was not a condition for approving a withdrawal or processing an applicable refund for onshore student visa refusals. The information was requested to assist CIHE in managing compliance risks, including concerns that a student might remain in Australia unlawfully or misuse the student visa system after a visa refusal. In relation to the student referred to in this matter, the student did not leave Australia following the visa refusal. Our understanding is that the student lodged an appeal with the Tribunal and is currently studying with another education provider in Australia. CIHE has already provided the National Student Ombudsman with the relevant VEVO record, which confirms the student's current visa status. This information demonstrates that the student lodged an appeal and subsequently continued studying with another provider.



NSO's Findings/ Recommendations	CIHE's Response
Finding 2 Crown Institute of Higher Education failed to apply the ESOS Act when refunding overseas students who have had their visa rejected	CIHE accepts NSO's recommendation. However, it is important to note that higher education providers do not generally charge tuition fees on a weekly basis. Tuition fees are typically charged by semester, which may cover a period of approximately six months, including teaching weeks, examination periods and scheduled study breaks. While the formal teaching period may consist of approximately 12 weeks, the semester also includes examinations, assessments, academic support and other related activities. This fee structure is standard across the higher education sector, including universities. It is therefore unclear how a weekly tuition fee should be calculated for a higher education course. Dividing the semester fee by either the 12 teaching weeks or the full 26-week semester period would produce significantly different results, and neither method necessarily reflects the actual structure of the course or the provider's costs. Weekly tuition fees are more commonly applicable to ELICOS courses, where students enrol and pay based on a specified number of weeks. Higher education tuition fees, however, are ordinarily charged by semester or by enrolled units rather than by week. Accordingly, we respectfully request clarification regarding the basis and methodology to be used when calculating a weekly tuition fee for higher education courses.
Recommendation 4 We recommend that CIHE within 1 month of this report refund [Hari] his tuition fees in accordance with the Education Services for Overseas Students	CIHE accepts NSO's recommendation. Full refund has already been provided to the student.



NSO's Findings/ Recommendations	CIHE's Response
(Calculation of Refund) Instrument 2024. This includes a response within 1 month of this report with evidence of a refund, and the calculation of refund amount.	
Recommendation 5 We recommend that CIHE within 6 months of this report audit all requests for refunds for overseas students since CIHE commenced operations in 2019, including refunds that were paid and refunds that were refused, and: a) identify where CIHE has wrongly denied a refund due to clause 7.9. of the CIHE Cancellation Policy or did not refund an amount in accordance with the Calculation of Refund instrument and provide a copy to the NSO b) develop and implementation plan to contact the impacted individuals and rectify the refunds in accordance with the ESOS Framework	CIHE accepts NSO's recommendation. However, as explained in our previous responses, under CIHE's former practice, evidence relating to an onshore student visa refusal was not a mandatory condition for approving a withdrawal or processing an applicable refund. Such information was requested primarily to assist CIHE in managing compliance risks associated with students remaining in Australia unlawfully or potentially misusing the student visa system. Offshore student visa refusals are generally more straightforward. In such cases, CIHE has consistently provided a full refund of tuition fees, less the non-refundable enrolment fee and a \$200 administration fee, in accordance with its applicable policies and agreements.



NSO's Findings/ Recommendations	CIHE's Response
c) refund the individuals and provide evidence of payment d) notify TEQSA and the TPS Director in accordance with s 47H of the ESOS Act.	
Recommendation 6 We recommend that CIHE reports back to the NSO within 2 months of this report with its plan for implementing Recommendation 5, including: • the number of overseas students who have requested refunds since 2019 • the number of refund requests which have been refused since 2019 • the number of overseas students who have requested withdrawal since 2019 • the number of withdrawal requests which have been refused since 2019	CIHE accepts NSO's recommendation.



NSO's Findings/ Recommendations	CIHE's Response
• total sum of money that has not been refunded per the ESOS Instrument calculation • the planned method of contacting historical students.	
Recommendation 7 We recommend that CIHE within 2 months of this report update its International Student Refund Policy to reflect the Education Services for Overseas Students (Calculation of Refund) Instrument 2024.	CIHE accepts NSO's recommendation. CIHE's International Student Refund Policy has been revised to incorporate the requirements of the Education Services for Overseas Students (Calculation of Refund) Specification 2024. CIHE will further review its policy, where necessary, to make the relevant provisions clearer and more transparent for students.



Table 2 – ‘Ali’s’ complaint (reference 2024-707850)

NSO’s Findings/ Recommendations	CIHE’ Response
Finding 1 Crown Institute of Higher Education wrongly refused [Ali’s] withdrawal request, and should have instead explained [Ali’s] option to apply for release	CIHE accepts NSO’s finding. However, we wanted to clarify, CIHE did not wrongly refused [Ali’s] withdrawal request. It was refused as per the policy. Under CIHE’s policy and the written agreement signed by [Ali], he did not provide notice of his withdrawal within the required timeframe. By the time he notified CIHE, the applicable deadline had passed and a tuition fee liability for Semester 2 had arisen.
Recommendation 8 We recommend that CIHE, within 2 months of this report, amend its <i>International Students Transfer Between Providers Policy</i> to reflect student’s rights to: • request a release to transfer to another registered provider prior to completing 6 months of their principal course • have their release request assessed in accordance with the requirements of Standard 7.2 of the National Code 2018.	CIHE accepts NSO’s recommendation. CIHE’s current International Students Transfer Between Providers Policy recognises a student’s right to request a release to transfer to another registered provider before completing six months of their principal course. The policy also provides for such requests to be assessed in accordance with the requirements of Standard 7.2 of the National Code 2018. Nevertheless, CIHE is willing to review the policy again and revise it, where necessary, to make these rights and assessment requirements more explicit and transparent.



NSO's Findings/ Recommendations	CIHE' Response
Recommendation 9 We recommend that CIHE, when assessing all current or future requests for withdrawal, ensure that CIHE staff are aware of the distinction between withdrawal and release, advise students of their requirement to seek release where it might apply, a process each request accordingly. This includes compliance with Standard 7 in cases where a student indicates they may require release.	CIHE accepts NSO's recommendation. CIHE will ensure that its staff are aware of the distinction between withdrawal and release.
Finding 2 [Ali] does not owe Crown Institute of Higher Education course fees for Semester 2, 2024.	CIHE accepts NSO's recommendation. However, we wanted to clarify, under CIHE's policy and the written agreement signed by [Ali], he did not provide notice of his withdrawal within the required timeframe. By the time he notified CIHE, the applicable deadline had passed and a tuition fee liability for Semester 2 had arisen. As explained in CIHE's response to Recommendation 8 below, education providers need to maintain clear withdrawal and refund policies to protect their legitimate operational and financial interests. Providers commit teaching staff, classrooms and other resources based



NSO's Findings/ Recommendations	CIHE' Response
	on confirmed student enrolments and therefore require students to provide reasonable notice of withdrawal. Nevertheless, CIHE has exercised its discretion and has already advised [Ali] that he is not required to pay any Crown Institute of Higher Education tuition fees for Semester 2.
Recommendation 10 We recommend that CIHE cease pursuing tuition fees from [Ali] for Semester 2, 2024, and apologise to [Ali] for having pursued such payment.	CIHE accepts NSO's recommendation. However, we wanted to clarify [Ali] was liable for Crown Institute of Higher Education tuition fees for Semester 2, 2024, under the applicable policy and written agreement. Nevertheless, CIHE has exercised its discretion and has ceased pursuing [Ali] for the outstanding Semester 2, 2024 tuition fees.
Finding 3 CIHE incorrectly refused [Ali's] request for an academic transcript, and the timing of document requests should not have any impact on tuition fee liability	CIHE accepts NSO's recommendation. However, we wanted to clarify, CIHE did not incorrectly refuse [Ali's] request for an academic transcript. At the time he requested the transcript, the due date for payment of his next semester's tuition fees, as specified in the written agreement he had signed, had already passed. Accordingly, the tuition fee liability had already arisen and the amount was overdue. Therefore, CIHE refused to release the requested documents. Nevertheless, CIHE has exercised its discretion, already issued transcript to him.
Recommendation 11	CIHE accepts NSO's recommendation.



NSO's Findings/ Recommendations	CIHE' Response
We recommend that within 1-month CIHE provide the requested documents to the student at no cost. This includes a response within 1 month of this report with evidence of the requested documents being provided.	However, it is important to clarify that CIHE requested payment because the student's fees were already overdue under the terms of the written agreement signed before enrolment. Please refer CIHE's response to Finding 1 in the previous case, as set out on page 1. Education providers need to maintain clear withdrawal and refund policies to protect their legitimate operational and financial interests. Without reasonable notice requirements, students could seek to withdraw at any time without financial consequences, even after the provider has committed resources based on confirmed enrolments. An education provider requires reasonable notice of a student's intention to withdraw so that it can appropriately manage staffing, classrooms, teaching resources and other operational commitments. Providers generally engage lecturers, allocate classrooms and arrange academic and administrative resources based on the number of students enrolled at the commencement of a semester. If students were permitted to withdraw at any time without reasonable notice or financial consequences, providers could remain liable for substantial costs that had already been committed. Such an approach would place significant pressure on the sustainability of the provider's operating model. CIHE therefore considers that the NSO's recommendation does not adequately take into account the operational and financial realities of education providers. Where the withdrawal and refund requirements are clearly stated in the provider's policy and disclosed to the student before enrolment through a signed written agreement, we do not consider it unreasonable to require students to provide sufficient notice of withdrawal.



NSO's Findings/ Recommendations	CIHE' Response
	This notice enables the provider to plan its resources appropriately while maintaining a fair and transparent process for students. Nevertheless, CIHE has exercised its discretion and issued transcript without any cost.
Recommendation 12 We recommend that CIHE review its policy, including withdrawal policy and written agreement templates, to ensure that these do not state or imply CIHE can withhold or charge tuition fees based on the timing of a document request.	CIHE accepts NSO's recommendation. CIHE will review its policy, including withdrawal policy and written agreement templates, to ensure that these do not state or imply CIHE can withhold or charge tuition fees based on the timing of a document request.
Recommendation 13 We recommend that if CIHE intends to charge a non-tuition fee for processing document requests, it ensure that any such fees are listed clearly in the written agreement in accordance with Standard 3.3.5 of the National Code 2018.	CIHE accepts NSO's recommendation. CIHE will ensure non-tuition fee for processing document requests are listed clearly in the written agreement in accordance with Standard 3.3.5 of the National Code 2018.



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