



Australian Skills Centre Pty Ltd t/as Austech Business Institute

ACN: 132 817 997 | ABN 95 132 817 997

RTO Provider Code: 91744 | CRICOS Provider Code: 03249F

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## Complaints and Appeal Policy

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### Purpose

The purpose of this policy and procedure is to outline Australian Skills Centre Pty Ltd t/as Austech Business Institute approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedures ensure compliance with Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

### Definitions

**Appeal** means a request for a decision made by Austech Business Institute to be reviewed.

**Complaint** means a person's formal expression of dissatisfaction with any product or service provided by Austech Business Institute.

**DET** means Department of Education and Training.

**PRISMS** means Provider Registration and International Students Management System.

**Services** means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counseling, mediation or ICT support.

**National Code** means National Code of Practice for Providers of Education and Training to Overseas Students 2018.

### ● Complaints and Appeals

Austech Business Institute's complaint handling and appeals process and policy provides the students with comprehensive, free and easily accessible information about the procedure. This ensures that Austech Business Institute:



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- Provides a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- Responds to any complaint or appeal the overseas student makes regarding their dealings with Austech Business Institute, Austech Business Institute education agents or any related party Austech Business Institute has an arrangement with to deliver the overseas student's course or related services
- Commences assessment of the complaint or appeal *within 10 working days* of its being made, in accordance with Austech Business Institute complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
- Ensures the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
- Conducts the assessment of the complaint or appeal in a professional, fair and transparent manner
- Ensures the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
- Keeps a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

If Austech Business Institute is unable to resolve student's complaint satisfactorily via internal complaints handling and appeals process, Austech Business Institute must advise the student *within 10 working days of concluding the internal review* of the overseas student's right to access an external complaint handling and appeals process at minimal or no cost. Austech Business Institute will give the student the contact details of the appropriate complaints handling and external appeals body.

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, Austech Business Institute will implement the decision or recommendation in a timely manner and/or take the preventive and corrective actions required by the decision and advise the student of that action.

Austech Business Institute acknowledges students' need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with the review of a matter by an independent party must be covered by the complainant/appellant unless the decision to include an independent party was made by Austech Business Institute.

Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). This service is free of charge.

- a. Appeals must be made within 20 working days of the original decision having been made.



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- b. Complaints and appeals will be finalised within 60 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.

Austech Business Institute will maintain a record of all complaints and appeals and their outcomes on the *Complaints Register* and *Appeals Register* (as appropriate) to allow all parties appropriate access. All records relating to complaints and appeals will be treated as confidential and will be covered by the Austech Business Institute Privacy Policy.

The right to make complaints and seek appeals of decisions and action under various processes does not affect the rights of the student to take action under the *Australian Consumer Law* if the *Australian Consumer Law* applies.

#### **Additional considerations related to overseas students**

Austech Business Institute may suspend or cancel a student's enrolment including, but not limited to, on the basis of:

- a. misbehaviour by the student
- b. the student's failure to pay course fees payable to Austech Business Institute to undertake or continue the course as stated in the written agreement
- c. a breach of course progress or attendance requirements by the overseas student which must occur in accordance with Standard 8 (Overseas student visa requirements) of the National Code 2018.

The suspension or cancellation of the overseas student's enrolment in these circumstances cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Further to this, Austech Business Institute only reports unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:

- a. the internal and external complaints processes are completed, and the decision or recommendation supports Austech Business Institute, or
- b. the student chooses not to access the internal complaints and appeals process within the 20 working days period, or
- c. the student chooses not to access the external complaints and appeals process, or
- d. the student withdraws from the internal or external appeals processes by notifying Austech Business Institute in writing.

## **Procedures**



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## 1. Internal complaints

Refer to Standard 10 of the National Code.

Procedure	Responsibility
<p><b>Receive and acknowledge complaint</b></p> <p>As per policy, complaints are to be made in writing by the complainant using the <i>Complaints and Appeals Form</i>. The PEO should:</p> <ul style="list-style-type: none"> <li>○ Review and acknowledge all complaints upon receipt.</li> <li>○ Record details of the complaint on the <i>Complaints Register</i>.</li> <li>○ Commence process of investigation <b>within 10 working days</b> of receiving the completed <i>Complaints and Appeals Form</i>.</li> </ul>	<p>CEO/PEO</p>
<p><b>Investigate the complaint</b></p> <p>Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete. Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face-to-face, the complainant may be accompanied by a support person.</p> <p>If the matter is in relation to an Education Agent delivering Services on behalf of Austech Business Institute, the Education Agent should be involved in the resolution of the complaint. The PEO will review the information and decide on an appropriate response. Where deemed necessary by the PEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.</p> <p><b>Note:</b> The complaint must be completely resolved within 60 calendar days of receipt of the completed <i>Complaints and Appeals Form</i>. If the matter is particularly complex and it is going to take longer to resolve, the complainant will be advised in writing, along with reasons for the extra time. The complainant must then be provided with updates on progress on a weekly basis thereafter until the matter is resolved.</p>	<p>CEO/PEO</p>
<p><b>Advise of the outcome and update records</b></p>	<p>PEO</p>



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Procedure	Responsibility
<p>ABI must provide a written response to the complainant <b>within 10 working days of concluding the internal review</b>, using the <i>Notice of Complaint Decision</i> letter, and include:</p> <ol style="list-style-type: none"> <li>Austech Business Institute understanding of the complaint</li> <li>The steps taken to investigate and resolve the complaint</li> <li>Decisions made about resolution, with reasons for the decisions made</li> <li>Areas that have been identified as possible causes of the complaint and improvements to be recommended</li> <li>Their right to access Austech Business Institute Complaints and Appeals process within 20 working days of the date of the letter if they are not satisfied with the outcome of the complaints process.</li> </ol> <p>Once the outcome is reached:</p> <ol style="list-style-type: none"> <li>Update the <i>Complaints Register</i> so it includes the outcome of the complaint.</li> <li>Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome, in accordance with the <i>Quality Assurance Policy and Procedures CG3</i>.</li> <li>Document staff-related issues in the staff files (if applicable)</li> <li>Maintain records of the complaint and all related documents on the student's file for at least 2 years after the person ceases to be an ABI enrolled student.</li> <li>Discuss the complaint and its outcome at the next management meeting.</li> </ol>	

## 2. Internal appeals

Refer to Standard 10 of the National Code.

Procedure	Responsibility
<p><b>A. Receive and acknowledge appeal</b></p> <p>As per policy, appeals are to be made in writing by the appellant using the <i>Complaints and Appeals Form</i>. The PEO should:</p> <ol style="list-style-type: none"> <li>Review and acknowledge all appeals upon receipt.</li> <li>Record details of appeal on the <i>Appeals Register</i>.</li> </ol>	PEO



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Procedure	Responsibility
<p>c. Commence process of investigation <b>within 10 working days</b> of receiving the completed <i>Complaints and Appeals Form</i>.</p>	
<p><b>B. Respond to internal assessment appeals</b></p> <p>In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor (independent of the original decision) mark the assessment task again. The assessment decision made during the appeals process will be considered as the final assessment outcome for the task. Student will be advised of the outcome.</p> <p><b>Note:</b> The appeal must be resolved within 60 calendar days of receipt of the completed <i>Complaints and Appeals Form</i>. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</p>	<p>PEO and Academic Manager</p>
<p><b>C. All other types of internal appeals</b></p> <p>Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. This means:</p> <ul style="list-style-type: none"> <li>○ Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.</li> <li>○ If the matter is in relation to an Education Agent delivering Services on behalf of Austech Business Institute, the Education Agent should be involved in the resolution of the appeal.</li> </ul> <p>The appellant may request that an independent party (mediator) be involved in the process. Where this is requested by the appellant, they will bear the costs associated.</p> <p>Additionally, Austech Business Institute may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. In this case, Austech Business Institute will bear the costs associated. Austech Business Institute PEO will review all relevant information and decide on an appropriate response.</p>	<p>PEO and Administration</p>



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Procedure	Responsibility
<p><b>Note:</b> The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</p>	
<p><b>D. Advise appellant of the outcome and update records</b></p> <p>The PEO will provide a written response to the appellant <i>within 10 working days of concluding the internal review</i>, using the <i>Notice of Appeal Decision</i>, which will include:</p> <ol style="list-style-type: none"> <li>a. Austech Business Institute understanding of the reasons for the appeal</li> <li>b. The steps taken to investigate and resolve the appeal</li> <li>c. Decisions made about resolution and reasons for the decisions</li> <li>d. If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended</li> <li>e. Student’s right to the external appeals process and where to find more information on it</li> <li>f. Any impact on their enrolment status and/or student visa (if applicable)</li> </ol> <p>ABI will also:</p> <ol style="list-style-type: none"> <li>a. Update the <i>Appeals Register</i> so it includes the outcome of the appeal.</li> <li>b. Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome, in accordance with the <i>Quality Assurance Policy and Procedures CG3</i>.</li> <li>c. Document staff-related issues in the staff files (if applicable)</li> <li>d. Maintain records of the appeal and all related documents on the student’s file for at least 2 years after the person ceases to be an enrolled student.</li> <li>e. Discuss the appeal and its outcome at the next management meeting.</li> </ol>	<p>PEO</p>



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### 3. Independent Reviews by External Party

*Refer to Standard 10 of the National Code.*

Procedure	Responsibility
<p><b>External complaint or appeal</b></p> <p>If the appellant is dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal. Additionally, a complainant or appellant who has been through the internal processes may request that Austech Business Institute appoint an independent party to review the matter.</p> <p>For domestic students, the independent party used is Fair Trading NSW; however, complainants and appellants can seek their own external parties at their own cost. (not applicable)</p> <p>For overseas students, the independent party is the Overseas Students Ombudsman.</p> <p>Austech Business Institute will:</p> <ol style="list-style-type: none"> <li>a. Cooperate fully in the process of the external party to investigate and review the matter. This will include but not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.</li> <li>b. Record details of external complaints on the <i>Complaints Register</i>. Update with new information as it becomes available.</li> <li>c. Record details of external appeals on the <i>Appeals Register</i>. Update with new information as it becomes available.</li> <li>d. Notify DET through PRISMS of any impact on the student’s enrolment status (if applicable)</li> </ol>	<p>Staff as required, plus PEO</p>

### 3. Special conditions related to provider-initiated suspension or cancellation of an overseas student’s enrolment

*Refer to Standards 8, 9 and 10 of the National Code.*





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<p><b>A. Any provider-initiated suspension or cancellation of an overseas student must abide by the following special conditions:</b></p> <p>Austech Business Institute may suspend or cancel a student’s enrolment including, but not limited to, on the basis of:</p> <ol style="list-style-type: none"> <li>a. misbehaviour by the student</li> <li>b. the student’s failure to pay course fees payable to Austech Business Institute to undertake or continue the course as stated in the written agreement</li> <li>c. a breach of course progress or attendance requirements by the overseas student which must occur in accordance with Standard 8 (Overseas student visa requirements) of the National Code 2018.</li> </ol> <ul style="list-style-type: none"> <li>● The suspension or cancellation of the overseas student’s enrolment in these circumstances cannot take effect until the internal appeals process is completed, unless the overseas student’s health or wellbeing, or the wellbeing of others, is likely to be at risk.</li> <li>● Further to this, Austech Business Institute only reports unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:             <ol style="list-style-type: none"> <li>a. the internal and external complaints processes are completed, and the decision or recommendation supports Austech Business Institute, or</li> <li>b. the overseas student chooses not to access the internal complaints and appeals process within the 20 working days period, or</li> <li>c. the overseas student chooses not to access the external complaints and appeals process, or</li> <li>d. the overseas student withdraws from the internal or external appeals processes by notifying Austech Business Institute in writing.</li> </ol> </li> </ul>	<p>PEO</p>
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