

LEGAL ISSUES FOR IN-COUNTRY LANGUAGE PROGRAMS

Over the last few years there has been an increase in the number of in-country language programs and study tours where students of the University or members of the public undertake language and cultural courses. In July 1996, Gilbert Ducasse of Legal Services gave a paper at the In-country Language Workshop conducted by the Asian Studies Association of Australia as part of its annual conference. This is a summary of the comments made by Mr Gilbert Ducasse.

False representation or Misleading and Deceptive Conduct

Sections 52 and 53 of the *Trade Practices Act* make it an offence, in trade or commerce, to engage in conduct that is misleading or deceptive and to falsely represent that services are of a particular standard, quality, value or grade. You should, therefore, be careful not to make any false representations or engage in misleading and deceptive conduct in relation to the programs to be undertaken. This includes making statements about the course content, actual points credited towards the students=degree, quality of accommodation and teaching quality of the in-country program in any promotional and marketing material of the programs.

Selecting Students

In selecting students for various levels of language programs you should ensure that the course to be undertaken by the student is suitable for that student and that the student has the language level required to undertake such course. You should also make sure that the students are made aware of the costs of living overseas and have sufficient funds to support himself/herself.

Information and Pre Departure Briefing

Students should be given all necessary information about the overseas country and the particular as well as attending a briefing session prior to accepting to undertake the program. You should disclose all the relevant facts to enable a potential student to make an informed decision whether it is suitable for him/her to participate in the program. The issues which should be addressed will vary depending on length of stay and the country where the program is undertaken. Some of the issues include:

- Visa requirements, including ability to work, penalty for non compliance with visa which may include deportation;
- Academic programs and assessment (type of assessments and marking system);
- Co-ordinator or contact person at the University and overseas to provide support and assistance to the students and to monitor the progress of students;
- Any relevant rules of conduct (including penalties for misconduct);
- Consequence of lack of academic progress (eg withdrawal from course);
- Precise nature of accommodation (including bathrooms, heating/air conditioning);
- Medical facilities (including hospital/doctor), availability of specific medical treatment required by participants;
- Cross-cultural issues (including codes of behaviour and dress, curfew, gender issues, male/female relationships);
- Consequences of dealing and using drugs if necessary;
- Internal political unrests and unfighting
- National disasters

Insurance Issues

You should also liaise with the Insurance Office to ensure that there is adequate cover for staff and students while overseas.

Legal Services has prepared an agreement to address some of the above issues which should be used whenever the University is organising in-country language programs or study tours overseas. Please contact Gilbert Ducasse of Legal Services on extension 1795 if you require any assistance.

This article provides general information only. It is not a complete or definitive statement of the law on the subject matter. Formal legal advice should be sought in relation to particular matters.

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