

EXPLANATORY STATEMENT

Foundation Program Standards

Issued by authority of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Subject: *Foundation Program Standards*
Education Services for the Overseas Students Act 2000

Authority

Subsection 176C(1) of the *Education Services for the Overseas Students Act 2000* (the ESOS Act) provides that the Minister may make the *Foundation Program Standards* by legislative instrument.

Purpose and operation

The purpose of the legislative instrument is to specify the Foundation Program Standards.

Paragraph 176C(2)(b) of the ESOS Act provides that, despite subsection 14(2) of the *Legislative Instruments Act 2003*, the *Foundation Program Standards* may apply, adopt or incorporate, with or without modification any matter contained in any other instrument or writing, as existing from time to time. The *Foundation Program Standards* incorporate the document known as the *National Standards for Foundation Programs* as it exists from time to time.

The document, *National Standards for Foundation Programs*, is available on the internet at <http://aei.gov.au/AEI/ESOS/NationalFoundationPS.htm>

The *National Standards for Foundation Programs*, as incorporated into the *Foundation Program Standards*, are guidelines for regulatory authorities to make recommendations for acceptance of providers to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under the Education Services for Overseas Students (ESOS) legislative framework. Foundation Program courses are designed for international students to equip them with the skills and capabilities to seek entry into higher education programs in Australia. Generally, Foundation Programs provide an academic entry pathway to first year undergraduate study or its equivalent. The Standards enhance Australia's reputation as a quality international education provider to international education markets and assist in attracting high quality international students to Australia.

The *National Standards for Foundation Programs* have been endorsed by State and Territory Governments and agreed by all Ministers on the Ministerial Council for Tertiary Education and Employment (MCTEE).

The *Foundation Program Standards* commence on the commencement of item 7 of the table in subsection 2(1) of the *National Vocational Education and Training Regulator (Consequential Amendments) Act 2011*, which will be a day to be fixed by Proclamation or six months after the Act receives the Royal Assent, whichever is sooner.

Consultation with industry

The Foundation Program Standards were developed in consultation with the states and territories, peak industry bodies and relevant Australian Government agencies for the purposes of ensuring national consistency in the registration of Foundation Programs. The Standards were implemented in 2010 and all providers offering Foundation Program courses to international students were required to be fully compliant with the Standards by 1 January 2011. At the time the Standards were developed and implemented, States and territories recognised their role in the application of the Foundation Program Standards in their jurisdictions and acknowledged the need to have national consistency in implementation as far as possible. Consequently with the establishment of the Tertiary Education Quality Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA) the national regulators will now be responsible for administering registration and quality assurance mechanisms for Foundation Programs as determined by the Minister under the ESOS Act.

Consultation with other government agencies

The previous Department of Immigration and Multicultural Affairs and the previous Department of Education, Science and Training (DEST) facilitated discussions throughout 2004-2005 through a stakeholder workshop and the establishment of a Foundation Programs Working Group (FPWG) including state and territory education department representatives and a Department of Immigration and Citizenship representative among others. The FPWG considered issues relating to the diversity of purpose, content, nomenclature and quality assurance of Foundation Programs and recommended ways to improve the quality and consistency of programs for international students. The FPWG also addressed industry concerns about the quality and consistency in the way Foundation Programs were treated for the purpose of granting student visas.

In 2005, DEST and the then Victorian Department of Education and Training funded a consultancy managed by the Victorian Qualifications Authority (now the Victorian Registration and Qualifications Authority – VRQA) to develop a framework of auditable standards to underpin the existing Foundation Programs definition and criteria. Development of the standards was guided by a steering committee consisting of Commonwealth, and state and territory representatives which reported back to the FPWG in 2006. In 2008 DEEWR convened a meeting of state and territory government officials to resume discussion and finalise arrangements of the Foundation Programs and Explanatory Guide. In 2009 the Standards and Guide were endorsed by MCTEE.

Details of the Foundation Program Standards

A detailed explanation of the Standards is provided in the Explanatory Guide to the *National Standards for Foundation Programs*.

The Explanatory Guide is annexed to the document, *National Standards for Foundation Programs*, is available on the internet at <http://aei.gov.au/AEI/ESOS/NationalFoundationPS.htm>