

## EXPLANATORY STATEMENT

### ELICOS Standards

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

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

#### Authority

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

#### Purpose and operation

The purpose of the legislative instrument is to specify the *ELICOS Standards*.

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

The document, *National Standards for ELICOS Providers and Courses* will be made available on the Australian Education International website at <http://aei.gov.au/AEI/ESOS/default.htm>. Refer Attachment F for the *ELICOS Standards*.

The *National Standards for ELICOS Providers and Courses*, as incorporated into the *ELICOS 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 ESOS legislative framework. ELICOS is defined as 'English Language Intensive Courses for Overseas Students' and applies to students studying in Australia on student visas. 'Intensive' denotes full-time study comprising a minimum of 20 scheduled course contact hours per week of face-to-face classes of English language instruction.

ELICOS forms a significant part of Australia's international education sector. Students come from overseas to study English for a variety of reasons. Some need to improve their English for work or career purposes, some have a personal interest in becoming fluent in English, and some intend to travel. Others may want to continue their education in English, either in Australia or elsewhere, and need to develop the language skills to undertake further study. Consequently, 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 ELICOS Providers and Courses* were developed by the Australian Government and state and territory governments in consultation with the ELICOS sector. The Standards were endorsed without opposition by state and territory members of the Joint Committee on International Education (JCIE) in 2009.

The *ELICOS 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 matter of ELICOS quality assurance was brought to the attention of the then Australian Education Systems Officials Committee (AESOC) by the Australian Council for Private Education and Training (ACPET). ACPET indicated concerns about the governance of the regime for quality assurance of ELICOS. In response, AESOC funded a scoping project on a range of fundamental issues, including the role of government in ELICOS quality assurance.

The project (ELICOS Project Phase 1) was overseen by a steering committee, led by South Australia, comprising a nominee representing each AESOC member. The outcome of the project was reported to AESOC in April 2006. Subsequently AESOC agreed to fund the ELICOS Project Phase 2 for consideration by the Ministerial Council for Tertiary Education and Employment (MCTEE). The aim of this second project was to develop a set of auditable standards for the ELICOS sector, taking into account, but not constrained by, the NEAS requirements. These standards would then form the basis of a nationally consistent, transparent and cost effective quality assurance framework for the sector. AESOC requested that in developing the provisions for a quality assurance framework for ELICOS providers and courses, the following be taken into account:

- the feasibility of full-cost recovery
- minimal duplication and regulatory and compliance burden
- options for state regulatory authority or industry-administered frameworks
- maximum efficiency in the use of public resources.

There were two major considerations in undertaking this work:

- the view of governments that they must retain the authority to regulate ELICOS providers and courses, approve ELICOS providers and courses for the purposes of CRICOS registration and undertake enforcement action when required
- strong majority support from ELICOS providers for NEAS as a body with 20 years of accumulated knowledge, experience and systems.

The ELICOS Project Phase 2 was undertaken by the same committee that managed Phase 1 of the project. The consultant Phillips KPA was engaged by the committee to assist in achieving the project's goals. The committee was assisted by a reference group comprising representatives of peak bodies, including English Australia (EA) and ACPET and NEAS and committee members.

In April 2007, Phillips KPA presented a report to governments titled *A nationally consistent quality assurance framework for the Australian ELICOS industry*. The report was considered by AESOC out-of-session in July 2007 and the Australian Government agreed to fund additional work covering all the recommended documents. This work was undertaken by David J Foreman & Associates and completed in stages in late 2008.

The steering committee and reference group agreed the draft standards in February 2009. The international education sector was also briefed on the draft standards and provided with copies of the draft standards during the 'AEI Study in Australia 2010 National Briefings' in May and June 2009.

Consideration was also given to the draft standards in the context of the 2009 Baird Review of the ESOS legislative framework.

In order to provide a more seamless transition to national regulation for the sector it was recommended that implementation of the ELICOS Standards be undertaken in parallel with the implementation of recommendations flowing from the Baird Review of ESOS and the establishment of the Tertiary Education Quality Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA).

### Details of the ELICOS Standards

The *ELICOS Standards* set nationally consistent requirements for ELICOS within Australia. The Standards support the Australian Government and state and territory government objectives for the ELICOS sector in the areas of:

- consumer protection and student wellbeing
- delivery of quality English language teaching
- protection of Australia's reputation as a provider of quality English language teaching to international students.

The *ELICOS Standards* comprise one course standard setting out the mandatory requirements for courses applications and eight provider standards setting out requirements for providers offering ELICOS courses.

Course standard 1 requires providers to address the information requirements of the designated authority including course structure and components, teaching and learning strategies, assessment and evaluation methodologies, staff qualifications and experience, maximum course fees and other relevant course information.

Provider standards 1 and 2 outline requirements around scheduled course contact hours and the management of younger students. Provider standards 3 and 4 set out requirements for the delivery and assessment of ELICOS. Requirements for staff, educational resources and premises are outlined in standards provider standards 5 – 7 and requirements for business management are detailed in provider standard 8.

The introduction to the standards sets out the regulatory framework for ELICOS providers, explains the relationship between the ELICOS standards and the National Code and sets out the minimum requirements for registration on the Commonwealth Register of Institutions and Courses for Overseas Students.

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