



*Education Services for Overseas Students Act 2000*

**National Code of Practice for Providers of Education and Training to Overseas Students  
2017**

I, Simon Birmingham, Minister for Education and Training, under subsection 33(1) of the *Education Services for Overseas Students Act 2000*, make the attached National Code of Practice for Providers of Education and Training to Overseas Students 2017.

Dated: 9 April 2017

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Simon Birmingham  
Minister for Education and Training

## **1 NAME**

The National Code of Practice for Providers of Education and Training to Overseas Students 2017 may be cited as the *National Code 2017*.

## **2 COMMENCEMENT**

The National Code 2017 takes effect on the day after registration on the Federal Register of Legislation.

## **3 AUTHORITY**

The National Code 2017 is made under subsection 33(1) of the *Education Services for Overseas Students Act 2000*.

# **National Code of Practice For Providers of Education and Training To Overseas Students 2017**

**(The National Code 2017)**

# TABLE OF CONTENTS

<b>A. FRAMEWORK</b>	<b>5</b>
<b>Preamble</b>	<b>5</b>
The National Code and its purpose	5
Establishment of the National Code	5
Objectives	5
Structure of the National Code	5
Application of the National Code	6
Overseas students and consumer protection	6
Where does the national code fit within the ESOS framework?	6
<b>Principles and guidelines</b>	<b>6</b>
Benefits of international engagement	6
Collaboration and shared responsibility between governments and providers	7
Student visa integrity	7
<b>B. GOVERNMENT ROLES AND RESPONSIBILITIES</b>	<b>8</b>
<b>Introduction</b>	<b>8</b>
<b>Australian Government</b>	<b>8</b>
<b>State and territory governments</b>	<b>8</b>
<b>Efficient and effective administration of the ESOS framework</b>	<b>9</b>
<b>C. REGISTRATION ON CRICOS</b>	<b>10</b>
<b>Overview</b>	<b>10</b>
<b>Registration on CRICOS</b>	<b>10</b>
<b>D. STANDARDS FOR REGISTERED PROVIDERS</b>	<b>13</b>
<b>Introduction</b>	<b>13</b>
<b>Compliance with the standards for registered providers</b>	<b>13</b>
Requirements for registered self-accrediting providers	13
<b>Pre-enrolment engagement of students</b>	<b>14</b>
Standard 1 – Marketing information and practices	14
Standard 2 – Student engagement before enrolment	15
Standard 3 – Formalisation of enrolment	15
Standard 4 – Education agents	16
<b>Care for and services to students</b>	<b>17</b>
Standard 5 – Younger students	17
Standard 6 – Student support services	18
<b>Students as consumers</b>	<b>19</b>
Standard 7 – Transfer between registered providers	19
Standard 8 – Complaints and appeals	20
<b>The student visa programme</b>	<b>21</b>
Standard 9 – Completion within the expected duration of study	21
Standard 10 – Monitoring course progress	22
Standard 11 – Monitoring attendance	23
Standard 12 – Course credit	24
Standard 13 – Deferring, suspending or cancelling the student's enrolment	24
<b>Staff, educational resources and premises</b>	<b>25</b>
Standard 14 – Staff capability, educational resources and premises	25
Standard 15 – Changes to registered providers' ownership or management	26
<b>APPENDIX</b>	
<b>Definitions</b>	<b>27</b>
<b>Acronyms and abbreviations</b>	<b>30</b>

# A. FRAMEWORK

## Preamble

### 1. The National Code and its purpose

- 1.1 The National Code of Practice for Providers of Education and Training to Overseas Students 2017 (the National Code) provides nationally consistent standards for the conduct of registered providers and the registration of their courses. The standards set out specifications and procedures to ensure that registered providers of education and training courses can clearly understand and comply with their obligations under the National Code.
- 1.2 The National Code also identifies the roles and responsibilities of the Australian Government and state and territory governments in discharging their regulatory functions.

### 2. Establishment of the National Code

- 2.1 The *Education Services for Overseas Students Act 2000* (the ESOS Act) required an independent evaluation to be undertaken within three years of it coming into effect. The then Minister for Education, Science and Training established the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* under the ESOS Act as a response to the independent evaluation of the ESOS Act, and following consultation with each state and territory and representatives of industry and student bodies. The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* replaced the Code established in 2001 and was effective from 1 July 2007. A revised National Code is expected to be made in late 2017 following consultations with sector peak bodies, the national regulators and other stakeholders.

### 3. Objectives

- 3.1 The objectives of the National Code are to:
  - a. support the ESOS framework, including supporting the effective administration of the framework by the Australian Government and state and territory governments
  - b. establish and safeguard Australia's international reputation as a provider of high quality education and training by:
    - i. ensuring that education and training for overseas students meets nationally consistent standards, and
    - ii. ensuring the integrity of registered providers
  - c. protect the interests of overseas students by:
    - i. ensuring that appropriate consumer protection mechanisms exist
    - ii. ensuring that student welfare and support services for overseas students meet nationally consistent standards, and
    - iii. providing nationally consistent standards for dealing with student complaints and appeals
  - d. support registered providers in monitoring student compliance with student visa conditions and in reporting any student breaches to the Australian Government.

### 4. Structure of the National Code

- 4.1 This framework (Part A) broadly outlines the principles and guidelines that underpin the National Code. Part B describes the roles and responsibilities of the Australian Government and state and territory governments in administering the ESOS regulatory framework. Part C outlines the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registration requirements and Part D provides standards that set out obligations on and procedures for registered providers of education and training to overseas students.

## **5. Application of the National Code**

- 5.1 The National Code applies to all providers registered under the ESOS Act to deliver education and training courses to overseas students who come to Australia to study on a student visa. It is used by the national regulators and designated state and territory government authorities (designated State authorities) for the purpose of recommending courses for registration on CRICOS.
- 5.2 The National Code complements existing national quality assurance frameworks for sectors of the education and training industry where appropriate.

## **6. Overseas students and consumer protection**

- 6.1 Overseas students differ from domestic students in that they are subject to migration controls and face different needs for consumer protection. Under Australian law, students from overseas are generally required to hold a student visa to enter Australia for education and training, and must comply with its conditions. Consumer protection must be appropriate for overseas students who usually cannot evaluate the quality of a course before purchase. If there is reason for discontent with the services they have obtained, they may not be able to remain in Australia to pursue the consumer protection remedies provided through Australian courts.

## **7. Where does the National Code fit within the ESOS framework?**

- 7.1 The ESOS framework comprises principally the ESOS Act, its Regulations (the ESOS Regulations), the *Education Services for Overseas Students (Registration Charges) Act 1997* (the ESOS Charges Act), the *Education Services for Overseas Students (TPS Levies Act) 2012* and the National Code. The ESOS framework is complemented by the *Migration Act 1958* and its Regulations and various state and territory legislation relevant to the education and training of overseas students.
- 7.2 The ESOS Act and the ESOS Regulations set out the rules and regulations for the registration of providers, obligations on registered providers, the operation of the ESOS Assurance Fund, enforcement of the ESOS legislative framework and the establishment of the National Code. The ESOS Charges Act specifies the registration charges applying to CRICOS registered providers. The National Code gives these rules and regulations a practical application by providing nationally consistent standards for the registration and conduct of registered providers and the conduct of persons who deliver educational services on behalf of registered providers.
- 7.3 The National Code is a legislative instrument. It is legally enforceable and breaches of the National Code by registered providers can result in sanctions being imposed on providers' registration under the ESOS Act.
- 7.4 The ESOS framework is also supported by state and territory legislation that regulates the approval of education and training providers in accordance with relevant national protocols.

## **Principles and guidelines**

### **8. Benefits of international engagement**

- 8.1 Australia gains significant benefits from its export of education and training services. The social and economic benefits flow to individuals, institutions and the wider community, both in Australia and in other countries. International engagement in education and training can transform individuals, widening their intellectual horizons, opening them to new ideas and experiences, and extending their friendships. Overseas students also contribute intellectually to Australian education and society, and provide diverse social and cultural perspectives that enrich the educational experience for many Australian students.
- 8.2 The benefits of international education and training depend on the service provided to overseas students, and on public confidence in the integrity and quality of that service. An industry servicing students who travel to Australia to study requires a consistent national approach to the registration of providers permitted to offer those services. A quality reputation for Australia's international education services underpins the long-term benefits for trade and foreign relations and is imperative to domestic acceptance of growth in trade in education services. All of this can be jeopardised by education and training providers who do not deliver a quality service, or overseas students who breach the conditions of their student visa. The ongoing realisation of the benefits of international education and training requires maintenance and enhancement of Australia's reputation as a provider of high quality education and training to overseas students.

## **9. Collaboration and shared responsibility between governments and providers**

- 9.1 The Australian Government, state and territory governments and providers share responsibility for maintaining and enhancing Australia's international reputation as a destination for high quality education and training for overseas students. Enhancement of quality, consumer protection and integrity of the student visa programme are achieved through collaboration between all government agencies and the international education and training industry and through inter-sectoral collaboration.

## **10. Student visa integrity**

- 10.1 The international education and training industry is closely linked to the Australian Government's student visa programme. Adherence to migration law is essential to ensure public confidence in the student visa programme and to ensure the provision of high quality education and training opportunities to students. Under the ESOS Act, registered providers are required to notify both students and the Australian Government when students have breached their student visa conditions as a result of having failed to maintain satisfactory course progress or attendance.
- 10.2 The National Code sets out the course progress and/or course attendance requirements which registered providers must apply to overseas students. It provides nationally consistent standards to enable registered providers to meet their obligations to support student visa integrity.

## **B. GOVERNMENT ROLES AND RESPONSIBILITIES**

### **Introduction**

1. The ESOS framework is based on a cooperative regulatory model between the Australian Government and state and territory governments. Part B is included in the National Code to facilitate a better understanding of government respective roles and responsibilities in administering the ESOS framework.
2. The Australian Government is responsible for protecting the reputation of Australia's international education and training industry and its capacity to provide quality education and training services while maintaining the integrity of the student visa programme. State and territory governments have responsibility for the regulation of education in their jurisdictions.

### **Australian Government**

#### **The Department of Education and Training (DET)**

3. DET is responsible for administering the ESOS Act and its associated instruments. This includes managing CRICOS and supporting national consistency and policy development to assist the consistent interpretation and application of the ESOS framework, and the National Code in particular.
4. DET is responsible for final registration of renewal and compliance monitoring and enforcement decisions (including suspensions or cancellations) as the ESOS agency for schools.

#### **The Tertiary Education Quality and Standards Agency (TEQSA)**

5. TEQSA is an independent statutory authority established in 2011. It sits within the Education portfolio. TEQSA regulates and assures the quality of Australia's large, diverse and complex higher education sector. The Australian higher education system comprises both public and private universities, Australian branches of overseas universities, and other higher education providers with and without self-accrediting authority. Qualifications available from higher education providers range from undergraduate awards, (bachelor degrees, associate degrees or advanced diplomas) to postgraduate awards, including graduate diplomas, masters degrees and doctoral degrees.  
  
TEQSA registers and evaluates the performance of higher education providers against the Higher Education Standards Framework - specifically, the Threshold Standards, which all providers must meet in order to enter and remain within Australia's higher education system.

#### **The Australian Skills Quality Authority (ASQA)**

6. ASQA is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

#### **The Department of Immigration and Border Protection**

7. The ESOS framework recognises the role registered providers have in ensuring the integrity of Australia's student visa programme through their ongoing contact with students during their stay in Australia. The Department of Immigration and Border Protection (DIBP) is responsible for regulating students' entry and presence in Australia through administering the student visa programme.

### **State and territory governments**

8. For schools seeking to register and provide education and training to international students, the state, territory and Commonwealth systems are linked through the ESOS framework. Under ESOS, the designated State authority (DSA) has ESOS related functions in state and territory jurisdictions for school education and for ELICOS, foundation and non-award programs delivered by schools.
9. The DSA makes recommendations to the ESOS agency for approved schools to register a school on CRICOS, including any conditions on that registration. State and territories also have their own legislation relating to education services for international students within the relevant jurisdiction, and may use that legislation to take enforcement action against a registered provider where appropriate and necessary.



## **Efficient and effective administration of the ESOS framework**

10. To support the efficient and effective administration of the ESOS regulatory framework, the Australian Government and state and territory governments will:
  - a. coordinate and maximise communication and collaboration
  - b. minimise the regulatory cost to governments and providers
  - c. ensure roles and responsibilities are clearly defined
  - d. support a nationally consistent approach, and
  - e. be transparent to the Australian international education and training community.

## C. REGISTRATION ON CRICOS

### Overview

1. Part C of the National Code outlines registration of providers and courses on CRICOS. It provides a general description of the registration process under the ESOS legislative framework and specifies minimum requirements that apply to the registration process. This part needs to be read in conjunction with the ESOS Act, the ESOS Regulations, and Part D of the National Code, as they also set out requirements which need to be met for CRICOS registration.
2. Initial registration of providers and their courses on CRICOS is the responsibility of the ESOS agencies. For school providers of education and training to overseas students, this involves two stages. The first stage involves recommending the provider for registration to the relevant ESOS agency, which is undertaken by the DSA for that state or territory<sup>1</sup>. The second stage involves registering the provider, which is undertaken by DET. A provider is prohibited from offering or providing courses to overseas students until both stages of this process have been completed.

### Registration on CRICOS

3. Providers can only be registered on CRICOS where they have been approved by the relevant ESOS agency to provide courses of education or training to overseas students. This approval can only be given where the provider to be registered has been found to comply with all the requirements for registration under the ESOS Act. This includes complying with the requirements of the National Code.
4. Registration on CRICOS is for a particular course at a particular location. A school provider wishing to provide courses in more than one state must seek registration for each course in each state where it will be delivered.
5. In the event that a change of ownership of the registered provider results in a change to the previous legal entity registered on CRICOS, the new entity must obtain its own CRICOS registration.

#### 6. Application for registration

- 6.1 In addition to meeting the general requirements for registration set out in this part, providers must submit applications for registration and re-registration (in a form to be determined by the ESOS agency, or the relevant DSA if the provider is a school), that contains at least the following information:
  - a. details of the provider, including:
    - i. legal entity name and status of the provider (for example, company or individual)
    - ii. trading name of the provider and whether it is a registered trading name
    - iii. an Australian Business Number or Australian Company Number
    - iv. names, and residency status, as appropriate of the principal executive officer for unincorporated associations or directors, owners, partners, consortium providers, chief executives and managers (where there is no stated position of director, principal or chief executive)
    - v. contact details of the head office (street and postal address, email, telephone, facsimile, website), and
    - vi. contact details of the premises at which the education/training will be provided
  - b. proposed maximum number of overseas students having regard to the appropriateness of the resources and facilities for the delivery of the course
  - c. locations, including address and contact details, for all sites where students are scheduled to attend classes for teaching purposes, course related information sessions and supervised study sessions. For work-based training sites where the location is unknown at the point of registration, the provider is required to maintain a documented policy specifying the criteria on which the selection and approval of such sites is based

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<sup>1</sup> References to state in Part C and Part D also include the Australian Capital Territory and Northern Territory unless otherwise explicitly stated.

- d. a statement on:
  - i. whether the provider (including directors, owners, partners, chief executive or managers) has previously been a registered provider (and, if so, the name of the designated authority or ESOS agency, dates of the registration, reasons for ending registration and whether any sanctions are outstanding), and
  - ii. whether the provider has previously been refused registration and, if so, by which entity and the reasons for refusal
- e. the courses that the provider is seeking to offer to overseas students, including the proposed structure of the course, and
- f. any other information as required under section 11B of the ESOS Act.

## **7. Course duration**

- 7.1 The registration of a course on CRICOS must include the expected duration of the course. The registered duration cannot exceed the time required for completing the course on the basis of the normal amount of full-time study. Only courses which can be undertaken on a full-time basis can be registered on CRICOS. A course will not be registered on CRICOS unless it meets the relevant Australian Qualifications Framework requirements or those of any other appropriate quality or accreditation framework, if an appropriate framework exists.
- 7.2 For English Language Intensive Courses for Overseas Students (ELICOS), a course duration range may be specified on CRICOS as the study duration will vary according to each student's learning goals which will be reflected in the expected duration of study specified on the student's Confirmation of Enrolment (CoE). ELICOS courses remain subject to the requirement in paragraph 7.1 that only full-time courses can be registered on CRICOS.
- 7.3 The ESOS agency, or the relevant DSA if the provider is a school, must take into account the proposed course structure when determining the appropriate duration for registration on CRICOS (that is, the number of compulsory terms or semesters each academic year). The registered duration of the course must include approved holiday periods and any approved periods of work-based training. When the course duration is not specified by the accrediting authority, the ESOS agency (or the relevant DSA if the provider is a school) will determine the course duration based on a minimum of 20 scheduled course contact hours per week.
- 7.4 Proposed changes to the registered duration of a course must be approved by the ESOS agency, or the relevant DSA if the provider is a school, prior to the changes being made.

## **8. Work-based training**

- 8.1 Work-based training must only be approved by an ESOS agency, or the relevant DSA if the provider is a school, as part of a CRICOS-registered course where:
  - a. it must be undertaken to gain the qualification, and
  - b. the registered provider has appropriate arrangements for the supervision and assessment of overseas students in place.

## **9. Mode and place of study**

- 9.1 Courses delivered entirely by online or distance learning cannot be registered on CRICOS. Courses with a distance or online component can only be registered on CRICOS where the ESOS agency, or the relevant DSA if the provider is a school, is satisfied that these courses meet the minimum requirements as specified in Standard 9.

## **10. Arrangements with other providers**

- 10.1 Where more than one provider is to be involved in providing a registered course to overseas students (for example, where one develops the curriculum and awards the qualification, and another delivers the tuition), only one provider will be registered for that course. CRICOS registration for courses is not transferable between providers.

- 10.2 The ESOS agency, or the relevant DSA if the provider is a school, needs to be advised in writing of all providers to be involved in providing a registered course, the role played by each provider in the delivery of the course and the single provider recommended to be registered for the course. The ESOS agency or the relevant DSA will assess the provider's suitability for registration in light of its connection with and responsibility for the course.
- 10.3 The registered provider is responsible under the ESOS Act for breaches of the Act or National Code, whatever the nature of its contractual or other arrangements with another provider for that course.
- 10.4 Proposed changes to arrangements with other providers must be approved by the ESOS agency, or the relevant DSA if the provider is a school, prior to the changes being made.

## **11. Inspection of premises**

- 11.1 As part of the registration approval process, the ESOS agency, or the relevant DSA if the provider is a school, will conduct at least one inspection of the provider's premises to ensure that the provider meets Standard 14 (Staff capability, education resources and premises). For this purpose, the provider's premises include all locations where the provider operates as well as the locations of providers with whom the provider has an arrangement. When applicable, it may also include sites of work-based training.
- 11.2 The ESOS agency, or the relevant DSA if the provider is a school, may choose to accept from a provider a statement that it satisfies all of the requirements of the National Code without an inspection, so long as the course is provided entirely by the provider (that is, not under an arrangement with another provider). The ESOS agency or the relevant DSA may also accept clear evidence that the facilities meet Standard 14, based on reports from persons authorised by the ESOS agency or the relevant DSA to provide the advice.
- 11.3 Further inspections will be conducted by the ESOS agency, or the relevant DSA if the provider is a school, as appropriate during the period of CRICOS registration. These further inspections may include unscheduled visits when the ESOS agency or relevant DSA deems such a visit is warranted.
- 11.4 An inspection will include interviews with management and staff of the provider. It may also include interviews with students and other clients of the provider and observations of teaching.

## **12. Maximum number of students**

- 12.1 As part of the registration approval process, the ESOS agency, or the relevant DSA if the provider is a school, will decide whether to approve the maximum number of students that a provider can enrol. In making this decision, the ESOS agency or relevant DSA will consider the capacity of the provider in terms of its premises, approved arrangements with other providers, facilities, resources, equipment, materials and ratio of staff to student numbers.

## **D. STANDARDS FOR REGISTERED PROVIDERS**

### **Introduction**

The standards for registered providers set out the obligations on registered providers in delivering education and training to overseas students<sup>2</sup>. These standards detail the specific requirements registered providers must meet to comply with their obligations. These obligations need to be met at the point of CRICOS registration and throughout the CRICOS registration period. Obligations and requirements that relate specifically to the registration process for CRICOS purposes are covered under Part C.

### **Compliance with the standards for registered providers**

Compliance with the National Code by registered providers is assessed at the point of registration. Compliance of registered providers, other than registered self-accrediting providers, is assessed during the period of registration by the ESOS agency.

Compliance with the National Code by registered providers which are self-accrediting, is assessed through an annual declaration of conformity with the National Code and, once every five years, an independent external audit report. The ESOS agency may still undertake compliance visits to registered self-accrediting providers in the event that the ESOS agency deems this necessary.

### **Requirements for registered self-accrediting providers**

Registered self-accrediting providers must undertake an independent external audit once every five years which must assess its compliance with the National Code and include a full inspection of the premises. The results of this audit are to be provided to the ESOS agency. Registered self-accrediting providers are also required to provide a declaration of conformity to the ESOS agency annually that contains the following:

- unique identification of the declaration of conformity
- the name and contact address of the registered provider
- the CRICOS number of the registered provider
- a statement that the registered provider conforms with the National Code
- the date of the declaration of conformity
- the signature of the principal executive officer
- reference to the existence of any associated supporting documentation, and
- a report on the implementation of any corrective and preventative actions identified as being necessary.

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<sup>2</sup> Overseas students are henceforth referred to as students, except where otherwise explicitly stated. Refer to the appendix for a definition of an overseas student.

## Pre-enrolment engagement of students

(Standards 1 to 4)

Students and their parents are often first exposed to the Australian education system through providers' marketing information. It is important that this information is of a high standard, clear and unambiguous, so that intending students and their parents can make informed decisions about their preferred provider and course. The marketing practices of registered providers must uphold the reputation of Australian international education and training and be undertaken in a professional manner **(Standard 1)**.

The recruitment of students follows general marketing and is the first step in establishing a formal relationship between the student and the registered provider. It is important that the recruitment is ethical and upholds the integrity of Australian education and training. Intending students need to be able to access information about the course, fees, facilities, services and resources offered by the registered provider prior to enrolment in order to make informed choices about their education options. At this point, the registered provider also needs to be satisfied that the student's English language proficiency, qualifications and experience are appropriate for the course **(Standard 2)**.

The final step involves the formalisation of the enrolment whereby a written agreement is entered into by the registered provider and student (or parent or legal guardian if the student is under 18 years of age). This agreement aims to ensure the obligations and rights of both the registered provider and student are clearly set out, including the course money payable and services to be provided **(Standard 3)**.

Education agents are often the first point of contact between the industry and intending students and their parents. Their activities and ethics are important to Australia's reputation as a desirable destination for students, and registered providers have an interest in ensuring education agents act ethically and appropriately **(Standard 4)**.

Registered providers may receive students from education agents acting on behalf of the student or from education agents who are formally engaged by the registered provider to recruit students. Under the National Code, registered providers are only required to have written agreements with education agents who are formally engaged by the registered provider to recruit students on its behalf. It is expected that registered providers will formally engage education agents where there is an ongoing or significant relationship.

### Standard 1 – Marketing information and practices

#### Outcome of Standard 1

**Registered providers ensure that marketing of their education and training services is professional, accurate and maintains the integrity and reputation of the industry.**

- 1.1 The registered provider must ensure the marketing of its education and training services is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers.
- 1.2 The registered provider must:
  - a. clearly identify the registered provider's name and CRICOS number in written marketing and other material for students, including electronic form, and
  - b. not give false or misleading information or advice in relation to:
    - i. claims of association between providers
    - ii. the employment outcomes associated with a course
    - iii. automatic acceptance into another course
    - iv. possible migration outcomes, or
    - v. any other claims relating to the registered provider, its course or outcomes associated with the course.
- 1.3 The registered provider must not actively recruit a student where this clearly conflicts with its obligations under Standard 7 (Transfer between registered providers).

## **Standard 2 – Student engagement before enrolment**

### **Outcome of Standard 2**

**Registered providers recruit students in an ethical and responsible manner and provide information that enables students to make informed decisions about studying with the registered provider in Australia. Registered providers ensure students' qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.**

- 2.1 Prior to accepting a student, or an intending student, for enrolment in a course, the registered provider must provide, in print or through referral to an electronic copy, current and accurate information regarding the following:
- a. the requirements for acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required and whether course credit may be applicable
  - b. the course content and duration, qualification offered if applicable, modes of study and assessment methods
  - c. campus locations and a general description of facilities, equipment, and learning and library resources available to students
  - d. details of any arrangements with another registered provider, person or business to provide the course or part of the course
  - e. indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies
  - f. information about the grounds on which the student's enrolment may be deferred, suspended or cancelled
  - g. a description of the ESOS framework made available electronically by DET, and
  - h. relevant information on living in Australia, including:
    - i. indicative costs of living
    - ii. accommodation options, and
    - iii. where relevant, schooling obligations and options for school-aged dependants of intending students, including that school fees may be incurred.
- 2.2 The registered provider must have documented procedures in place, and implement these procedures to assess whether the student's qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

## **Standard 3 – Formalisation of enrolment**

### **Outcome of Standard 3**

**Written agreements between registered providers and students set out the services to be provided, fees payable and information in relation to refunds of course money.**

- 3.1 The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student's parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. The agreement must:
- a. identify the course or courses in which the student is to be enrolled and any conditions on his or her enrolment
  - b. provide an itemised list of course money payable by the student
  - c. provide information in relation to refunds of course money

- d. set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition, and
  - e. advise the student of his or her obligation to notify the registered provider of a change of address while enrolled in the course.
- 3.2 The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:
- a. amounts that may or may not be repaid to the student (including any course money collected by education agents on behalf of the registered provider)
  - b. processes for claiming a refund
  - c. a plain English explanation of what happens in the event of a course not being delivered, and
  - d. a statement that “This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws”.

## **Standard 4 – Education agents**

### **Outcome of Standard 4**

**Registered providers take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.**

- 4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and the registered provider and the need to comply with the requirements in the National Code. The agreement must also include:
  - a. processes for monitoring the activities of the education agent, including where corrective action may be required, and
  - b. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4.
- 4.2 The registered provider must ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).
- 4.3 The registered provider must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:
  - a. engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers).
  - b. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa
  - c. using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student, or
  - d. providing immigration advice where not authorised under the *Migration Act 1958* to do so.



- 4.4 Where the registered provider has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.
- 4.5 The registered provider must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

## Care for and services to students

(Standards 5 to 6)

Before a student visa can be granted to a student under 18 years of age, the Australian Government must be satisfied that there are appropriate accommodation, support and general welfare arrangements in place for the period that the student will be under 18 while in Australia. Where the registered provider agrees to take on responsibility for approving these arrangements, the registered provider must nominate the period for which it takes on the responsibility under Standard 5. The period nominated is to include sufficient time after the enrolment period for the student to arrange to leave Australia, or make other appropriate arrangements (**Standard 5**).

The support services and orientation programmes provided to all students help them to adjust to study in Australia and improve the quality of their educational experience. Registered providers have important responsibilities to provide access to support services and support staff to meet the needs of the students enrolled in their courses.

Critical incident policies ensure the interests of students and their families are managed appropriately. Such policies also ensure registered providers are prepared for such incidents and have a clear protocol to follow in what can be distressing and upsetting circumstances (**Standard 6**).

### Standard 5 – Younger students

#### Outcome of Standard 5

**Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate.**

- 5.1 Where the registered provider has taken on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the registered provider must:
- nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the DIBP pro forma letter available through PRISMS
  - advise DIBP in writing of the approval using the DIBP pro forma letter available through PRISMS
  - have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements, and
  - advise DIBP as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the DIBP pro forma letter available through PRISMS.
- 5.2 Where Standard 5.1 applies and the student is under 18 with a student visa that covers multiple courses, the registered provider with whom the student is currently enrolled is responsible for approving arrangements for the student's accommodation, support and general welfare during that nominated period.

- 5.3 Where Standard 5.1 applies and the registered provider suspends or cancels the enrolment of the student, the registered provider must continue to check the suitability of arrangements for that student until:
- a. the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements
  - b. the student leaves Australia
  - c. other suitable arrangements are made that satisfy the Migration Regulations, or
  - d. the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.

## **Standard 6 – Student support services**

### **Outcome of Standard 6**

**Registered providers support students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory progress towards meeting the learning outcomes of the course.**

- 6.1 The registered provider must assist students to adjust to study and life in Australia, including through the provision of an age and culturally appropriate orientation programme that includes information about:
- a. student support services available to students in the transition to life and study in a new environment
  - b. legal services
  - c. emergency and health services
  - d. facilities and resources
  - e. complaints and appeals processes, and
  - f. any student visa condition relating to course progress and/or attendance as appropriate.
- 6.2 The registered provider must provide the opportunity for students to participate in services or provide access to services designed to assist students in meeting course requirements and maintaining their attendance.
- 6.3 The registered provider must provide the opportunity for students to access welfare-related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral.
- 6.4 The registered provider must have a documented critical incident policy together with procedures that covers the action to be taken in the event of a critical incident, required follow-up to the incident, and records of the incident and action taken.
- 6.5 The registered provider must designate a member of staff or members of staff to be the official point of contact for students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services.
- 6.6 The registered provider must have sufficient student support personnel to meet the needs of the students enrolled with the registered provider.
- 6.7 The registered provider must ensure that its staff members who interact directly with students are aware of the registered provider's obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations.

## Students as consumers

(Standards 7 to 8)

Registered providers are restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study except for the circumstances outlined below.

Registered providers, from whom the student is seeking to transfer, are responsible for assessing the student's request to transfer within this restricted period. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student (**Standard 7**).

The National Code recognises that both internal and external complaint and appeals processes play a role in ensuring that grievances are appropriately heard and addressed for both the student and the registered provider. These processes will enable students to firstly seek recourse using the registered provider's internal processes, and then if needed, through an independent, external person or body.

The complaints and appeals requirements stipulated in **Standard 8** may be satisfied by the processes established by the registered provider to satisfy other regulatory requirements. As the student's stay in Australia is subject to the period of his or her student visa, the timeliness of decision making is a consideration in the development of appropriate complaints and appeals policies, procedures and practices (**Standard 8**).

### Standard 7 – Transfer between registered providers

#### Outcome of Standard 7

**Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of the principal course of study in accordance with their documented procedures.**

- 7.1 The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:
  - a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
  - b. the original registered provider has provided a written letter of release
  - c. the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course, or
  - d. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
- 7.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:
  - a. the circumstances in which a transfer will be granted
  - b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student, and
  - c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.
- 7.3 The registered provider must grant a letter of release only where the student has:
  - a. provided a letter from another registered provider confirming that a valid enrolment offer has been made, and
  - b. where the student is under 18;
    - i. the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and

- ii. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).
- 7.4 A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIBP to seek advice on whether a new student visa is required.
- 7.5 Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).
- 7.6 The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

## **Standard 8 – Complaints and appeals**

### **Outcome of Standard 8**

**Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.**

- 8.1 The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:
  - a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept
  - b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
  - c. each party may be accompanied and assisted by a support person at any relevant meetings
  - d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and
  - e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
- 8.2 The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
- 8.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.
- 8.4 If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.
- 8.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

## The student visa programme

(Standards 9 to 13)

The National Code supports the integrity of the Australian Government's migration laws by requiring students to complete their course within its expected duration. This duration is to be based on the normal time required to complete the course. The normal duration of a course may be established by the appropriate quality assurance framework for that sector (e.g. the Australian Qualifications Framework, relevant state and territory government legislation or guidelines). This approach offers registered providers and students some flexibility to vary the enrolment load to suit the student's needs and course requirements. However, it also recognises that students may not always be able to complete the course within the expected duration of study and provides for extensions in a limited range of circumstances (**Standard 9**).

It is also the intention of the Australian Government student visa programme for students to genuinely attempt to achieve their desired educational outcomes within the duration of their student visa. Student visas include a condition that requires the student to progress satisfactorily. Students must attend their classes.

Registered providers monitor the progress of students and their attendance where applicable. This monitoring enables students at risk of not progressing, or participating, where applicable, to be identified and offered support so that they are assisted to achieve their educational goals (**Standard 10 and 11**).

Registered providers that offer vocational education and training courses are able to monitor course progress only under Standard 11, if the registered provider adopts the DET and DIBP approved course progress policy. This option recognises the increasingly dual sector nature of higher education and vocational education and training registered providers.

Course credit may be granted to students who are able to demonstrate appropriate prior learning or experience. In the interests of ensuring students are fully informed, registered providers are to give students a copy of the course credit for their records. Where course credit is granted, the duration in which the student is expected to complete the course must reflect any consequent reduction in the period of study (**Standard 12**).

Students may, through formal agreement with their registered provider, be given permission to defer commencement, take a leave of absence or temporarily suspend their studies during the course. Such absences, however, may affect the student's visa status. The registered provider may also seek to cancel the student's enrolment (**Standard 13**).

### Standard 9 – Completion within the expected duration of study

#### Outcome of Standard 9

**Registered providers monitor the enrolment load of students to ensure they complete the course within the duration specified in their CoE and do not exceed the allowable portion of online or distance learning. Registered providers only enable students to extend the expected duration of study for the course through the issuing of a new CoE in limited circumstances.**

- 9.1 The registered provider must have and implement documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, the registered provider must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning.
- 9.2 The registered provider may only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of:
  - a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)
  - b. the registered provider implementing its intervention strategy for students who were at risk of not meeting satisfactory course progress, or

- c. an approved deferment or suspension of study has been granted under Standard 13.
- 9.3 Where there is a variation in the student's enrolment load which may affect the student's expected duration of study in accordance with 9.2, the registered provider is to record this variation and the reasons for it on the student file. The registered provider must correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation/s by extending his or her expected duration of study.
- 9.4 The registered provider may allow the student to undertake no more than 25 per cent of the student's total course by distance and/or online learning. However, the registered provider must not enrol the student exclusively in distance or online learning units in any compulsory study period.
- 9.5 Except in the circumstances specified in 9.2, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration.

## **Standard 10 – Monitoring course progress**

### **Outcome of Standard 10**

**Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.**

- 10.1 The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.
- 10.2 The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:
  - a. requirements for achieving satisfactory course progress
  - b. process for assessing satisfactory course progress
  - c. procedure for intervention for students at risk of failing to achieve satisfactory course progress
  - d. process for determining the point at which the student has failed to meet satisfactory course progress, and
  - e. procedure for notifying students that they have failed to meet satisfactory course progress requirements.
- 10.3 The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.
- 10.4 The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:
  - a. procedures for contacting and counselling identified students
  - b. strategies to assist identified students to achieve satisfactory course progress, and
  - c. the process by which the intervention strategy is activated.
- 10.5 The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.
- 10.6 Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals

process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.

- 10.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DET through PRISMS of the student not achieving satisfactory course progress as soon as practicable.

## **Standard 11 – Monitoring attendance**

### **Outcome of Standard 11**

**Registered providers systematically monitor students' compliance with student visa conditions relating to attendance. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet attendance requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the attendance requirements.**

- 11.1 The registered provider must record the attendance of each student for the scheduled course contact hours for each CRICOS registered course in which the student is enrolled which is:
- an accredited vocational education and training course (unless Standard 11.2 applies)
  - an accredited school course
  - an accredited or non-award ELICOS course, or
  - another non-award course<sup>3</sup>.
- 11.2 Where the registered provider implements the DET and DIBP approved course progress policy and procedures for its vocational education and training courses, Standard 11 does not apply.
- 11.3 For the courses identified in 11.1, the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:
- requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours
  - manner in which attendance and absences are recorded and calculated
  - process for assessing satisfactory attendance
  - process for determining the point at which the student has failed to meet satisfactory attendance, and
  - procedure for notifying students that they have failed to meet satisfactory attendance requirements.
- 11.4 For the courses identified in 11.1, the registered provider's attendance policies and procedures must identify the process for contacting and counselling students who have been absent for more than five consecutive days without approval or where the student is at risk of not attending for at least 80 per cent of the scheduled course contact hours for the course in which he or she is enrolled (i.e. before the student's attendance drops below 80 per cent).
- 11.5 For the courses identified in 11.1, the registered provider must regularly assess the attendance of the student in accordance with the registered provider's attendance policies and procedures.
- 11.6 Where the registered provider has assessed the student as not achieving satisfactory attendance for the courses identified in 11.1, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.
- 11.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a

<sup>3</sup> For the purposes of the National Code, non-award courses do not include higher education courses or units, including Study Abroad courses.

decision supporting the registered provider, the registered provider must notify the Secretary of DET through PRISMS that the student is not achieving satisfactory attendance as soon as practicable.

- 11.8 For the vocational education and training and non-award courses identified in 11.1.a and 11.1.d, the registered provider may only decide not to report the student for breaching the 80 per cent attendance requirement where:
- a. that decision is consistent with its documented attendance policies and procedures, and
  - b. the student records clearly indicate that the student is maintaining satisfactory course progress, and
  - c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.
- 11.9 For the ELICOS and school courses identified in 11.1, the registered provider may only decide not to report a student for breaching the 80 per cent attendance requirement where:
- a. the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes) apply, and
  - b. that decision is consistent with its documented attendance policies and procedures, and
  - c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.

## **Standard 12 – Course credit**

### **Outcome of Standard 12**

**Registered providers appropriately recognise course credit within the ESOS framework.**

- 12.1 Where the registered provider grants course credit, the registered provider must:
- a. have documented procedures for the granting and recording of course credit, and
  - b. provide a record of the course credit to the student, which must be signed or otherwise accepted by the student, and place it on the student's file.
- 12.2 If the registered provider grants the student course credit which leads to a shortening of the student's course, the registered provider must:
- a. if the course credit is granted before the student visa grant, indicate the actual net course duration (as reduced by course credit) in the confirmation of enrolment issued for that student for that course, or
  - b. if the course credit is granted after the student visa grant, report the change of course duration via PRISMS under section 19 of the ESOS Act.

## **Standard 13 – Deferring, suspending or cancelling the student's enrolment**

### **Outcome of Standard 13**

**Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.**

- 13.1 The registered provider must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.



- 13.2 The registered provider can only defer or temporarily suspend the enrolment of the student on the grounds of:
- a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
  - b. misbehaviour by the student.
- 13.3 The registered provider must:
- a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and
  - b. notify the Secretary of DET via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
- 13.4 The registered provider must inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1. If the student accesses the registered provider's internal complaints and appeals process, the suspension or cancellation of the student's enrolment under this standard cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

## Staff, educational resources and premises

(Standards 14 to 15)

Students are to be given every opportunity to achieve their educational objectives while in Australia. The staff of registered providers need to be suitably qualified or experienced and appropriate educational resources are to be made available. The premises of registered providers, including the nature of the tenure of the registered provider's occupancy of the premises, will also be appropriate for the courses provided to students (**Standard 14**).

Registered providers are required to advise the ESOS agency, or the relevant DSA if the provider is a school, where there is a change to the registered provider's ownership or management. If changes during the period of registration affect the legal entity of the registered provider, the new owner or entity must seek a new CRICOS registration. In these situations the ESOS agency or relevant DSA is to be notified as soon as possible prior to the change taking place. Where the change of ownership does not result in a new legal entity, any new owners or managers will be subject to the 'fit and proper person' test under section 7A of the ESOS Act (**Standard 15**).

## **Standard 14 – Staff capability, educational resources and premises**

### **Outcome of Standard 14**

**The staff of registered providers are suitably qualified or experienced in relation to the functions they perform for students. The educational resources of registered providers support the delivery of courses to students. The premises of registered providers, including the floor space available for each student, support students to achieve their course outcomes.**

- 14.1 The registered provider must have and implement policies and procedures to ensure its staffing resources are adequate and have the capabilities as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must have and implement appropriate documented policies and processes for the recruitment, induction, performance assessment and ongoing development of members of staff involved with the recruitment or delivery of education or client services to students.
- 14.2 The registered provider must have adequate education resources, including facilities, equipment, learning and library resources and premises as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must ensure it has adequate education resources, including facilities, equipment, learning and library resources, and premises, including ownership or tenancy arrangements for the premises, as are needed to deliver the registered course to the students enrolled with the registered provider.
- 14.3 The registered provider must notify the ESOS agency, or the relevant DSA if the provider is a school, and the students enrolled with the registered provider of any intention to relocate premises (including the head office and campus locations) at least 20 working days before the relocation.

## **Standard 15 – Changes to registered providers' ownership or management**

### **Outcome of Standard 15**

**Registered providers proactively inform the ESOS agency, or the relevant DSA if the provider is a school, of prospective ownership and/or management changes.**

- 15.1 The registered provider must advise the ESOS agency, or the relevant DSA if the provider is a school, in writing of:
  - a. any prospective changes to the ownership of the registered provider as soon as practicable prior to the change taking effect, and
  - b. any prospective or actual change to the high managerial agents (as defined in section 5 of the ESOS Act) of the registered provider as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.
- 15.2 The registered provider must provide the ESOS agency, or the relevant DSA if the provider is a school, with information on the new owner or high managerial agent for the purpose of making an assessment under section 7A of the ESOS Act.

## APPENDIX A – DEFINITIONS AND ACRONYMS

### Definitions

Accrediting authority	Refers to the organisation designated by or under legislation of the Australian Government or appropriate state or territory government to accredit persons or organisations to offer education or training services to Australian students.
Campus	An education facility or site of the registered provider where classroom-based teaching or off the job training occurs.
Compulsory study period	A compulsory study period is one in which the student must enrol unless granted a deferment or suspension from enrolment or leave of absence under Standard 13 (Deferring, suspending or cancelling the student's enrolment). A compulsory study period does not include periods in which the student can elect to undertake additional studies. See also 'Study period'.
Confirmation of Enrolment (CoE)	A document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.
Corrective action	Action to eliminate the cause of a detected nonconformity or other undesirable situation.
Course	A course of education or training as defined in the ESOS Act.
Course-related fees	Includes: <ul style="list-style-type: none"> <li>all tuition fees as defined by section 7 of the ESOS Act, and</li> <li>all optional fees or charges.</li> </ul>
Course credit	Exemption from enrolment in a particular part of the course as a result of previous study, experience or recognition of a competency currently held. Includes academic credit and recognition of prior learning.
Course progress	The measure of advancement within a course towards the completion of that course irrespective of whether course completion is identified through academic merit or skill based competencies.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is the register prescribed under section 14A of the ESOS Act.
Critical incident	A traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury.
Designated State authority (DSA)	Has the meaning given in the ESOS Act.
Distance learning	Study in which the teacher and overseas student are separated in time or space throughout the duration of the unit of study (including online learning), but does not include study where the student is resident in his or her home country or another country offshore and does not hold a student visa. Distance learning differs from online learning in that the study may be undertaken through written correspondence and exchange of hard copy materials.
Domestic student	Refers to all students who are not overseas students as defined in the National Code.

Education agent	<p>A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers.</p> <p>Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).</p>
Enrolment	Where the student has been issued with a CoE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods.
ESOS agency	Has the meaning given by section 6C of the ESOS Act.
ESOS framework	<p>Principally comprises the <i>Education Services for Overseas Students Act 2000</i> (ESOS Act), the <i>Education Services for Overseas Students Regulations 2000</i> (the ESOS Regulations), the <i>Education Services for Overseas Students (Registration Charges) Act 1997</i> (the ESOS Charges Act), the <i>Education Services for Overseas Students (TPS Levies) Act 2012</i> and the National Code.</p> <p>The ESOS framework is supported by the <i>Migration Act 1958</i> and the <i>Migration Regulations 1994</i> and various state and territory legislation relevant to the education of overseas students.</p>
Information	Includes electronic and paper-based formats.
Marketing	Promotion of the provider and its courses and facilities to prospective overseas students and their parents or guardians, education agents, international organisations and other interested parties such as alumni.
Migration agent	A person registered as a migration agent as per section 286 of the <i>Migration Act 1958</i> .
Mixed mode	See mode of study
Mode of study	Includes attendance face-to-face in a classroom, supervised study on the registered provider's campus, distance learning, online learning and work-based learning. Mixed mode refers to a combination of two or more of these modes.
Online learning	Study in which the teacher and overseas student communicate mainly through electronic technologies for the unit. For the purpose of the National Code, permissible online learning does not include study where the student is resident in his or her home country or another country, does not hold a student visa and is undertaking a unit of study with a registered provider which is located in Australia.
Overseas student	<p>A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations.</p> <p>Where the student is under 18 years of age and the student is required to exercise rights or enter obligations as a legal person, this term may refer to the student's parent or legal guardian.</p>
Preventative action	Action to eliminate the cause of a possible nonconformity or otherwise undesirable potential situation.
Principal course of study	The principal course of study refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas

	student arrives in Australia with a student visa that covers multiple courses.
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.
Provider	An institution or other body or person in Australia that provides or seeks to provide CRICOS registered courses to overseas students as defined by the ESOS Act.
Provider default	Where the registered provider fails to provide a course or ceases to provide a course to an overseas student within the meaning of section 46A of the ESOS Act.
Recruitment	The pre-enrolment processes of engaging and assisting overseas students (or parent or guardian if the overseas student is under 18) to apply for a place in a course with a provider leading up to the formal enrolment, including assistance with administrative issues and the issuing of a Confirmation of Enrolment for an application for a student visa.
Registered provider	As defined in section 5 of the ESOS Act, the registered provider for a course for a location means a provider that is registered to provide the course at the location.
Registration	The process whereby a provider is registered by an ESOS agency under the ESOS Act to provide a specified course to overseas students at a specified location. Registration also means re-registration.
Scheduled course contact hours	The hours for which students enrolled in the course are scheduled to attend classes, course-related information sessions, supervised study sessions, mandatory and supervised work-based training and examinations.
Self-accrediting provider	Self-accrediting institutions are established by or under relevant Australian Government or state or territory government legislation with the authority to accredit their own courses.
State	Includes the Australian Capital Territory and the Northern Territory.
Student	Refers to an overseas student as defined above in all cases except where otherwise explicitly stated.
Student contact officer	Employee(s) of the registered provider deemed to have an appropriate level of skill, knowledge and expertise who is able to provide advice to overseas students on a range of matters.
Student default	Where an overseas student does not start a course or withdraws from a course as defined in section 47A(2) of the ESOS Act.
Student visa	An authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purpose of studying in Australia as defined by the <i>Migration Act 1958</i> .
Study period	A discrete period of study within a course, namely term, semester, trimester, short course of similar or lesser duration, or as otherwise defined by the registered provider as long as that period does not exceed six months. See also 'Compulsory study period'.
Tuition Fees	As defined by section 7 of the ESOS Act, means money a provider receives, directly or indirectly, from: <ul style="list-style-type: none"> <li>• an overseas student or intending overseas student, or</li> <li>• another person who pays the money on behalf of an overseas</li> </ul>

	student or intending overseas student, that are directly related to the provision a course that the provider is providing, or offering to provide, to the overseas student. This includes, or excludes, as the case may be, any classes of fees prescribed by the ESOS Regulations.
Unit	A discrete component of study within a course; the term includes 'subject' and 'module'.
Welfare-related support services	Services which address the mental, physical, social and spiritual well-being of overseas students. These services may include, through direct provision or referral, information/advice about: accommodation, counselling, crisis services, disabilities and equity issues, financial matters, legal issues, medical issues, mental health, peer mentoring, programmes promoting social interaction, religious and spiritual matters, and stress-management.

## Acronyms and abbreviations

CoE	Confirmation of Enrolment
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DET	Australian Government Department of Education and Training
DIBP	Australian Government Department of Immigration and Border Protection
ELICOS	English Language Intensive Courses for Overseas Students
ESOS Act	<i>Education Services for Overseas Students Act 2000</i>
ESOS Regulations	<i>Education Services for Overseas Students Regulations 2001</i>
PRISMS	Provider Registration and International Students Management System