

ESOS Compliance Policy

Policy Code: GOV-017 **Version:** 1.0 **Effective Date:** 14 August 17

Purpose:

The Commonwealth legislative framework which establishes the minimum requirements for education programs delivered to international students in Australia includes the:

- Education Services for Overseas Students (ESOS) Act 2000 (ESOS Act)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code)
- ESOS Regulations 2001
- ESOS (Registration Charges) Act 1997
- ESOS Legislation Amendment (TPS and Other Measures) Act 2012
- Education (Overseas Student) Regulation 1998 (plus amendments/0)

As a collective group, these pieces of legislation and underpinning regulatory documents are known as the ESOS Framework, regulated for the higher education sector by the Tertiary Education Quality and Standards Agency (TEQSA). The purpose of this policy is to outline how the College will comply with the requirements of this framework.

Definition of “College” – *In the higher education sector, ACPE Limited trades as The Australian College of Physical Education (ACPE); Australian College of Natural Medicine Pty Ltd trades as Endeavour College of Natural Health (Endeavour) and Wellnation; Study Group Australia Pty Limited trades as Martin College and Martin Higher Education (Martin HE). For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective entities or trading names.*

- Scope:**
- All international students on a student visa
 - All staff – operational and academic, permanent and sessional
 - All governing body members

Not in Scope: This policy (and the associated legislative framework) does **NOT** apply to:

- International students holding any visa other than a student visa
- Students studying entirely online or outside of Australia
- Students holding permanent residency visas
- Domestic students.

Policy Statement:

The College is a registered provider of higher education courses on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and as such is committed to achieving full compliance with the requirements of the ESOS legislative framework, which are designed to safeguard the interests of international students studying in Australia.

ESOS compliance is a College-wide responsibility and commitment of all staff. Each staff member is responsible for understanding their obligations under the ESOS Act and must ensure that they comply with the legislation in accordance with this policy statement and all supporting policies, procedures and guidelines that have been developed to support the College's obligations under the ESOS framework.

The College will provide regular training (at least annually) for all staff who deal with international students on the requirements of the ESOS framework and the supporting processes underpinning that compliance in place at the College.

The College will liaise with the Department of Immigration and Border Protection (DIBP) around the conduct / visa concerns of international students using the Provider Registration and International Student Management System (PRISMS).

Responsibilities under this policy

The Executive Director, Higher Education is the Principal Executive Officer of the College and therefore holds ultimate responsibility to ensure the College complies with the ESOS framework.

The National HE Compliance Manager is the key regulatory contact of the College for the CRICOS registration of the institution, and ensures all staff are regularly informed of any changes to requirements. They also report on student misconduct or academic progress concerns via PRISMS.

The Director, Student Services and Retention is responsible for ensuring all student-facing operational staff are aware of the requirements of the ESOS framework and their

responsibilities under the Act when dealing with international students. They can also report on student misconduct or academic progress concerns via PRISMS.

The Director of Education is responsible for ensuring all student-facing academic staff are aware of the requirements of the ESOS framework and their responsibilities under the Act when dealing with international students; particularly regarding identifying students at risk, academic progression concerns and the need for intervention strategies to be implemented.

The Student Services team and Academic team are responsible for ensuring they understand the requirements of the National Code as they apply to their role at the College, and to make themselves available to attend regular training where it is offered.

The Finance team is responsible for notifying the National HE Compliance Manager when a student is not meeting their financial payment obligations under their visa conditions.

Students are responsible for meeting all conditions of their visa and for notifying the College of any change of personal situation (including location / moving, change of phone number, financial situation etc) as soon as it becomes known.

National Code

The College undertakes to comply with the requirements of Standards 1 – 4 and 6 – 15 of the National Code. It should be noted that Standard 5 of the National Code does not apply as the College does not enrol international students under the age of 18 years.

The College also undertakes to ensure that any education agents engaged to recruit international students on behalf of the College will be aware of their obligations under the ESOS Framework and National Code and will be disengaged by the College as soon as any breach of those obligations may occur.

Resources and Capacity

The College undertakes to ensure that it appropriately resources all campuses and courses of study including staffing and physical resourcing, to ensure international students have fair and equitable access to resources and support and the best chance of achieving the required outcomes of their course.

The College has an established capacity of international students that may be present on any campus at any one time and undertakes to not deliver to more international students than dictated by that capacity limit. The College understands that it can apply for capacity reviews at any time through TEQSA.

Breaches of the Act / Framework

Breaches of the Act or related regulatory documents may result in infringement penalties being applied to the individual in breach and/or the College. The following actions are examples of a breach of the Act:

- Advertising that a non-CRICOS-approved course is eligible for international enrolments
- Delivering to more students than dictated by capacity limits at any one time
- Not responding to international student complaints within the timeframe set out in the relevant policy
- Not notifying DIBP via PRISMS when a student withdraws from the College, either to return home or to transfer to another provider.

Related Procedures:

All international procedures.

Definitions:

Agent: An accredited person or organisation with the authority to promote the College's courses and services to Students or intending Students in nominated regions.

CRICOS: Commonwealth Register of Institutions and Courses for Overseas Students.

DIBP: Department of Immigration and Border Protection

ESOS: [Education Services for Overseas Students](#). A legislative framework, administered by the Australian Government, addressing the responsibility of education institutions towards overseas students

ESOS Act: Education Services for Overseas Students Act 2000.

ESOS Regulations: Education Services for Overseas Students Regulations 2001.

National Code: National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.

PRISMS: Provider Registration and International Student Management System. The DIBP database for international student management.

TEQSA: Tertiary Education Quality and Standards Agency; the government regulator of higher education institutions in Australia, including international student requirements under ESOS.

Student/Learner: an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

Further Information:

Related Policies:

- [Admission and Enrolment Policy - International](#)
- [Attendance Policy – International HE](#)
- [Complaints and Appeals Policy – International](#)
- [Course Duration and Progress Policy – International](#)
- [Critical Incident Policy](#)
- [Deferring, Suspending or Cancelling Enrolment Policy - International](#)
- [Educational Pathways Policy](#)
- [Fees Policy – International](#)
- [Marketing Policy – International](#)
- [Privacy Policy](#)
- [Refund Policy – International](#)
- [Student Support Services Policy – International](#)
- [Transfer between Education Provider Policy - International](#)

Benchmarking: University of Wollongong, UQ, Federation University

Supporting Research and Analysis: N/A

Related Documents: N/A

- Related Legislation:**
- [The Education Services for Overseas Students \(ESOS\) Act 2000](#)
 - [National Code of Practice 2007](#)
 - Education Services for Overseas Students (ESOS) Regulations 2001
 - Education Services for Overseas Students (Registration Charges) Act 1997
 - Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012
 - Education (Overseas Student) Regulation 1998 (plus amendments)

Guidelines: N/A

Policy Author:	National HE Compliance Manager
Policy Owner:	National HE Compliance Manager
Contact:	National HE Compliance Manager
Approved By:	Executive Director, Higher Education Date: 10 August 2017
Policy Status:	New
Responsibilities for Implementation:	<ul style="list-style-type: none"> • Executive Director, Higher Education • National HE Compliance Manager • Director of Education • Director, Student Services and Retention
Key Stakeholders:	<ul style="list-style-type: none"> • Executive Director, Higher Education • National HE Compliance Manager • Director of Education • Director, Student Services and Retention • All Academic staff • All Student Services staff • Office of Records staff • Timetabling staff • Finance staff • International students
Date for Review:	<ul style="list-style-type: none"> • August 2018