



ESOS COMPLIANCE POLICY

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Responsible Division & Unit:	Academic Quality and Standards Unit Deputy Vice-Chancellor (Education)		
Supporting documents, procedures & forms of this policy:	ESOS National Code Audit Procedure CRICOS Registration and Amendment Procedures International Education Agent Policy International Student Release Procedure		
Relevant Legislation & External Documents:	Education Services for Overseas Students Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018		
Audience:	Public		

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Contents

1	Introduction	3
2	Scope	3
3	Definitions.....	3
4	The ESOS Act.....	5
5	National Code.....	5
6	Legislative Compliance.....	6
7	Penalties for Non-Compliance	6
8	Roles and Responsibilities	6
9	Version Control Table.....	8
	Attachment 1: Key Dates for Institutional Compliance Activities.....	9



1 Introduction

1. The Tertiary Education Quality and Standards Agency (TEQSA) regulates the education and training sector's involvement with international students studying in Australia on student visas.
2. This document provides a framework, which comprehensively outlines the University's approach to compliance with the requirements stipulated in the ESOS Act and the National Code. This document also identifies unit specific roles and responsibilities in relation to the National Code.

2 Scope

1. The ESOS Act and this policy apply to:
 - a. The University as a registered provider,
 - b. Staff members responsible for administration or delivery of courses and student support services to international students studying onshore,
 - c. Prospective and current international students studying onshore,
 - d. Agents who recruit international students studying onshore for the University and/or UOW College Australia courses accredited by UOW,
 - e. Any person purporting to represent or recruit international students studying onshore for the University and/or UOW College Australia courses accredited by UOW and
 - f. Associates of the University.
2. The ESOS Act and this policy do not apply to:
 - a. University programs and courses delivered offshore,
 - b. International students holding a visa other than a student visa, or
 - c. Students enrolled at an offshore campus of the University, or studying in a course at UOW Online or in any wholly distance education mode.

3 Definitions

Word/Term	Definition
Agent	A person, either within or outside Australia, who represents or acts on behalf of UOW in dealing with international students or prospective international students.
Annual Registration Charge	A fee payable by CRICOS-registered providers, comprising a base fee plus components based on: <ol style="list-style-type: none">(i) number of overseas students in each course and(ii) course locations.
Associates	As defined in the ESOS Act .



Word/Term	Definition
CoE	Confirmation of Enrolment; the document providing evidence of a student's enrolment with the University; it contains information about the University, the course and duration of study the student is enrolled in, and is required before international students can be issued a student visa.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students; the official Australian Government database of all courses offered to people studying in Australia on student visas and the education providers offering those courses.
Department of Education and Training	The Commonwealth Department of Education and Training, which is responsible for administering the PRISMS and CRICOS databases.
Designated Authority	As defined in the ESOS Act . For UOW, the designated authority is TEQSA.
ESOS Act	<i>Education Services for Overseas Students Act 2000</i> and associated legislation; sets out the legal framework governing delivery of education to international students studying in Australia on a student visa.
International student	A student who is not an Australian or New Zealand citizen or the holder of a permanent resident status, and is required to hold a visa to study in Australia and is liable for international student fees.
Material change	TEQSA Act, it is a condition of registration that TEQSA is notified of events that happen, or are likely to happen, that will either: <ul style="list-style-type: none">i) significantly affect the provider's ability to meet the Threshold Standards; orii) require updating the provider's entry on the National Register of higher education providers.
National Code	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students; a set of nationally consistent standards that governs the protection of international students and delivery of courses to those students by providers registered on CRICOS.
PRISMS	Provider Registration and International Students Management System; the Australian Government database that provides Australian education providers with Confirmation of Enrolment facilities required for compliance with the ESOS legislation.
Registered provider	An education provider entered on the National Register of Higher Education Providers, established and maintained by TEQSA.
Self-accrediting provider	An education provider which has been authorised by TEQSA to self-accredit one or more of its courses of study



Word/Term	Definition
TEQSA	Tertiary Education Quality and Standards Agency; the independent national regulator of Australia's higher education sector.
Tuition Protection Service	The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study.
Tuition Protection Service Levy	A levy paid to the Australian Government by higher education providers to ensure that international students receive the tuition they have paid for or, as a last resort, a refund.

4 The ESOS Act

1. The ESOS Act and its associated legislative instruments set out the legal framework governing delivery of education to international students studying in Australia on a student visa. It protects Australia's reputation for delivering quality education services, and the interests of international students by setting minimum standards and providing tuition and financial assurance.
2. The ESOS legislative framework mandates a nationally consistent approach to registering education providers so that the quality of the tuition and care of international students remains high. It sets out the legal framework for the delivery of education to international students.
3. The ESOS legislative framework protects International students coming to Australia on student visas and education institutions aspiring to teach international students by governing:
 - a. Which providers may be registered,
 - b. The CRICOS registration process,
 - c. The obligations of providers,
 - d. Tuition assurance and consumer protection mechanisms,
 - e. Enforcement and compliance powers, and
 - f. Charges providers pay to enrol international students.
4. The interface between the ESOS Act and immigration law imposes visa related reporting requirements on both students and providers.

5 National Code

1. The National Code is a legislative instrument of the ESOS Act and consists of two parts:
 - a. **Part A:**
 - Includes a description of its purpose, objectives and role in the ESOS legislative framework.
 - Outlines the roles and responsibilities of the State and Territory governments which share responsibility for implementing the National Code.
 - b. **Part B:** Provides 11 Standards that registered providers must meet in their interactions with overseas students on a student visa.



6 Legislative Compliance

1. As a self-accrediting provider of educational services to international students, the University must comply with the 11 standards outlined in the National Code in order to maintain its registration as a provider of education services to international students.

CRICOS Annual Registration Charge

2. The University is required to pay a CRICOS Annual Registration Charge (ARC) in February each year. All ARC amounts payable are determined based on enrolment data plus course by location stored in PRISMS. Failure to comply with this requirement will result in automatic suspension of the University's CRICOS registration.
3. The Principal Executive Officer (PEO) is responsible for the payment of the University's Annual Registration Charge to TEQSA.

Tuition Protection Service

4. The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study. The TPS ensures that international students are able to either:
 - a. complete their studies in another course or with another education provider; or
 - b. receive a refund of their unspent tuition fees.
5. All CRICOS providers are subject to the TPS Levy, a fee similar to an insurance premium, paid annually. Each Faculty is responsible for paying the levy calculated by their respective proportion of international students studying onshore. The Principal Executive Officer is responsible for payment of the TPS Levy to TEQSA.

7 Penalties for Non-Compliance

1. The ESOS Act sets out various penalties should UOW be found to be non-compliant with the ESOS Act and National Code. The penalties range from a fine to imprisonment.
2. Where there are reasonable grounds to believe that the University or an Associate of the University is breaching or has breached the ESOS Act, sanctions may be imposed. Sanctions include suspension and cancellation of, and the imposition of conditions on, the University's ability to enrol international students. Heavy fines can also be imposed on providers. The Criminal Code applies to all offences against the ESOS Act.
3. This Policy is designed to ensure that the University minimises the risk of non-compliance with the ESOS Act.

8 Roles and Responsibilities

1. ESOS compliance is a University-wide responsibility, requiring commitment and effort on the part of each staff member. Specific responsibilities are outlined below.

Principal Executive Officer

2. The PEO has specific responsibilities under the ESOS Act and the National Code. They are to:
 - a. Register the name of the University on CRICOS,



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- b. Ensure information is provided to the Department of Education and Training about international students accepted for study by the Student and Accommodation Services Division,
 - c. Ensure the Student and Accommodation Services Division sends “notice of visa breaches” to students,
 - d. Ensure the Student and Accommodation Services Division maintains appropriate records for students accepted for study,
 - e. Register or ensure the registration of course details on CRICOS,
 - f. Maintain user access for staff members using PRISMS,
 - g. Ensure the University’s Annual Registration Charge is paid,
 - h. Ensure the University’s TPS Levy is paid,
 - i. Sign off on the University’s compliance with the ESOS legislative framework and the National Code, and
 - j. Report on ESOS compliance to the Senior Deputy Vice-Chancellor and the University Council through the Risk Audit and Compliance Committee.
3. The PEO is ultimately responsible for compliance with the ESOS legislative framework and National Code.

ESOS Responsible Officer

4. The ESOS Responsible Officer is the PEO’s delegate for completing day-to-day ESOS compliance activities. The ESOS Responsible Officer is also referred to as the Institutional Compliance Officer by TEQSA.

Student and Accommodation Services Division

5. The Student and Accommodation Services Division has the following responsibilities:
 - a. Provide information to the Commonwealth Department of Education and Training about international students accepted for study,
 - b. Send “notice of visa breaches” to students,
 - c. Maintain appropriate records for students accepted for study.

Divisions/ Units and Faculties

6. All Divisions/ Units and Faculties have a responsibility to comply with the requirements of the National Code when dealing with international students studying onshore.



9 Version Control Table

Version Control	Date Effective	Approved By	Amendment
1	9 October 2015	University Council	New policy.
2	13 April 2018	University Council	Change of name of UOW College to UOW College Australia.
3	11 February 2019	Vice Chancellor	External Legislative Changes - Number of standards in the National Code has changed from 15 to 11. Responsibilities of the Principal Executive Officer have been updated to reflect current processes. Reference to the Declaration of Conformity have been removed. Attachments removed
4	8 May 2020	Senior Deputy Vice-Chancellor	Administrative amendment to update Senior Executive titles.
5	18 December 2020	Deputy Vice-Chancellor (Education)	Administrative amendments to reflect divisional and faculty realignments.



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Attachment 1: Key Dates for Institutional Compliance Activities

Date	Action required
By 28 February each year	Payment of Annual Registration Charge
April each year	Payment of Tuition Protection Service levy
Each quarter	Rolling internal audits of compliance with National Code Standards (refer ESOS National Code Audit Schedule)
Every seven years	Major external audit of compliance with National Code Standards
Every seven years	Re-registration of the University as an ESOS provider