

# ESOS Compliance Policy

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## 1. Purpose

- 1.1 This policy outlines Perth Bible College's approach to its compliance with the requirements stipulated in the Education Services for Overseas Students Act 2000 (ESOS Act), The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), the ESOS Regulations 2001, the ESOS (Registration Charges) Act 1997 and the Education Services for Overseas Students (TPS Levies) Act 2012.

## 2. Scope

- 2.1 This policy applies to:
- 2.1.1 all staff of Perth Bible College; and
  - 2.1.2 all international students studying at Perth Bible College.

## 3. Responsibility

- 3.1 It is the responsibility of the Principal for the implementation of this policy.

## 4. Definitions

|                                   |   |
|-----------------------------------|---|
| <b>CRICOS</b>                     | The Commonwealth Register of Institutions and Courses for Overseas Students.  |
| <b>DoHA</b>                       | The Department of Home Affairs, which includes responsibility for immigration matters.  |
| <b>ESOS Act</b>                   | The <i>Education Services for Overseas Students Act 2000</i> of the Commonwealth of Australia.  |
| <b>ESOS Legislative Framework</b> | The legislative framework that regulates the responsibilities of education institutions towards overseas students on student visas, and includes the National Code. |
| <b>International Student</b>      | A student studying in Australia on a student visa issued by DoHA.   |
| <b>National Code 2018</b>         | The National Code of Practice for Providers of Education and Training to Overseas Students 2018, established pursuant to Part 4 of the ESOS Act.                    |
| <b>PRISMS</b>                     | Provider Registration and International Students Management System: the Australian Government database that provides Australian education                           |

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|  | providers with Confirmation of Enrolment facilities required for compliance with the ESOS legislation.   |
| <i><b>Tuition Protection Service (TPS)</b></i> | 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. |
| <i><b>TEQSA</b></i>                            | Tertiary Education Quality and Standards Agency: the independent national regulator of Australia's higher education sector.  |

## 5. Policy Provisions

### Principles

- 5.1 Perth Bible College is a registered provider of higher education courses on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). As such, the College is committed to achieving compliance with the ESOS legislative framework, which is designed to safeguard the interests of international students studying in Australia.
- 5.2 This policy describes methods of ensuring compliance with the ESOS legislative framework.

### The ESOS Act

- 5.3 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.
- 5.4 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.
- 5.5 The ESOS legislative framework protects international students coming to Australia on student visas and education institutions aspiring to teach international students by governing:
  - 5.5.1 which providers may be registered;
  - 5.5.2 the CRICOS registration process;
  - 5.5.3 the obligations of providers;
  - 5.5.4 tuition assurance and consumer protection mechanisms;
  - 5.5.5 enforcement and compliance powers; and
  - 5.5.6 charges providers pay to enrol international students.

- 5.6 The interface between the ESOS Act and immigration law imposes visa related reporting requirements on both students and providers.

### **National Code 2018**

- 5.7 Under the ESOS Act, the purpose of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) is to set nationally consistent standards and procedures for registered providers and for persons who deliver education services on behalf of registered providers. The National Code supports the effective administration of the ESOS legislative framework by the Commonwealth and state and territory governments.
- 5.8 The National Code 2018 sets standards to ensure education services meet the needs and expectations of overseas students who come to Australia and satisfy the objectives of the ESOS Act.
- 5.9 The National Code 2018 complements the strong quality assurance frameworks used by government agencies to oversee the Australian education system.
- 5.10 The National Code 2018 comprises 11 Standards, which detail the following requirements:
- Standard 1 – Marketing information and practices
  - Standard 2 – Recruitment of an overseas student
  - Standard 3 – Formalisation of enrolment and written agreements
  - Standard 4 – Education agents
  - Standard 5 – Younger overseas students
  - Standard 6 – Overseas student support services
  - Standard 7 – Overseas student transfers
  - Standard 8 – Overseas student visa requirements
  - Standard 9 – Deferring, suspending or cancelling the overseas student's enrolment
  - Standard 10 – Complaints and appeals
  - Standard 11 – Additional registration requirements

### **CRICOS Annual Registration Charge**

- 5.11 The Education Services for Overseas Students (Registration Charges) Act 1997 imposes registration charges (CRICOS Annual Registration Charge (ARC) 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 College's CRICOS registration.

- 5.12 The College Administrator is responsible for the payment of the fee. The Principal is responsible for ensuring the College's Annual Registration Charge is paid.

### **Tuition Protection Service**

- 5.13 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:

5.13.1 complete their studies in another course or with another education provider; or

5.13.2 receive a refund of their unspent tuition fees.

- 5.14 All CRICOS providers are subject to the TPS Levy, as per the Education Services for Overseas Students (TPS Levies) Act 2012. This fee is similar to an insurance premium and is paid annually. The College Administrator is responsible for paying the levy calculated by their respective proportion of international students studying onshore. The College Administrator is responsible for payment of the levy. The Principal is responsible for ensuring the TPS Levy is paid.

### **Penalties for Non-Compliance**

- 5.15 The ESOS Act sets out various penalties should the College be found to be non-compliant with the ESOS Act and National Code 2018. The penalties range from a fine to imprisonment.

- 5.16 Where there are reasonable grounds to believe that the College 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 College'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.

- 5.17 This policy is designed to ensure that the College minimises the risk of non-compliance with the ESOS legislative framework.

### **Roles and Responsibilities**

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

## **Principal**

5.19 The Principal has specific responsibilities under the ESOS Act and the National Code 2018. They are to:

- 5.19.1 register the name of the College on CRICOS;
- 5.19.2 ensure information is provided to the Department of Education about international students accepted for study by Student Services;
- 5.19.3 ensure Student Services send 'notice of visa breaches' to students;
- 5.19.4 ensure Student Services maintain appropriate records for students accepted for study;
- 5.19.5 register or ensure the registration of course details on CRICOS;
- 5.19.6 maintain user access for staff members using PRISMS;
- 5.19.7 ensure the College's Annual Registration Charge is paid;
- 5.19.8 ensure the College's TPS Levy is paid;
- 5.19.9 sign off on the College's compliance with the ESOS legislative framework and the National Code; and
- 5.19.10 reports on ESOS compliance to the Board of Management.

5.20 The Principal is ultimately responsible for compliance with the ESOS legislative framework and the National Code.

## **College Administrator/Student Services Officer**

5.21 The College Administrator and Student Services Officer are the Principal's delegates for completing day-to-day ESOS compliance activities.

## **Student Services Officer**

5.22 The Student Services Officer has the following responsibilities:

- 5.22.1 provide information to the Department of Education about international students accepted for study;
- 5.22.2 send 'notice of visa breaches' to students; and
- 5.22.3 maintain appropriate records for students accepted for study.

## **Related Policies and Procedure**

5.23 Perth Bible College has implemented a number of policies and procedures to ensure compliance with the ESOS legislative framework, including:

Admissions Policy  
Admissions Procedure

Credit and RPL Policy  
Credit and RPL Procedure  
Student Fees Policy  
Student Fees Procedure  
Student Refund Policy  
Student Refund Procedure  
Student Complaints and Appeals Policy  
Student Complaints and Appeals Procedure  
Student Support Policy  
Student Support Procedure  
Student Course Progress Policy  
Student Course Progress Procedure  
Student Transfer Policy – International Students  
Student Transfer Procedure – International Students  
Deferral, Withdrawal and Course Extension Policy  
Deferral, Withdrawal and Course Extension Procedure  
Graduation and Awards Policy  
Graduation and Awards Procedure  
Student Attendance Policy  
Student Attendance Procedure  
Enrolment Policy – International Students  
Enrolment Procedure – International Students  
Course Development and Review Policy  
Course Development and Review Procedure  
Critical Incident Management Policy  
Critical Incident Management Procedure  
Student Assessment Policy  
Student Assessment Procedure

## **Monitoring Compliance**

- 5.24 Staff are given training as a part of induction in ESOS compliance requirements. Training is provided of the ESOS Compliance Policy and accompanying procedure to ensure familiarity and compliance.

## 6. Policy Information

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|--|--------------------------------------|---|---|
| <b>Date first approved:</b><br>23/09/2019                          | <b>Date of effect:</b><br>01/12/2019 | <b>Date last amended:</b><br>23/09/2019   | <b>Date of next review:</b><br>Sep 2021 |
| <b>Approved by</b>   |                                      | Board of Management   |   |
| <b>Authorised Officer</b>  |                                      | Principal   |   |
| <b>Supporting documents, procedures &amp; forms of this policy</b> |                                      | <i>Admissions Policy</i><br><i>Admissions Procedure</i><br><i>Credit and RPL Policy</i><br><i>Credit and RPL Procedure</i><br><i>Student Fees Policy</i><br><i>Student Fees Procedure</i><br><i>Student Refund Policy</i><br><i>Student Refund Procedure</i><br><i>Student Complaints and Appeals Policy</i><br><i>Student Complaints and Appeals Procedure</i><br><i>Student Support Policy</i><br><i>Student Support Procedure</i><br><i>Student Course Progress Policy</i><br><i>Student Course Progress Procedure</i><br><i>Student Transfer Policy – International Students</i><br><i>Student Transfer Procedure – International Students</i><br><i>Deferral, Withdrawal and Course Extension Policy</i><br><i>Deferral, Withdrawal and Course Extension Procedure</i><br><i>Graduation and Awards Policy</i><br><i>Graduation and Awards Procedure</i><br><i>Student Attendance Policy</i><br><i>Student Attendance Procedure</i><br><i>Enrolment Policy – International Students</i><br><i>Enrolment Procedure – International Students</i><br><i>Course Development and Review Policy</i><br><i>Course Development and Review Procedure</i><br><i>Critical Incident Management Policy</i><br><i>Critical Incident Management Procedure</i><br><i>Student Assessment Policy</i><br><i>Student Assessment Procedure</i> |   |

|   |   |
|---|---|
| Related Legislation and Codes of Practice | <u>Education Services for Overseas Students Act 2000 (ESOS Act)</u><br><u>The National Code of Practice for Providers of Education and Training to Overseas Students 2018</u><br><u>ESOS Regulations 2001</u><br><u>ESOS (Registration Charges) Act 1997</u><br><u>Education Services for Overseas Students (TPS Levies) Act 2012</u><br><u>Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012</u> |
| Audience                                  | Staff   |

## 7. Version History

| Review Table |   |                                  |   |
|--------------|---|----------------------------------|---|
| Date         | Review Type <ul style="list-style-type: none"> <li>Scheduled</li> <li>Policy amendment</li> <li>Admin update</li> </ul> | Summary of Changes               | Review person/group                                   |
| 12/07/2019   | Policy amendment  | New template and amendments made | Natalie Tierney<br>Capital Review<br>Group consultant |