

# How to Comply with the National Code 2018: UNE ESOS Framework - Training Manual

## Contents

COMPLIANCE STATEMENT.....	3
PURPOSE OF BRIEFING .....	5
THE ESOS LEGISLATIVE FRAMEWORK – PROMOTING AUSTRALIA’S INTERNATIONAL EDUCATION INDUSTRY.....	5
NATIONAL CODE 2018: PART B.....	7
<i>Standard 1: Marketing information and practices .....</i>	<i>7</i>
<i>Standard 2: Recruitment of an overseas student .....</i>	<i>9</i>
<i>Standard 3: Formalisation of enrolment and written agreements.....</i>	<i>11</i>
<i>Standard 4: Education Agents .....</i>	<i>12</i>
<i>Standard 5: Younger overseas students.....</i>	<i>14</i>
<i>Standard 6: Overseas student support services.....</i>	<i>15</i>
<i>Standard 7: Overseas student transfers.....</i>	<i>17</i>
<i>Standard 8: Overseas student visa requirements .....</i>	<i>19</i>
<i>Standard 9: Deferring, suspending or cancelling the overseas student’s enrolment.....</i>	<i>21</i>
<i>Standard 10: Complaints and Appeals.....</i>	<i>22</i>
<i>Standard 11: Additional registration requirements.....</i>	<i>24</i>
OTHER USEFUL INFORMATION: CRICOS AND PRISMS.....	25
<i>Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).....</i>	<i>25</i>
<i>Provider Registration and International Students Management System (PRISMS)\.....</i>	<i>26</i>

CONTACTS FOR FURTHER INFORMATION .....	26
USEFUL WEB ADDRESSES .....	27
DEFINITIONS.....	27

## Compliance Statement

The Education Services for Overseas Students Act 2000, or ESOS Act, establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

The University of New England (UNE) is required to maintain full compliance at all times with the ESOS Framework, relevant sections of the *Migration Act, 1958* (the Migration Act) and state and territory legislation relevant to the education and training of overseas students.

The ESOS legislative framework (Compilation No.29 Registered 1 July 2016) comprises:

- Education Services for Overseas Students Act 2000 (ESOS) (includes amendments up to Act No. 41, 2018);
- Education Services for Overseas Students (ESOS) Regulations 2001;
- Education Services for Overseas Students (Registration Charges) Act 1997 (includes amendments up to Act No. 172, 2015);
- Education Services for Overseas Students (TPS Levies) Act 2012 (includes amendments up to Act No. 171, 2015) ; and
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018).

ESOS benefit two particular groups:

- They protect international students coming to Australia on a student visas\*
- They set out clear roles and responsibilities for education institutions wishing to teach overseas students.

*\* ESOS does not cover international students in Australia on visas other than a student visa, nor does it cover students studying at Australian institutions based in other countries, nor those studying online outside of Australia.*

An active compliance program (including policy, rules, procedures etc.) ensures compliance and commitment to compliance across UNE.

ESOS and associated legislation covers the provision of all course delivery and services to international students enrolled at UNE on a student visa, including programs delivered under an arrangement with other Registered Training Providers.

UNE International has the primary responsibility for the development and maintenance of the UNE ESOS compliance environment.

Faculty and Schools, Student Administration and Services, Marketing and Public Affairs, Research Services, the Residential System, Pro Vice-Chancellor External Relations, Pro Vice-Chancellor (Academic Innovation) and UNE International are responsible for ensuring compliance policies are properly administered and resourced.

Registered providers who are self-accrediting must undertake an independent external audit during their period of CRICOS registration, within 18 months prior to the renewal of that registration to inform the re-registration of the provider. The results of the audit are to be provided to the designated authority (TEQSA). This is in addition to non-ESOS Department of Education and Training (DET) and TEQSA audits.

UNE's Vice-Chancellor and CEO is the university's Principal Executive Officer for reporting purposes relating to ESOS and the ESOS legislative framework, CRICOS and PRISMS.

## Purpose of Briefing

UNE acknowledges its obligations to “ensure that its staff members who interact directly with overseas students are aware of the registered provider’s obligations under the ESOS framework and the potential implications for overseas students arising from the exercise of these obligations.” (Part B Standard 6.7, National Code 2018)

This document is designed to provide information for:

- existing staff members wanting to refresh their knowledge of the ESOS Act and the National Code;
- new staff members unfamiliar with the requirements of the ESOS Act and the National Code; and
- staff of UNE’s domestic providers.

## The ESOS Legislative Framework – promoting Australia’s international education industry

The ESOS Act and relevant Acts and Regulations set out the legal framework governing delivery of education to overseas students studying in Australia on a student visa.

The Australian Government, through the Department of Education and Training (DET) administers the ESOS Act and its associated instruments.

The ESOS Act and ESOS (Registration Charges) Act were amended with effect from 1 January 2007 and again from 3 March 2010, and the last amendments took effect on 14 December 2015.

**The Education Services for Overseas Students (ESOS) Act 2000** governs:

- the registration process and obligations of registered international education providers
- the Tuition Protection Service
- the enforcement and compliance arrangements.

**Education Services for Overseas Students (ESOS) Regulations 2001** sets out:

- information that must be entered on the register about the provider and each course by location
- student details that providers must include on the Provider Registration and International Student Management System (PRISMS)
- information about students that providers must give relating to student visa conditions

- penalties and infringement notices
- student records that a provider must keep.

### **Education Services for Overseas Students (Registration Charges) Act 1997**

Imposes registration charges in relation to Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). All registered providers are liable to pay an annual registration charge for the year. The relevant charges are detailed in the Act.

### **Education Services for Overseas Students (TPS Levies) Act 2012**

Contains provisions to require providers to pay fees and levies to fund the Tuition Protection Service.

### **The National Code of Practice for Providers of Education and Training to Overseas Students 2018**

Provides nationally consistent standards for the conduct of registered providers and the registration of their courses. Only CRICOS registered courses can be offered to international students studying in Australia on a student visa.

Part B is Standards for Provision of Education and Training to Overseas Students.

## National Code 2018: Part B

The Department of Education and Training (DET) provide explanatory Factsheets related to each National Code 2018 Standard which continue to be updated to reflect the questions from the sector

<https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

### Standard 1: Marketing information and practices

#### How do we control compliance of this standard at UNE?

- Marketing Information Practices Operating Procedure that outlines the processes that must be followed when marketing to prospective international students - [http://www.une.edu.au/\\_data/assets/pdf\\_file/0006/143358/marketing.pdf](http://www.une.edu.au/_data/assets/pdf_file/0006/143358/marketing.pdf)
- UNE Advertising Policy at <http://policies.une.edu.au/view.current.php?id=00080>
- UNE Media Policy at <http://policies.une.edu.au/view.current.php?id=00091>
- UNE International Student Transfer Rule and Procedure at <http://policies.une.edu.au/view.current.php?id=00183> and <http://policies.une.edu.au/view.current.php?id=00184>

#### Summary:

- Marketing of the provider's courses and education services in connection with the recruitment of overseas students or intending overseas students, including through an education agent (in accordance with Standard 4), is not false or misleading, and is consistent with Australian Consumer Law;
- UNE must, in seeking to enter into written agreements with overseas students or intending overseas students, not provide any false or misleading information;
- UNE must not claim to commit to secure for, or on the student or intending student's behalf, a migration outcome, or guarantee a successful education assessment outcome;
- Marketing and promotional materials (including electronic forms) must include UNE's CRICOS registered name and registration number.
- UNE must not actively recruit a student where this conflicts with its obligations under Standard 7.

#### UNE Staff

- All marketing material for the recruitment of international students must be reviewed by UNE International (UNEI). A draft copy of marketing materials should be forwarded to [international@une.edu.au](mailto:international@une.edu.au)

***Domestic Partner***

- Forward drafts of all marketing and promotional material for the purposes of marketing a UNE course to [international@une.edu.au](mailto:international@une.edu.au)
- Keep a copy of all marketing and promotional material forwarded to UNEI
- UNEI must brief staff representing UNE in international promotional activities. Staff should provide Reports to UNEI [international@une.edu.au](mailto:international@une.edu.au) .



## Standard 2: Recruitment of an overseas student

### How do we control compliance of this standard at UNE?

- The Admission Undergraduate and Postgraduate (Coursework) Rule at <http://policies.une.edu.au/view.current.php?id=00033#s2>
- The Undergraduate Admission for International Students Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0015/143241/undergraduate-admission-for-international-students.pdf](http://www.une.edu.au/_data/assets/pdf_file/0015/143241/undergraduate-admission-for-international-students.pdf)
- The Postgraduate Admission for International Students Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0014/143240/postgraduate-international-student-admission.pdf](http://www.une.edu.au/_data/assets/pdf_file/0014/143240/postgraduate-international-student-admission.pdf)
- The UNE English Language Requirements for Admission Rule (ELRAR) at <http://policies.une.edu.au/view.current.php?id=00220>
- The Australian Government Department of Education and Training's ESOS Framework at <https://internationaleducation.gov.au/Regulatory-Information/Pages/Regulatoryinformation.aspx>

### Summary

- Recruitment of students is to be conducted in an ethical and responsible manner.
- Prior to acceptance, students must be provided with comprehensive, current and plain English information related to:
  - Requirements re acceptance into a course including the minimum of English language proficiency, education qualification or work experience required, and course credit if applicable
  - CRICOS course code, course content, modes of study including compulsory online and/or work-based training, placements, other community-based learning and collaborative research training arrangements, and assessment methods
  - Course duration and holidays breaks
  - Course qualification, award or other outcomes
  - Campus locations and facilities, equipment and learning resources available to students
  - Details of any arrangement with another provider, person or business who will provide the courses or part of the course
  - Indicative tuition and non-tuition fees, including advice on the potential for changes to fees over the duration of a course, and the registered provider's cancellation and refund policies
  - Grounds on which the student's enrolment may be deferred, suspended or cancelled
  - The ESOS framework
  - Where relevant, the policy and process the registered provider has in place for approving the accommodation, support and general welfare arrangements for younger overseas students (Standard 5)
  - Accommodation options and indicative costs of living in Australia

- Documented procedures must be in place and implemented to assess academic qualifications or work experience and English language proficiency.
- UNE must have and implement a policy and process for assessing and recording recognition of prior learning (RPL), the granting and recording of such, the student's decision re acceptance and the impact of acceptance on the student's course duration (CoE and PRISMS).

### ***UNE Staff***

International Admissions are administered by UNEI. Please forward any queries or concerns to International Admissions at [international.admission@une.edu.au](mailto:international.admission@une.edu.au).

### ***Domestic Partners***

- Enforce UNE's Undergraduate Admission Rules and adhere to UNE Admission Procedures for Undergraduate and Postgraduate Admission.
- Admission Procedures should be set out in the Joint Procedures Manual (JPM).

## Standard 3: Formalisation of enrolment and written agreements

### How do we control compliance of this standard at UNE?

- The Admission Undergraduate and Postgraduate (Coursework) Rule at <http://policies.une.edu.au/view.current.php?id=00033#s2>
- The Undergraduate Admission for International Students Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0015/143241/undergraduate-admission-for-international-students.pdf](http://www.une.edu.au/_data/assets/pdf_file/0015/143241/undergraduate-admission-for-international-students.pdf)
- The Postgraduate Admission for International Students Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0014/143240/postgraduate-international-student-admission.pdf](http://www.une.edu.au/_data/assets/pdf_file/0014/143240/postgraduate-international-student-admission.pdf)
- The UNE English Language Requirements for Admission Rule (ELRAR) at <http://policies.une.edu.au/view.current.php?id=00220>
- The Australian Government Department of Education and Training's ESOS Framework at <https://internationaleducation.gov.au/Regulatory-Information/Pages/Regulatoryinformation.aspx>

### Summary

- UNE must enter into a written agreement with the student which is to include: course title, conditions of enrolment, start date, an itemized list of course monies payable and refund conditions (including both student and provider default) and other requirements noted at Standard 3.3.1-3.3.9.
- Students are to be advised of the obligation to notify UNE of their contact details including an emergency contact and any change of address whilst enrolled within 7 days of the change.

### UNE Staff

Formalisation of enrolment is predominately administered by UNEI. Please forward any queries or concerns to International Admissions at [international.admission@une.edu.au](mailto:international.admission@une.edu.au)

### Domestic Partners

- Advise UNE students of refund arrangements.
- Procedures for refunds should be set out in the Joint Procedures Manual (JPM).

## Standard 4: Education Agents

### How do we control compliance of this standard at UNE?

- The Admission Undergraduate and Postgraduate (Coursework) Rule at <http://policies.une.edu.au/view.current.php?id=00033#s2>
- The Undergraduate Admission for International Students Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0015/143241/undergraduate-admission-for-international-students.pdf](http://www.une.edu.au/_data/assets/pdf_file/0015/143241/undergraduate-admission-for-international-students.pdf)
- The Postgraduate Admission for International Students Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0014/143240/postgraduate-international-student-admission.pdf](http://www.une.edu.au/_data/assets/pdf_file/0014/143240/postgraduate-international-student-admission.pdf)
- The UNE English Language Requirements for Admission Rule (ELRAR) at <http://policies.une.edu.au/view.current.php?id=00220>
- The Australian Government Department of Education and Training's ESOS Framework at <https://internationaleducation.gov.au/Regulatory-Information/Pages/Regulatoryinformation.aspx>
- List of authorized UNE education agents <https://www.une.edu.au/study/international/agents>

### Summary

- Education agents must have an appropriate knowledge and understanding of the Australian international education industry including the Australian International Education and Training Agent Code of Ethics.
- Providers cannot use education agents who are dishonest and lack integrity.
- UNE must have a written agreement for all agents it engages and these agreements must include responsibilities of each party, need to comply with National Code, processes for monitoring activities of the agent including preventative and corrective action, and specified termination conditions.
- Registered providers must ensure agents have and use up-to-date and accurate marketing information.
- Registered providers must take immediate corrective action if the agent does not comply with its obligations under the written agreement.

### UNE Staff

- The appointment, management and termination of UNE agents are administered by UNEI. If a UNE employee has any concerns in relation to agents, in particular information on any possible breach of the National Code 2018 or its amendments, please contact UNEI immediately at [international@une.edu.au](mailto:international@une.edu.au).

- UNEI publishes and updates a list of authorised UNE agents on the UNE International website.

### ***Domestic Partners***

Ensure that they:

- Have in place a UNE-approved Agent's Policy and related procedures for agents recruiting students into a UNE course.
- Use a UNE-approved agent agreement.
- Provide a list of authorised agents on an annual basis and publish and update a list of authorised agents on its website.
- Keep an up-to-date copy of the Agents Policy and Procedures on file.
- Provide a copy of any changes to the documentation as they occur and ensure a current copy is provided as a part of the annual partnership reporting process.

## Standard 5: Younger overseas students

### How do we control compliance of this standard at UNE?

- International Students Support Services Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0017/121418/international-student-support-services.pdf](http://www.une.edu.au/_data/assets/pdf_file/0017/121418/international-student-support-services.pdf)
- International Critical Incidents Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0018/121419/international-critical-incidents-operating-procedures.pdf](http://www.une.edu.au/_data/assets/pdf_file/0018/121419/international-critical-incidents-operating-procedures.pdf)
- International Critical Incident Immediate Response Checklist at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0016/121057/critical-incidents-checklist-.pdf](http://www.une.edu.au/_data/assets/pdf_file/0016/121057/critical-incidents-checklist-.pdf)
- Care for and Services to Students Under 18 Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0016/121417/care-for-and-services-to-students-under-18.pdf](http://www.une.edu.au/_data/assets/pdf_file/0016/121417/care-for-and-services-to-students-under-18.pdf)

### Summary

UNE will only accept international students under the age of 18 if they are being cared for in Australia by a parent or suitable relative, or as a UNE English Language Centre student who will reach the age of 18 before enrolling in a UNE award-bearing program, at the discretion of the Director, UNE International. On accepting an under 18 student UNE must meet Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection to the jurisdiction(s) in which it operates.

UNE must meet requirements related to welfare arrangements (responsibility, acceptance, and monitoring of) including:

- accommodation checks including Criminal Record and Working with Children checks for staff working in Provider approved accommodation
- create and sign a CAAW letter to confirm welfare arrangements

## Standard 6: Overseas student support services

### How do we control compliance of this standard at UNE?

- International Students Support Services Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0017/121418/international-student-support-services.pdf](http://www.une.edu.au/_data/assets/pdf_file/0017/121418/international-student-support-services.pdf)
- International Critical Incidents Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0018/121419/international-critical-incidents-operating-procedures.pdf](http://www.une.edu.au/_data/assets/pdf_file/0018/121419/international-critical-incidents-operating-procedures.pdf)
- International Critical Incident Immediate Response Checklist at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0016/121057/critical-incidents-checklist-.pdf](http://www.une.edu.au/_data/assets/pdf_file/0016/121057/critical-incidents-checklist-.pdf)
- Care for and Services to Students Under 18 Operating Procedure at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0016/121417/care-for-and-services-to-students-under-18.pdf](http://www.une.edu.au/_data/assets/pdf_file/0016/121417/care-for-and-services-to-students-under-18.pdf)

### Summary

Students are to be provided with an age and culturally appropriate orientation program and ongoing access to information on the following:

- UNE facilities, resources, and available support services.
- Legal, emergency and health services.
- Welfare and accommodation services.
- Safety, student rights and where to seek support in making complaint and related processes.
- Any student visa condition relating to course progress and/or attendance as appropriate.
- Members of staff designated as official points of contact.
- Employment rights and conditions information including eg. Fair Work Ombudsman.

UNE should provide sufficient support personnel to meet needs of students.

UNE must offer reasonable support to enable students achieve expected learning outcomes.

All UNE staff interacting with students need to be aware of their obligations under the ESOS framework.

UNE must take all reasonable steps to provide a safe environment on campus and provide information on how to seek assistance for and report an incident that significantly impacts on their wellbeing.

Use the International Critical Incidents Policy and checklist to assist students in unforeseen and difficult circumstances.

### **UNE Staff**

International Student Support Services are provided by UNEI. UNEI does the following:

- Provides airport pick-up for new arrivals on request;
- Organises home-stay (ELC) and assists students with accommodation issues;
- Organises International Orientation and international student activities throughout the year;
- Assists students to access academic support and pastoral care services offered by the University; and
- Provides advice and support regarding work.

UNE Staff should:

- Refer any international student to UNEI regarding any personal and/or academic issue at any time during their time at UNE to [AskUNE](#) or by phoning 6773 3192.
- **Critical Incidents** - Call Security (02 6773 2099 and after hours) and UNEI (02 6773 3192) immediately if an incident occurs involving:
  - International students on-campus in Armidale;
  - International exchange students;
  - International short-term non-award students;
  - International Study Tour participants; or
  - International visiting academics.

### **Domestic Partners**

- Must have an up-to-date Critical Incidents Policy and Procedure aligned with the UNE Policy.
- Must provide UNE with the 24 hour contact details of their Critical Incident Coordinator.
- Must provide to UNE students on their campus:
  - Appropriate orientation;
  - Access to sufficient support personnel;
  - Access to services to assist students in meeting course requirements; and
  - Access to welfare support services.



## Standard 7: Overseas student transfers

### How do we control compliance of this standard at UNE?

- International Student Transfer Rule at <https://policies.une.edu.au/view.current.php?id=00183>
- International Student Transfer Operating Procedure at <https://policies.une.edu.au/view.current.php?id=00184>
- International Student Complaint & Appeal guidelines at <https://www.une.edu.au/current-students/support/international-students/complaints-appeals-and-legal-advice>

### Summary

- Transfers are permitted after the first six months of the student's principal course.
- Providers must not knowingly enrol transferring students in the first six months unless the releasing Provider has recorded the date of effect and reason for release in PRISMS.
- Registered providers must have and implement a documented student transfer request assessment policy.
- Providers must advise students to seek advice from Department of Home Affairs if a release is granted.
- UNE's Transfer policy must outline the circumstances in which a transfer will be granted if it is considered to be in the student's best interest.
- Should a transfer request be refused students must be informed in writing of the reasons and the student's right to access UNE's complaints and appeals process (Standard 10).

### UNE Staff

- All applications by international students for transfer **to** UNE are administered by UNEI and should be referred to [international.admission@une.edu.au](mailto:international.admission@une.edu.au)
- All requests to transfer **from** UNE within the first six months of study are administered by UNEI. To apply for a letter of release the student must write to the Manager, International Services and Compliance, UNEI at [bgilson2@une.edu.au](mailto:bgilson2@une.edu.au) and include the following:
  - A written explanation of the reasons for the transfer, including any supporting documentation.
  - A valid enrolment offer from another registered provider.

### Domestic Partners

Students applying to transfer from UNE within the first six months must apply for a release. The student must complete the *Request to Transfer Between Registered Providers* and give this form to the Partner Administrative staff. The Campus Manager will make a recommendation and forward the form to the Manager, International Services and Compliance, UNEI at [bgilson2@une.edu.au](mailto:bgilson2@une.edu.au). The application must include:

- A written explanation of the reason/s for the transfer, including any supporting documentation;
- A valid enrolment offer from another registered provider.

- A recommendation from the partner Campus Manager.

Students applying to transfer between Teaching Locations must complete the *Request to Transfer Between Teaching Locations* and give this form to the Partner Administrative staff. The Campus Manager will make a recommendation and forward the form to the Manager, International Services and Compliance at [bgilson2@une.edu.au](mailto:bgilson2@une.edu.au). The application must include a written explanation of the reason/s for the transfer.

## Standard 8: Overseas student visa requirements

### How do we control compliance of this standard at UNE?

- Overseas Student Visa Requirements (Load, Mode, Duration) Operating Procedure at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0018/221184/Standard-8-Overseas-Student-Visa-Requirements-reduced.pdf](https://www.une.edu.au/_data/assets/pdf_file/0018/221184/Standard-8-Overseas-Student-Visa-Requirements-reduced.pdf)
- Monitoring Student attendance (English Language Centre) Operating Procedure at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0011/79949/elc-attendance.pdf](https://www.une.edu.au/_data/assets/pdf_file/0011/79949/elc-attendance.pdf)
- International Student Course progression Procedures at <https://policies.une.edu.au/view.current.php?id=00294>
- International Student Course progression Rule at <https://policies.une.edu.au/view.current.php?id=00293>
- Intervention Policy & Procedures (English Language Centre) at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0009/79929/ELC-Intervention-Policy-and-Procedures-2014.pdf](https://www.une.edu.au/_data/assets/pdf_file/0009/79929/ELC-Intervention-Policy-and-Procedures-2014.pdf)
- Monitoring Student Course Progress (English Language Centre) at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0010/79948/elc-progress.pdf](https://www.une.edu.au/_data/assets/pdf_file/0010/79948/elc-progress.pdf)
- Compassionate and Compelling Circumstances guidelines at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0014/108212/compassionate-compelling-guidelines.pdf](https://www.une.edu.au/_data/assets/pdf_file/0014/108212/compassionate-compelling-guidelines.pdf)
- Advanced Standing Policy at <https://policies.une.edu.au/view.current.php?id=00210>
- Advanced Standing Procedure at <https://policies.une.edu.au/view.current.php?id=00211>

### Summary

- UNE must monitor international students' course progress and, where applicable, attendance.
- The expected duration of study specified on a student's CoE must not exceed the CRICOS registered duration.
- UNE must monitor each student's progress to ensure they are able to complete the course within the expected duration on their CoE.
- UNE must have and implement policies and processes to identify, notify and assist a student at risk of not meeting course progress or attendance requirements when there is evidence the student is at risk of not meeting the requirements.
- UNE must clearly outline and inform the student before they commence the course of the requirements to achieve satisfactory course progress and, where applicable, attendance in each study period.

- UNE must have and implement a policy and process for monitoring and recording attendance for ELICOS students re requirements for achieving satisfactory attendance; the method for working out minimum attendance; processes for recording course attendance; details of UNE's intervention strategy; and a process for determining the point at which the student has failed to meet satisfactory course attendance.
- UNE must have and implement a documented policy and process for monitoring and recording course progress including: requirements for achieving satisfactory course progress; a process for recording and assessing course progress requirements; a process to identify students at risk of unsatisfactory course progress; details of UNE's intervention strategy re course progress; and a process to determine the point at which the student has failed to meet satisfactory course progress.
- When UNE has assessed a student as not meeting course progress or attendance requirements it must give the student a written notice as soon as practicable re: reporting for unsatisfactory course progress or attendance; the reasons for the intention to report; and advise the student of their rights to access UNE's complaints and appeals process within 20 working days.
- UNE must only report unsatisfactory course progress or attendance in PRISMS if:
  - the internal and external complaints process is complete and the decision or recommendation supports UNE
  - the student chooses not to access the process within the 20 working days
  - the student chooses not to access the external complaints and appeals process
  - the student withdraws from the process by notifying UNE in writing
- UNE may only extend the duration of a student's enrolment under limit circumstances.
- UNE must not deliver a course exclusively by online or distance learning to an overseas student.
- UNE must not deliver more than one-third of the units (or equivalent) HE course by online or distance learning to an overseas student.
- UNE must ensure overseas students are enrolled in at least one unit that is not distance or online learning in each compulsory study period, unless the student is completing the last unit of their course.
- UNE must take all reasonable steps to support students who may be disadvantaged by additional costs or requirements for online or distance learning; and, the inability to access resources or engaging with other overseas students while undertaking online or distance learning.

### ***UNE Staff***

- Must be aware of the processes related to an overseas student's progression and attendance requirements.
- Must be aware of the student's right to access UNE's complaints and appeals process within 20 working days.

### ***Domestic Partners***

UNE students at all domestic partner locations are subject to UNE's policies and processes.

## Standard 9: Deferring, suspending or cancelling the overseas student's enrolment

### How do we control compliance of this standard at UNE?

- Deferring and Suspending International Student Enrolment Operating Procedures at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0018/121428/Deferring-and-Suspending-International-Student-Enrolment.pdf](https://www.une.edu.au/_data/assets/pdf_file/0018/121428/Deferring-and-Suspending-International-Student-Enrolment.pdf)
- Compassionate and Compelling Circumstance Guidelines at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0014/108212/compassionate-compelling-guidelines.pdf](https://www.une.edu.au/_data/assets/pdf_file/0014/108212/compassionate-compelling-guidelines.pdf)
- Student Rights & Responsibilities (English Language Centre) at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0007/79918/elc-procedures.pdf](https://www.une.edu.au/_data/assets/pdf_file/0007/79918/elc-procedures.pdf)
- International Student Complaint & Appeal procedures (English Language Centre) at [https://www.une.edu.au/\\_data/assets/pdf\\_file/0006/79917/elc-complaints-appeals.pdf](https://www.une.edu.au/_data/assets/pdf_file/0006/79917/elc-complaints-appeals.pdf)

### Summary

- Providers must have documented procedures in place for assessing, approving and recording a deferment or suspension of study.
- Providers may only defer or temporarily suspend enrolment on the grounds of compassionate or compelling circumstances and misbehaviour (see Policy link above).
- Students are to be notified that deferring, suspending or cancelling may affect their visa. Provider must notify DET via PRISMS where the student's enrolment is deferred, suspended or cancelled.
- Provider must notify the student of the intention to suspend or cancel and that he/she has 20 working days to access the internal appeals and complaints process.  
The provider must maintain the student's enrolment until the internal appeals process is resolved.

### UNE Staff

Refer any application for deferment after commencement of studies to the Manager, International Services and Compliance through [AskUNE](#).

### Domestic Partners

Refer any application for deferment after commencement of studies to the Manager, International Services and Compliance through [AskUNE](#).

## Standard 10: Complaints and Appeals

### How do we control compliance of this standard at UNE?

- Academic Assessment Appeals Policy at <http://policies.une.edu.au/view.current.php?id=00198>
- Academic Assessment Appeals Procedures at <http://policies.une.edu.au/view.current.php?id=00199>
- Compassionate and Compelling Circumstances at [http://www.une.edu.au/\\_data/assets/pdf\\_file/0014/121424/compassionate-compelling-circumstances.pdf](http://www.une.edu.au/_data/assets/pdf_file/0014/121424/compassionate-compelling-circumstances.pdf)
- Deferring and Suspending International Student Enrolment Operating Procedure [http://www.une.edu.au/\\_data/assets/pdf\\_file/0018/121428/deferring-and-suspending-enrolment.pdf](http://www.une.edu.au/_data/assets/pdf_file/0018/121428/deferring-and-suspending-enrolment.pdf)
- Student (Related) Grievance Handling Policy <http://policies.une.edu.au/view.current.php?id=00251>
- Student (Related) Grievance Handling Procedures <http://policies.une.edu.au/view.current.php?id=00252>
- Student Coursework Academic Misconduct Rule <http://policies.une.edu.au/view.current.php?id=00257>
- Student Coursework Academic Misconduct Procedures <http://policies.une.edu.au/view.current.php?id=00304>
- Student Behavioural Misconduct Rules <http://policies.une.edu.au/view.current.php?id=00215>
- Student Behavioural Misconduct Rules – Behavioural Misconduct Investigation and Penalty Guidelines at <http://policies.une.edu.au/view.current.php?id=00253>
- Residential Colleges Code of Conduct <http://www.une.edu.au/campus-life/une-accommodation/apply/agreement-terms/code-of-conduct>
- Student Rights and Responsibilities – ELC [http://www.une.edu.au/\\_data/assets/pdf\\_file/0007/79918/elc-procedures.pdf](http://www.une.edu.au/_data/assets/pdf_file/0007/79918/elc-procedures.pdf)
- Student Complaints and Appeals – ELC [http://www.une.edu.au/\\_data/assets/pdf\\_file/0006/79917/elc-complaints-appeals.pdf](http://www.une.edu.au/_data/assets/pdf_file/0006/79917/elc-complaints-appeals.pdf)

### Summary

- Appropriate internal complaints and appeals processes must be in place and students made aware of their existence and have access to procedures.
- Independent and external mediating agency must be available.
- Complaints and appeals processes must be timely, accessible and inexpensive.
- Internal process must begin within 10 working days of receiving a complaint or appeal.

### ***UNE Staff***

- Must be aware that processing of complaints and appeals lodged by an international student must begin within 10 working days of receipt of the written request.
- UNE staff responsible for administering the relevant policy must maintain comprehensive records of all complaints and appeals and their outcomes including statement of findings in relation to each complaint or appeal that demonstrates the reasons behind the decisions made at each stage of the appeal and evidence that the statement is issued to the student and a copy retained on the student's file.
- International Services must be advised when the complaint or appeal is first lodged, and of the outcome of the appeal.
- All complaint and appeal outcomes must be in writing to the student and included details reasons for the outcome.
- If the student is not satisfied with the result or conduct of the internal complaint or appeals process he/she may access an external mediator at minimal or no cost. UNE refers students to the NSW Ombudsman.
- If the internal or external complaints handling or appeal process results in a decision or recommendation in favour of the student UNE must immediately implement the decision or recommendation and/or take the preventive or corrective action and advise the student of the action.

### ***Domestic Partners***

UNE students at all domestic partner locations are subject to UNE's Complaints and Appeals processes (see links above).

## Standard 11: Additional registration requirements

### Summary

#### How do we control compliance of this standard at UNE?

- Advanced Standing Policy <http://policies.une.edu.au/view.current.php?id=00210>
- Advanced Standing Procedures <http://policies.une.edu.au/view.current.php?id=00211>
- Advanced Standing Application Guidelines  
<http://policies.une.edu.au/view.current.php?id=00212>
- Assessment Rule <http://policies.une.edu.au/view.current.php?id=00228>
- Admission Undergraduate and Postgraduate (Coursework) Rule  
<http://policies.une.edu.au/view.current.php?id=00033#s2>
- Undergraduate Admission for International Students Operating Procedure  
[http://www.une.edu.au/data/assets/pdf\\_file/0015/143241/undergraduate-admission-for-international-students.pdf](http://www.une.edu.au/data/assets/pdf_file/0015/143241/undergraduate-admission-for-international-students.pdf)

- When applying to register a full-time course at a location UNE must seek approval from the ESOS Agency (TEQSA).
- UNE must notify TEQSA at least 30 working days prior to the date any proposed changes to a course takes effect.
- Registered providers who are self-accrediting must undertake an independent external audit during their period of CRICOS registration, within 18 months prior to renewal of that registration to inform the re-registration of the provider.

#### ***UNE Staff and Domestic Partners***

UNE will conduct annual audits of domestic partners.



## Other Useful Information: CRICOS and PRISMS

### Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)

- CRICOS and the CRICOS process is set out in sections 3-11 of the National Code 2018.  
Any provider of education and training that seeks to recruit, enrol or teach overseas students, or advertise its ability to do so, **MUST** be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) or must do so in accordance with an arrangement it has with a registered provider for the relevant course, in which case the registered provider is responsible for all obligations under the Act.
- The provider must be registered for each course it offers to overseas students.
- Only full-time courses can be registered on CRICOS.
- Full-time distance education and part-time courses are not to be registered on CRICOS.
- Courses with a distance or online component can only be registered on CRICOS where the designated authority is satisfied that these courses meet the minimum requirements as specified in Standard 8.
- Where more than one provider is involved in the provision of one course, **only one provider is to be registered to provide that course.**
- The involvement of other providers in the provision of the course must be under an arrangement with the registered provider.
- A provider must comply with all registration requirements under relevant State or Federal Legislation, and with all the requirements of the National Code, before it is registered on CRICOS.
- Any work-based training that is necessary in order to obtain the qualification is to be included in the course duration and appropriate arrangements for the supervision and assessment of overseas students in place. Optional work experience not approved as necessary in order to obtain the qualification must be excluded.
- Providers seeking CRICOS registration must have approval for the number of overseas student enrolled at the provider, within the limit or maximum number approved by the ESOS agency (TEQSA) for each location.
- If a course is planned but not yet registered on CRICOS, promotion of the course is possible but the provider must not:
  - claim to provide the course;
  - offer the planned course; or
  - invite applications for the planned course.

## Provider Registration and International Students Management System (PRISMS)\

- PRISMS is a computer system developed by the Department of Education and Training in cooperation with Department of Home Affairs for the purposes of the ESOS ACT and the Migration Act. **It provides a secure system for providers registered on CRICOS to comply with legislative requirements by:**
  - creating and authorising Confirmation of Enrolments (CoEs) for overseas students enrolling (either from offshore or onshore) with the provider (as required under the ESOS Act); and
  - reporting changes in course enrolment and student non-compliance with visa conditions relating to attendance and academic performance (required under the ESOS Act).
- CoEs can only be generated through PRISMS. **Home Affairs requires a CoE as “evidence of enrolment” in a registered full-time course before it will issue a student visa.**
- Access to PRISMS is only granted to those people nominated by the Principal Executive Officers (PEOs) of providers registered on CRICOS. UNE’s PEO is the Vice-Chancellor. PEOs and delegates will also have the discretion to nominate their staff levels of access. The different levels allow staff to:
  - only **create** CoEs, or
  - **create and authorise** CoEs and report on students.
- PEOs are also able to nominate agents to **create** CoEs for them, but **only** the provider’s staff is able to **authorise** forms created by agents.
- Student enrolment information is entered into PRISMS in order to create an enrolment record and thus print out a Confirmation of Enrolment (a CoE) letter to give to the student.
- The information entered is transmitted to Home Affairs who forward it to their visa processing offices so that, when a student applies for a student visa, the Home Affairs officer is able to authenticate the CoE letter.
- Home Affairs transmit student visa grants, visa refusals and student movements to DET where this data is used to determine the status of the student, that is, have they arrived, are they studying, should their CoE be cancelled, etc.
- When a provider reports a student via PRISMS for non-compliance, the information is transmitted to Home Affairs who will investigate the student and will respond to DET with the outcome of their investigation.

## Contacts for Further Information

Director UNE International [dir-international@une.edu.au](mailto:dir-international@une.edu.au)

Manager International Compliance [bgilson2@une.edu.au](mailto:bgilson2@une.edu.au)

Director of Studies, English Language Centre [mcooper2@une.edu.au](mailto:mcooper2@une.edu.au)

## Useful Web Addresses

<https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx>

<https://www.une.edu.au/current-students/support/international-students/legislative-compliance-esos-and-national-code>

<http://www.homeaffairs.gov.au/>

## Definitions

<b>CoE</b>	Confirmation of Enrolment
<b>CRICOS:</b>	Commonwealth Register of Institutions and Courses for Overseas Students
<b>DET:</b>	Department of Education and Training
<b>ELC:</b>	English Language Centre
<b>ESOS:</b>	Education Services for Overseas Students
<b>Home Affairs:</b>	Department of Home Affairs
<b>National Code:</b>	The National Code of Practice for Providers of Education and Training to Overseas Students 2018
<b>PRISMS:</b>	Provider Registration and International Students Management System
<b>Student</b>	International or Overseas student studying in Australia on a Student Visa
<b>TEQSA:</b>	Tertiary Education Quality and Standards Agency
<b>UNEI:</b>	UNE International

Updated: 26 October 2018

Next update due: 1 November 2020 (or sooner if required)