



WESTERN AUSTRALIAN ADDENDUM

to the

NATIONAL GUIDELINES FOR HIGHER EDUCATION APPROVAL PROCESSES

(INCLUDING REQUIREMENTS FOR REGISTRATION ON CRICOS)

April 2008

**DEPARTMENT OF EDUCATION SERVICES
EDUCATION & TRAINING REGULATION**

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CONTENTS	PAGE
1. ABOUT THIS DOCUMENT	3
2. GLOSSARY	5
3. <u>PART A</u>	6
ADDITIONAL WESTERN AUSTRALIAN REQUIREMENTS RELATING TO HIGHER EDUCATION REGISTRATION	
3.1 Legislative Context	6
3.2 Minister as Accrediting Authority	6
3.3 Role of the Department	6
3.4 Vocational Education and Training	7
3.5 Joint Registration Process	7
3.6 Timelines	7
3.7 Process for Approval	7
3.8 Change of Ownership	9
3.9 Change of Other Particulars	9
3.10 Monitoring	9
3.11 Fees for Authorisation and Accreditation	9
4. <u>PART B</u>	12
ADDITIONAL REGISTRATION REQUIREMENTS FOR REGISTRATION ON CRICOS	
4.1 Overview	12
4.2 Registration Period and Charges	13
4.3 Renewal of Registration	13
4.4 Specific State Requirements for Refund Policies	13
4.5 Complaints and Appeals Procedure and the Conciliator	14
4.6 Conciliator	15
4.7 Conditions of Registration	15
4.8 Financial Viability/Fit and Proper Test for Non-Exempt Providers	15
4.9 Appointment of and Auditor (Private Providers)	15
4.10 Contact Person for Matters Concerning International Students	15
4.11 Provider History – Has the provider previously been a registered provider	16
4.12 Outstanding sanctions	16
4.13 Refusal of registration	16
4.14 Contracts	16
4.15 Agents	17
4.16 English Language Proficiency	17
4.17 Student Support Services	17
4.18 Transfer Policy	18
4.19 Course Credit	18
4.20 Policy for Deferment, Suspension, Cancellation of a Student's Enrolment	18
4.21 Commonwealth Consumer Protection Requirements	18
APPENDIX B1	19
ADDITIONAL REFUND SPECIFICATIONS THAT PROVIDERS MUST OBSERVE	
APPENDIX B2	21
ADDITIONAL INFORMATION WITH RESPECT TO THE ROLE OF THE CONCILIATOR	
APPENDIX B3	22
FINANCIAL VIABILITY, FIT & PROPER TEST AND SAFEGUARDING STUDENT FUNDS	

1. ABOUT THIS DOCUMENT

As from 1 January 2008, a non self-accrediting institution seeking registration (authorisation) as a higher education institution and course accreditation for each of the higher education courses it offers, must satisfy the requirements of the new *National Guidelines for Higher Education Approval Processes* which give effect to the *National Protocols for Higher Education Approval Processes*.

For non self-accrediting institutions, an application must be prepared against the subset of the National Guidelines entitled *Guidelines for the registration of non self-accrediting higher education institutions and the accreditation of their course/s (relating to National Protocols A & B)*.

This addendum to the National Guidelines has been prepared by the Department of Education Services and outlines additional information about or requirements of the approval process specific to Western Australia.

PART A provides information for non self-accrediting institutions seeking registration as a higher education institution and accreditation of the higher education courses to be offered.

PART B of the document specifies additional information that providers must submit should they also wish to be placed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) **and intend to offer only higher education courses to overseas students.**

Providers intending to offer higher education courses **as well as other courses** (e.g VET, ELICOS, Non-Award courses) to international students must use the following documents:

[*Policy Guidelines – Registration of Providers of Education Services to International Students, January 2008*](#)

[*Application for Registration of Institutions and Education Services for International Students, January 2008*](#)

Part A of this document should be read in conjunction with the following:

- *Higher Education Act 2004 (WA)* <http://www.slp.wa.gov.au/Index.html>
- *Higher Education Regulations 2005 (WA)* <http://www.slp.wa.gov.au/Index.html>
- *National Guidelines for Higher Education Approval Processes*
http://www.mceetya.edu.au/verve/_resources/NationalGuidelinesOct2007_AandB.pdf
- *National Protocols for Higher Education Approval Processes*
http://www.mceetya.edu.au/verve/_resources/NationalProtocolsOct2007_Complete.pdf

Part B should be read in conjunction with the following:

- *Education Service Providers (Full Fee Overseas Students) Registration Act 1991 (WA)* <http://www.slp.wa.gov.au/Index.html>

- *Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992 (WA)* <http://www.slp.wa.gov.au/Index.html>
- *Education Services for Overseas Students Act 2000 (Commonwealth)* www.aei.dest.gov.au/esos
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* www.aei.dest.gov.au/esos
- *National Code of Practice 2007 Explanatory Guide* www.aei.dest.gov.au/esos

The dynamic nature of higher education in Australia requires that accreditation and registration processes remain open to quality improvement and change. The Department will continue to consult with Commonwealth, State and Territory agencies in order to determine how policy can best be modified for the benefit of the higher education sector.

2. GLOSSARY

Act	<i>Higher Education Act 2004</i> which came into operation on 8 December 2004
Australian University	An education institution originally established in Australia and recognised as a University by the law of the Commonwealth, a State, the Australian Capital Territory or the Northern Territory
Authorisation	Authorisation is the term used in both the <i>Higher Education Act 2004</i> and the <i>Higher Education Regulations 2005</i> and refers to the approval granted to a provider to offer an accredited higher education course. However, in this document, that approval is referred to as “Registration” to reflect the terminology adopted in the new National Guidelines
CEO	In this document it means the Chief Executive Officer of the Department of Education Services
Company	Has the same meaning as in the <i>Commonwealth Corporations Act 2001</i>
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DEEWR	Commonwealth Department of Education, Employment and Workplace Relations
Department	Department of Education Services
DIAC	Department of Immigration and Citizenship
Education Service	Any instruction or training in the form of a course, award or qualification
ELICOS	English Language Intensive Courses for Overseas Students
ESOS	<i>Education Services for Overseas Students Act 2000</i> . This is a Commonwealth Government Act
ESPRA	<i>Education Service Providers (Full Fee Overseas Students) Registration Act 1991</i> . This is a Western Australian Government Act
Exempt Providers	Providers exempt from the financial provisions of the ESPRA (Sections 9-11). Exempt providers are listed in Schedule 2 of the Regulations
HEAC	Higher Education Advisory Committee established by the Minister under section 20 of the Act
Higher Education Register	A register of accredited higher education courses and providers registered to deliver the accredited courses maintained by the Department of Education Services as required under the Act
International Students	Persons from overseas who satisfy the conditions for a full fee overseas student as described in the ESPRA or the definition of an overseas student described in the ESOS
Minister	Minister for Education, Western Australia
The National Code	National Code of Practice for Registration Authorities and Providers of Education and Training for Overseas Students
Non-exempt providers	A provider who is not exempt from the financial provisions of the ESPRA or the ESOS
Regulations	<i>Higher Education Regulations 2005</i> . These Regulations support the <i>Higher Education Act 2004</i>
TAS	Tuition Assurance Scheme pursuant to the ESOS
VET	Vocational Education and Training
WAR	Western Australian Register of providers and courses for international students

PART A

3. ADDITIONAL INFORMATION OR REQUIREMENTS RELATING TO HIGHER EDUCATION REGULATION IN WESTERN AUSTRALIA

3.1 Legislative Context

All Australian States and mainland Territory Governments have a responsibility in respect of quality assurance in higher education and are responsible for legislation which will protect the integrity of Australian universities and higher education awards in their jurisdictions. Australia places great emphasis on ensuring that all higher education awards offered by non-university institutions are of an equivalent standard to those of the Australian university sector.

In 2007, the *Ministerial Council on Education, Employment, Training and Youth Affairs* (MCEETYA) approved National Guidelines which give effect to the National Protocols. The aim of National Guidelines is to ensure consistency in the registration of non self-accrediting higher education institutions and course accreditation across jurisdictions.

Under the State *Higher Education Act 2004* (“the Act”) and the *Higher Education Regulations 2005* (“the Regulations”), providers in Western Australia, other than established Australian universities and other self-accrediting higher education institutions, must not confer, or purport to confer, higher education awards unless the course leading to the higher education awards has been accredited and the provider registered to deliver the accredited courses by the Minister for Education and Training.

The Act provides for all non-university (non self-accrediting) institutions to apply to the Minister for accreditation of higher education courses and registration to provide higher education courses. Penalties will be imposed for any breaches of the legislation. All higher education accredited courses and registered providers in Western Australia are listed on the Australian Qualifications Framework (AQF) register at www.aqf.edu.au/register.htm.

This addendum complements the National Guidelines, the Act and related Regulations. Principally, it is for use by applicants for:

- registration as a non self-accrediting higher education institution; and/or
- accreditation of a higher education course.

3.2 Minister as Accrediting Authority

Applications for registration and accreditation are considered by a Higher Education Advisory Committee (HEAC) that makes recommendation to the Minister for Education. The Minister may delegate to the Chief Executive Officer of the Department any function of the Minister under the Act.

3.3 Role of the Department

The Department assists the Minister for Education in the administration of the Act. Following an initial assessment of an application for registration and/or accreditation, the Chief Executive Officer of the Department, as the Minister’s delegate, appoints a

HEAC. The International and Higher Education Regulation Branch provides executive support to the HEAC.

It should be noted that staff of the Department do not make registration and accreditation recommendations or decisions, this is the role of the HEAC. The Department will follow up any alleged breaches of the Act or Regulations and investigate complaints. In carrying out this function the Department reserves the right to seek any information that may be considered relevant to this process.

3.4 Vocational Education and Training

The Act complements the *Vocational Education and Training Act 1996* (VET) which provides for the accreditation of vocational education and training courses conducted by State colleges and other bodies which apply for accreditation of courses deemed to be comparable to them. The accrediting body under the VET Act is the Training Accreditation Council. Further information is available at www.tac.wa.gov.au.

3.5 Joint Registration Process

A pre-requisite for offering higher education courses to overseas students (registration on CRICOS) is registration under the Act. The *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* (ESPRA) and the *Education Services for Overseas Students Act 2000* (ESOS) imposes additional standards, specific to international students, that complement the Act.

Where a provider indicates in an application that it wishes to offer higher education course/s to international students, registration under ESPRA/ESOS will be assessed at the same time. Providers intending to offer higher education courses to international students must also address the requirements outlined in Part B of this document.

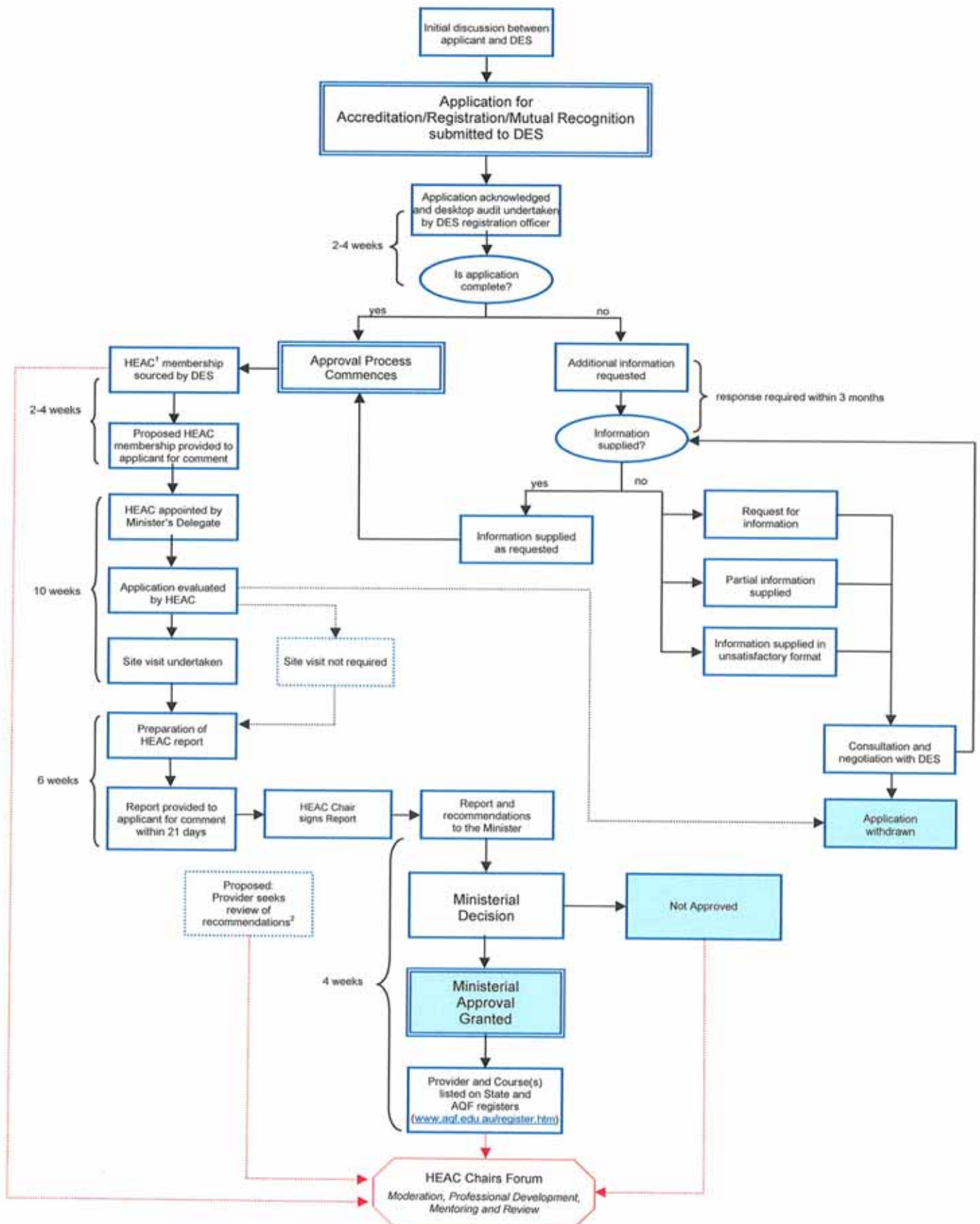
3.6 Timelines

Applications can be made at any time and as a general rule providers should allow at least six months for an outcome. The time taken by the Department to assess an application is subject to a number of factors and may vary considerably depending on the quality, complexity and completeness of the application, degree of follow up required of outstanding matters, and availability of suitable persons to sit on the HEAC.

3.7 Process for Approval (Also refer to sections 9-16 – National Guidelines for Higher Education Approval Processes)

The diagram overleaf describes the process for approval of new providers under the legislation.

Higher Education Approval Process



¹ Higher Education Advisory Committee

² subject to legislative changes to the *Higher Education Act 2004* in 2009

3.8 Change of Ownership (Also refer to Section 14.2 – National Guidelines for Higher Education Approval Processes)

The Regulations require that when there is to be a change of ownership of the recognised course provider, the provider must notify the Minister in writing at least 30 days in advance of the proposed change. A penalty of \$5,000 may be imposed for breach of this requirement.

3.9 Change of Other Particulars (also refer Section 14.2 – National Guidelines for Higher Education Approval Processes)

The Regulations require that a provider notify the Minister in writing of any material change in particulars that were included in the application within 30 days after the change occurs. Changes to a course or a provider's operation may affect the accreditation status of the course. A penalty of \$5,000 may be imposed for breach of this requirement.

Material changes include, but are not limited to:

- the name of the recognised course provider;
- the business name of the recognised course provider;
- significant change in educational requirements in terms of a significant departure in content or mode of delivery to that proposed in the most recent accreditation application (e.g. adding distance education offering, deleting or adding a course major);
- withdrawal of affiliation or recognition by a key professional body;
- substantial change in physical plant, clinics, laboratories or libraries (e.g. closure of computer facilities on site, natural disaster necessitating reconstruction of laboratories or clinics);
- substantial change involving students, teaching staff, administration, governing body (e.g. significant reduction in number of full time staff, substantial change in student admission policies or student grading systems; substantial revision in size and composition of governing body);
- substantial change in financial/ethical arrangement (e.g. declaring bankruptcy, serious legal, financial or ethical investigations, misrepresentations to students and public); and
- change of location or address of campus.

3.10 Monitoring (also refer to Section 13 – National Guidelines for Higher Education Approval Processes)

As part of monitoring obligations under the Act (Sections 18 (4-6) and 22 c), the Minister may require a provider to provide access to premises or to provide information to determine whether or not conditions set at the time of registration are being MET.

3.11 Fees for Registration and Accreditation (also refer to Section 5 – National Guidelines for Higher Education Approval Processes)

The *National Protocols* provide for fees to be charged and reasonable costs to be met and recommend that fees be nationally consistent. Fees for registration and accreditation in Western Australia have recently increased by amendment to the Regulations and are outlined in the following tables. **It should be noted however that the Department will seek further amendments to the Regulations in**

2009/2010 that will broaden the provisions for fees to be charged to include renewals and major change.

All applications for registration (including mutual recognition) and accreditation must be accompanied by the appropriate (non-refundable) application fee. A downloadable [Tax Invoice](#) is available on the Department's website and must be completed and submitted with the application. The preliminary review of the documentation by the Department will not commence until the application fee has been received.

The applicant will be invoiced for the appropriate registration and/or accreditation assessment fee(s) following the preliminary meeting of the HEAC. Fees should be paid within 30 days by cheque or electronic funds transfer (EFT). There is discretion within the Regulations to waive all or part of a prescribed fee.

FEES SCHEDULE

In accordance with the *Higher Education Act 2004* and *Higher Education Regulations 2005* fees will be charged for applications for registration of non self-accrediting higher education institutions and accreditation of higher education courses in Western Australia.

Fees are based on partial cost recovery for Departmental resources as well as costs associated with the establishment of Higher Education Advisory Committees and payment of members.

Application Fee

Application Fee (per institution)	\$1,500
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Assessment Fee(s) for Registration as a Non Self-Accrediting Institution

Award	<i>based on highest level of award in each field of study</i>	
Diploma	\$3,670	
Advanced Diploma	\$3,670	
Associate Degree	\$4,400	
Bachelor Degree	\$7,790	
Graduate Certificate	\$4,400	
Graduate Diploma	\$4,400	
Masters Degree	\$7,790	
Doctoral Degree	\$7,790	

Assessment Fee(s) for Accreditation of Higher Education Courses

Award	<i>based on highest level of award in each field of study</i>	<i>for each additional course</i>
Diploma	\$4,400	\$1,100
Advanced Diploma	\$4,400	\$1,100
Associate Degree	\$4,400	\$1,100
Bachelor Degree	\$5,650	\$1,400
Graduate Certificate	\$4,400	\$1,100
Graduate Diploma	\$4,400	\$1,100
Masters Degree	\$6,250	\$1,760
Doctoral Degree	\$6,250	\$1,760

PART B

4. ADDITIONAL REGISTRATION REQUIREMENTS FOR REGISTRATION ON CRICOS

4.1 Overview

The Department of Education Services is committed to maintaining Western Australia's excellent reputation as an internationally recognised study destination for international students.

International Education is significantly important to the national economy. Each year a growing number of overseas students travel to Australia to study in a broad range of institutions. International students offer substantial economic, social and cultural benefits to our society. The Department ensures that all Western Australian registered institutions provide quality education and training services and that the standards of delivery will be monitored for compliance.

Education and training providers that intend to recruit, enrol or deliver courses to international students must be registered on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS) - <http://cricos.deewr.gov.au/>. CRICOS lists all providers registered to deliver courses to international students and the courses they are approved to offer.

CRICOS forms part of a larger database – *Provider Registration Information Management System* (PRISMS) which allows providers to confirm the enrolment of international students. All Australian visa posts and diplomatic missions have access to PRISMS and use the confirmation of enrolment to ensure that the student will be enrolling in a bona-fide institution and an approved course.

In order to be registered on CRICOS, providers must be registered under the State Act – *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* (ESPRA) and must also meet the requirements of the Commonwealth Act – *Education Services for Overseas Students Act 2000* (ESOS).

When a provider lodges an application to be registered the Department assesses compliance against both the State and Commonwealth legislation.

The purpose of ESPRA is two fold. Firstly, it serves to protect the interests of international students by ensuring that providers are financially viable and have systems in place to safeguard students' pre-paid fees. Secondly, it also provides a quality assurance mechanism to ensure that providers meet basic standards in relation to student welfare, contractual material, resources and course accreditation.

The ESOS is administered by both the State and Commonwealth Governments through a cooperative regulatory model. The State Government has delegated responsibility to ensure that providers meet some of the requirements of the ESOS, in particular the standards in the related *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students*. The National Code, which is a legally enforceable document has been introduced to develop a more consistent approach to provider registration throughout Australia.

The ESPRA and ESOS is also complemented by the *Migration Act 1958* and related Regulations which is administered by the Department of Immigration and Citizenship (DIAC). The Act sets the framework for student entry and imposes certain conditions on students with respect to visa compliance.

It should be noted that the ESPRA and ESOS are designed to capture only those providers that wish to enrol student visa students, as defined under the *Migration Act 1958*. Organisations that wish to provide informal education and training services to visitors, tourist or temporary residents may do so for a limited period (up to three months) without the need to register under ESPRA/ESOS. In these cases, the education and training should be less than 20 hours per week and these organisations must not claim that they are willing or able to enrol student visa students.

4.2 Registration Period and Charges

The Department can register an institution under ESPRA for a maximum of 5 years. The registration period will normally be tied to the period of registration under the *Higher Education Act 2004*.

In addition to the fees applicable to registration under the *Higher Education Act 2004*, institutions seeking to enrol international students are also required to pay a non-refundable registration fee. Fees have recently increased by amendment to the ESPRA Regulations and apply as follows:

\$270 – if total international student enrolments are 9 or less; or

\$675 – if total international student enrolments are 10 or more.

A [Tax Invoice](#) is downloadable from the Department's website and must be completed and submitted with the application.

The prescribed fee applies to one registration period and is also payable upon renewal of registration. Please note that the Commonwealth charges an annual fee for registration on CRICOS. This fee is collected by DEEWR.

An institution which has paid a fee of \$270 to take 9 or less international students per calendar year and wishes to change its registration to take 10 or more students, must advise the Department in writing. An invoice for the balance of \$405 will be forwarded to the institution for payment.

4.3 Renewal of Registration

If registration under ESPRA is tied to the period of registration under the *Higher Education Act 2004*, renewal of registration will be progressed as part of a single process, however, fees applicable to each process will need to be paid separately.

4.4 Specific State Requirements for Refund Policies

Institutions must submit a copy of their refund policy as part of the registration procedures. The refund policy submitted to the Department must be the one provided to students as part of the contract documentation referred to in 4.13 (Contracts).

Institutions are required to include in their refund policy reference to all fees paid in advance by the student, including fees for accommodation services arranged through the institution.

All types of refunds must be calculated on the fees applicable to 20 weeks (a semester) as the maximum unit of time. Where the education service is less than 20 weeks, the refund should be calculated against the fees applying to that shorter education service.

The refund policy must include the following:

- the specified period(s) within which a student must notify the institution of intention to withdraw;
- the percentage of fees retained by the institution if withdrawal occurs before or within a specified period(s);
- the percentage of fees retained by the institution if certain events occur (eg visa not issued, education service not offered);
- the percentage of fees to be refunded to the student in relation to the segment of the semester or education service that has not commenced;
- the refund which will be paid to students who are requested to leave either the institution or Western Australia due to a breach of international student visa conditions; and
- the refund which will be paid to students who are requested to leave the institution due to a serious breach of the institution's rules.

Providers must ensure that all categories listed in the column headed "Reason for Refund" in **Appendix B1** of this document are addressed in their refund policy.

Refunds for fees paid in advance for accommodation services arranged through the institution (e.g. on site or off site boarding facilities, homestay or other accommodation provided) must be included as part of the refund policy or form part of a separate written agreement with an international student. A written agreement for accommodation services must, where appropriate, include aspects referred to in 5.11.2 (1-6).

To avoid disputation, institutions are advised to have procedures to notify students formally when they are at risk of termination due to non-compliance with student visa conditions or institution rules. Institutions should give particular consideration to increasing the amount of refund otherwise due to, or waiving the requirements for, those students who are forced to withdraw for reasons of a compassionate nature or where the reasons are deemed to be reasonable and genuine.

Normally refunds are made payable to the institution to which a student is transferring or, in the case of a student not continuing studies, made to the student's home account and are made immediately following their departure from Australia.

4.5 Complaints and Appeals Procedure

Providers must provide a copy of their complaints and appeals procedure for international students. This policy and procedure must be in line and include the matters listed under Standard 8 of the National Code, including arrangements for referral to an external body or person to hear the complaint. Reference must be made to the availability of the Conciliator, located at the Department, to help the

parties resolve the dispute themselves through mediation and conciliation, as part of the provider's internal process.

4.6 Conciliator

Further matters to address with respect to grievance procedures and information about the Conciliator are contained in **Appendix B2** of this document.

It should be noted that the Conciliator cannot be nominated as the external body or person referred to in Standard 8 of the National Code. The role of the Conciliator is to assist the parties to resolve the dispute themselves through mediation and conciliation, as part of a provider's **internal** complaints and appeals process.

4.7 Conditions of Registration

Under section 15 of ESPRA the Department may impose, at the time of registration, certain conditions on providers. These conditions appear on the registration certificate issued by the Chief Executive Officer and providers are legally obliged to meet these conditions in order to maintain registration.

4.8 Financial Viability / Fit and Proper Test for Non-Exempt Providers

Institutions are required to demonstrate sufficient financial and other resources available to comply with the requirements of ESPRA. **Appendix B3** outlines the information that providers must submit as part of their application.

As a condition of registration and in line with the Department's monitoring obligations, providers may be required to have their financial accounts audited annually. In some cases the Department may impose more stringent conditions which require a provider to submit additional financial information such as unaudited management accounts and projections.

The Department also has a legal responsibility to ensure that an applicant is fit and proper, of good character and repute and check the history of the provider, their associates and high managerial agents. Please ensure that all Directors complete the proforma statutory declaration available at http://www.des.wa.gov.au/files/pdf/Statutory_Declaration_Sep07.pdf

4.9 Appointment of an Auditor (Private Providers)

A letter of acceptance is required from a registered company auditor who is to submit an annual audit on affairs relating to international students as required under Sections 22-25 of ESPRA. See paragraph 1.7 in **Appendix B3** of this document.

4.10 Contact Person for Matters Concerning International Students

Provide the name and address of the person nominated by the Principal Executive Officer normally responsible for matters concerning registration to provide courses to international students. This person must be authorised to make decisions, act on behalf of the provider and is contactable during normal business hours.

4.11 Provider History

This section relates to the Fit and Proper requirements of the ESPRA/ESOS. Please indicate whether, and if so when, the provider has previously been registered on CRICOS either in WA or another jurisdiction. If registration has ceased, please provide reasons.

4.12 Outstanding Sanctions

This also relates to the Fit and Proper requirements of the ESOS. Please indicate whether or not there are any sanctions outstanding in relation to Section 6 of the ESOS Act, the nature of the sanctions (i.e. suspension, conditions, infringement notice, the provider to which the sanction/s relate and the States in which the provider operates.

4.13 Refusal of Registration

Please indicate whether or not the provider has been refused registration by DEEWR or by another registration authority in another Australian jurisdiction.

4.14 Contracts

Please provide a copy of any documentation, used or intended for use, between international students and the institution, containing:

- terms and conditions for the services to be provided,
- details of rights conferred and responsibilities conferred on either party (e.g. institution rules).

Collectively, the following documents ordinarily comprise the contract between the institution and the student:

- letter of offer;
- a copy of the application form(s);
- a copy of the refund policy, including a copy of the policy relating to accommodation services where applicable;
- electronic confirmation of enrolment.

The documents comprising the contract between an international student and an institution or its agent must be made available to the student at the time of formal application for enrolment. The contract may be incorporated into the application form or may be one or more separate documents.

The contract should be signed by the student or a parent/legally appointed guardian on behalf of a student under the age of 18 and by the agent acting on behalf of the institution or by a person authorised by the institution.

The contract should contain a statement to the effect that the conditions of the contract have been explained to the student/parent signing the contract. Where the student/parent does not understand English, the statement should indicate that a copy of the contract is provided in the student's/parent's language or that the explanation was in the student's/parent's language. An example is provided below:

"I confirm that I have read and understand these documents. I confirm that the terms and conditions of this offer have been explained to me in my own language, and/or that copies of the documents were available to me, in my own language".

In formulating the contract providers must consider and include the items covered in standards 1, 2, 3 and 4 of the National Code and the Explanatory Guide to the National Code.

4.15 Agents

If it is intended that agents will be engaged to recruit international students please submit a copy of a proforma agent agreement and the underpinning policy for the selection, education and counselling/termination of agents. This underpinning policy must be formulated in line with Standard 4 of the National Code and the related sections of the Explanatory Guide.

4.16 English Language Proficiency

Providers must submit documented procedures which indicate how the provider will assess the student's qualifications, experience and English language proficiency prior to enrolling the student. The policy must include the key staff involved in assessing the student, the documentation that students must submit to make that assessment and how overseas qualifications will be verified.

Samples of information or promotional material specifying the entry level, academic and English language requirements for the course must also be submitted.

Non-government schools must advise whether or not appropriate ESL support services are available to international students. Should these support services not be directly available through the institution, what alternative arrangements have been made by the school to ensure international students have access to appropriate ESL support commensurate with their studies or referral to an ELICOS institution.

4.17 Student Support Services

Providers must submit details of the support services available to international students in line with Standard 6 of the National Code and the related sections of the Explanatory Guide. Specifically providers must submit:

- details of counselling arrangements, whether on site or provided offsite and how students gain access to counselling;
- a copy of the orientation program and if provided, an orientation pack;
- name and position of the student contact officer as per standard 6.5 of the National Code;
- a copy of the provider's critical incident policy.

4.18 Transfer Policy

Please submit a copy of your policy for assessing student requests for transfer to another registered provider in accordance with Standard 7 of the National Code. The transfer policy must contain the items listed under Standard 7.2 of the National Code.

4.19 Course Credit

A course credit policy in line with Standard 12 of the National Code must be submitted.

4.20 Policy for Deferment, Suspension or Cancellation of a Student's Enrolment

Providers must submit the documented policy and procedure for deferment, suspension and cancellation of enrolment in line with Standard 13 of the National Code.

4.21 Commonwealth Consumer Protection Requirements

4.21.1 Tuition Assurance Scheme (Section 22 of ESOS)

Non-exempt providers are normally required to be members of a TAS as part of the registration requirements of ESOS. However, non-exempt providers may seek exemption from TAS membership by way of an indemnity agreement, bank guarantee or ministerial exemption. Further information is available on the DEEWR website at http://aei.dest.gov.au/AEI/ESOS/Tuition_Assurance_Scheme.htm .

If you already have TAS membership, please submit evidence in the form of a letter from the TAS confirming your membership. If you have yet to become a member of a TAS please confirm in writing that you have taken steps to identify a suitable TAS.

4.21.2 ESOS Assurance Fund (Part 5 of ESOS)

Non-exempt providers must make an annual contribution to an assurance fund managed on behalf of DEEWR by PriceWaterhouse Coopers. The contribution amount is determined by the Fund Manager following a risk assessment of a provider. The risk assessment criteria are determined by the Contributions Review Panel comprising industry representatives. Further information about the fund is available at <http://esosassurancefund.com.au/> .

The relevant sections of the Commonwealth legislation can be accessed at www.aei.dest.gov.au/esos .

APPENDIX B1

ADDITIONAL REFUND SPECIFICATIONS THAT PROVIDERS MUST OBSERVE

Institutions should consider more generous terms or conditions for its refunds to students, however, registration requirements are such that institutions cannot claim any more than that set out in the following table.

Note: For Education Services longer than 20 weeks, refunds must be calculated on the fees applicable to 20 weeks (a semester) as the maximum unit of time. Where the Education Service is less than 20 weeks, the refund should be calculated against the fees applying to that shorter Education Service.

EDUCATION SERVICE DURATION GREATER THAN 10 WEEKS		
Reason for Refund	Notification Period	Refund
Student's application for a student visa unsuccessful	before semester/Education Service commences	Full refund (less maximum of \$230 for administrative expenses).
Student with a student visa withdraws	more than 10 weeks before semester/Education Service commences	Full refund (less maximum of 10% or \$1000, whichever is the lesser, for administrative expenses).
	more than 4 weeks and up to 10 weeks before semester/Education Service commences	70% of a semester's fees.
	4 weeks or less before semester/Education Service commences	40% of a semester's fees. (less maximum of 10% or \$1000, whichever is the lesser, for administrative expenses).
	after semester/Education Service commences and during first 4 weeks	30% of a semester's fees (less maximum of 10% or \$1000, whichever is the lesser, for administrative expenses).
If a provider withdraws offer, fails to provide program offered or terminates an Education Service	before semester/Education Service commences	The provider default provisions of the Commonwealth ESOS Act 2000 apply.
	after semester/Education Service commences	
If a provider withdraws a student from an Education Service because the student has seriously breached international student visa conditions or provider's rules	after semester/Education Service commences	No refund of the semester's fees and not less than 40% of fees applicable to a subsequent semester.*

***This applies to a maximum of two semesters only. For example, a student who has paid for more than two semesters in advance and withdraws during semester 1 more than four weeks before the commencement of semester 2, would expect no refund of semester 1 fees, at least 40% of semester two fees and a full refund of fees paid for any subsequent semester.**

ADDITIONAL REFUND SPECIFICATIONS THAT PROVIDERS MUST OBSERVE

EDUCATION SERVICE DURATION 10 WEEKS OR LESS		
Reason for Refund	Notification Period	Refund
Student's application for a student visa unsuccessful	before semester/Education Service commences	Full refund (less maximum of \$230 for administrative expenses).
Student with a student visa withdraws	more than 10 weeks before semester/Education Service commences	Full refund (less maximum of 10% or \$1000, whichever is the lesser, for administrative expenses).
	more than 4 weeks and up to 10 weeks before semester/Education Service commences	70% of a semester's fees.
	4 weeks or less before semester/Education Service commences and after semester/Education Service commences	No refund is required.
If a provider withdraws offer, fails to provide program offered or terminates an Education Service	before semester/Education Service commences	Full refund (less maximum of \$230 for administrative expenses unless offer had been based on incorrect information from the student, then provider can retain up to \$600).
	after semester/Education Service commences	Refund, pro rata, the unearned portion of 55% of the semester's fees.
If a provider withdraws a student from an Education Service because the student has seriously breached international student visa conditions or provider's rules	after semester/Education Service commences	No refund required

APPENDIX B2

ADDITIONAL INFORMATION WITH RESPECT TO THE ROLE OF THE CONCILIATOR

Either party may consult the Independent Conciliator at any stage during a dispute as part of a provider's internal complaints and appeals process. The Conciliator will not become actively involved in the matter until the parties have made an initial attempt to resolve the dispute between themselves.

The Conciliator is a suitably qualified person appointed by the Department to recommend appropriate action in disputes referred for conciliation.

The Conciliator will deal with issues relating to:

- institutions' services and facilities;
- content and standard of Education Services;
- amount of refunds paid to students;
- quality of instruction;
- academic progress of students;
- the conduct of international students;
- welfare services;
- information concerning part-time employment opportunities;
- accommodation provided by or advertised by an institution;
- suspension and expulsion of overseas students;
- any other matters deemed appropriate by the Conciliator.

The processes and practices used by the Conciliator include:

- hearing grievances from international students and from institutions with international students;
- mediating and conciliating the resolution of grievances;
- chairing informal groups representing particular sectors of the industry where grievances are of a nature that they require particular expertise and knowledge;
- advising students and institutions of further legal channels available to them;
- liaising with institutions on matters concerning the provision of pastoral care and counselling for international students offered by the institutions;
- liaising with institutions on the procedures for resolving grievances offered by the institutions;
- liaising with relevant welfare agencies and other relevant bodies on matters which concern or may concern international students;
- maintaining a public relations function with institutions and agencies on matters which concern or may concern international students;
- providing periodic reports to the State Minister for Education on the nature and number of grievances.

APPENDIX B3

FINANCIAL VIABILITY, FIT AND PROPER TEST AND THE SAFEGUARDING OF PRE-PAID FEES

NON EXEMPT PROVIDERS

In accordance with either Section 9, 10 or 11 of the ESPRA, providers are required to demonstrate that they have sufficient financial and other resources available to comply with the requirements of the ESPRA. Information requested from providers is listed in the following schedule.

Before registration, providers must satisfy the State and Commonwealth that they are fit and proper and of good character and repute. Providers must also declare any past history of themselves and their associates (convictions, suspensions, cancellations).

Schedule of Financial Requirements for Non-exempt Providers Applying for Registration to Enrol International Students

1 PROVIDERS MUST SUBMIT THE FOLLOWING:

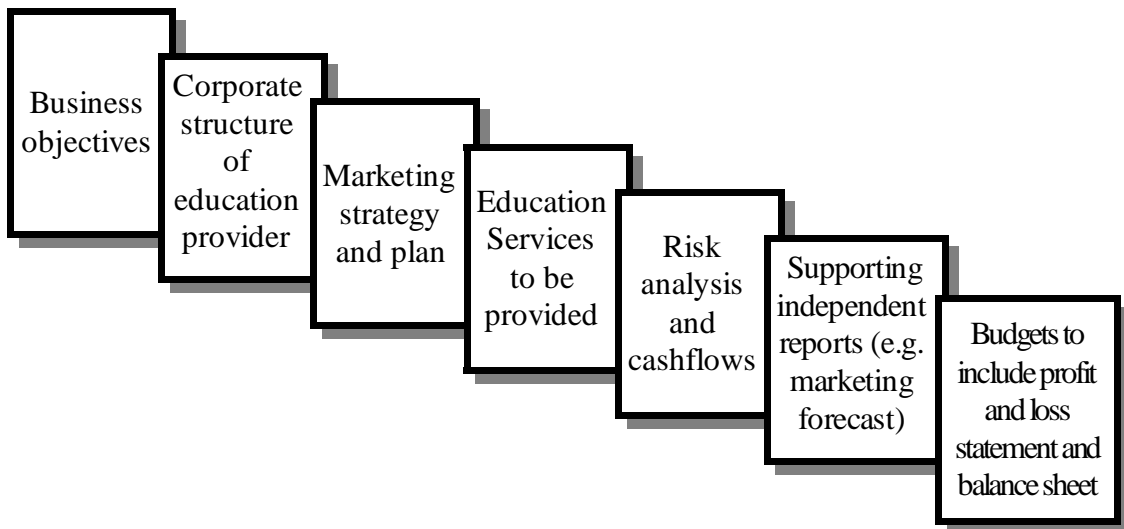
1.1 Certificate of Incorporation and/or Certificate of Registration of Business Name

1.2 Organisational chart

Please attach a current organisational chart showing lines of authority in the organisation, responsibility and allocation of functions, and role of each staff member in the organisation's education and training system.

1.3 A business plan for the next three years of operation.

The business plan should incorporate the following:



1.4 A statement of solvency with a list of:

1.2.1 assets;

1.2.2 liabilities; and

1.2.3 contingencies and commitments (e.g, legal claims against companies and capital items - including all lease and rental commitments).

1.5 A statement that the business is not held in trust for other persons, corporations or trust (if applicable).

1.6 Audited financial statements

For the previous financial year.

1.7 Unaudited management accounts

No more than 2 months old, unless audited accounts are available for the same period.

1.8 Other financial matters

Any other financial matters not covered above, e.g. former bankruptcy.

1.9 Auditor

1.9.1 A letter of acceptance of the audit responsibility from the person appointed as auditor for the institution for the purposes of the ESPRA. Evidence should be included to show that the person is a registered company auditor within the meaning of the Corporations Law.

1.9.2 The auditor should not be from the firm providing the accounting service to the institution nor a person with a vested interest in the institution.

2 FIT AND PROPER TEST/PROVIDER HISTORY

Institutions applying for registration are required to complete the statutory declaration enclosed with the application papers.