Education Services for Overseas Students

Streamlined registration

In December 2015 the Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015 passed through Parliament to amend the Education Services for Overseas Students Act 2000 (ESOS Act). The changes to streamline the registration process will take effect on 1 July 2016.

Overview

- The Australian Skills Quality Authority (ASQA), the Tertiary Education Quality and Standards Agency (TEQSA) and the Secretary of the Department of Education and Training will be referred to as the ‘ESOS agency’.
- As ESOS agencies, TEQSA and ASQA will have direct powers to regulate higher education and vocational education and training providers respectively under the ESOS Act.
- The Department of Education and Training will be the ESOS agency for school providers. The state and territory authorities maintain their role of recommending school providers for registration and monitoring compliance under the ESOS Act but will now be referred to as the ‘designated state authority’ (DSA).
- ESOS agencies can now register providers for up to seven years under the ESOS Act, and align a provider’s ESOS registration and domestic registration. As a result, ESOS agencies may request information for a provider’s registration only once, for both domestic and ESOS registration.
- Where an ESOS agency or a designated state authority takes action against a provider relating to their domestic registration and accreditation, the ESOS agency can take the same action against a provider under the ESOS Act.

Benefits for providers

Changes to registration processes will create a more seamless system, saving time and money for providers. ESOS agencies will be able to use information or documents obtained for a provider’s domestic registration for ESOS purposes as well. This minimises requests for information from providers and ensures information can be provided once and used many times.
The ESOS agency will also be able to determine the period of registration for a provider up to seven years, to align with its domestic registration. This will mean providers benefit from only having to prepare for one registration process.

**How will streamlined registration operate?**

Providers will apply directly to their ESOS agency to register, renew their registration or add courses at locations to their existing registration.

Schools will still go through their state or territory’s assessment process before their registration is approved by the ESOS agency. Their DSA will recommend the provider’s appropriateness for registration, or not, as well as any conditions that should be placed on the provider’s registration.

Under the current arrangements for school providers, the designated authority gives the Secretary a certificate of recommendation for registration under section 9AH. Under the changes from 1 July 2016, a ‘DSA assessment certificate’ will be required by the ESOS agency for registration under the new section 11.

For providers to register a new course at a location a ‘DSA recommendation certificate’ will be required under the new section 10H of the ESOS Act.

**About the Education Services for Overseas Students Act 2000**

Australia protects international students through the *Education Services for Overseas Students* (ESOS) legislation, which requires institutions to meet nationally consistent standards to provide education and training services. It also enables the Australian Government to monitor education providers. Breaches of the Act are treated very seriously and the penalties can be significant.

All institutions wanting to deliver courses to international students in Australia must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and meet the registration conditions set out in the ESOS Act. Providers must comply with the ESOS Act and the National Code and, if appropriate, the ELICOS or Foundation Program Standards to meet these conditions. They must be ‘fit and proper’ to be registered and have the principal purpose of providing education. The ESOS agency* must be satisfied that that the provider will provide education of a satisfactory standard to overseas students. Providers must also pay the registration and tuition protection fees that apply to their institution.

*Note: The changes to the ESOS Act creating the concept of an ESOS agency for a provider take effect on 1 July 2016.*