



Legislation Australia

Working With the Regulatory Framework

International students' study in Australia is regulated by Federal and State Government law, as well as industry codes to which your organisation may subscribe. This section provides an overview of government regulations, industry codes and key requirements of education providers and international students under the Education Services for Overseas Students (ESOS) Act 2000.

International Regulatory Frameworks

There is a range of International regulatory frameworks that you may need to be aware of. UNESCO has the DAKAR Framework which makes global statements and objectives. At a meeting in Dakar, Senegal, in April 2000, the participants in the World Education Forum, committed to the achievement of education for all (EFA), goals and targets for every citizen and for every society.

The Dakar Framework is a collective commitment to action. Governments have an obligation to ensure that EFA goals and targets are reached and sustained. This is a responsibility that will be met most effectively through broad-based partnerships within countries, supported by cooperation with regional and international agencies and institutions.

The DAKAR framework asserts education is a fundamental human right. It is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the twenty-first century, which are affected by rapid globalisation.

Other examples of frameworks may be country specific.

Federal Government Regulations

At the Federal Government level two key documents comprise the regulatory framework – the Education Services for Overseas Students (ESOS) Act 2000 and The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The Australian National Code).

The Education Services for Overseas Students (ESOS) Act 2000

This Federal Government Act of Parliament regulates the provision of education and training to international students in Australia. It replaces the ESOS Act 1991. The new ESOS Act 2000 empowers the Minister for Immigration to suspend or cancel a provider's registration to provide education and training to international students.

Further information about the Act is available online: <http://www.dest.gov.au/esos/default.htm>.

The Australian National Code

Established under the ESOS Act 2000, the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students has been effective from 4 June 2001. The National Code replaces the Code of Practice in the Provision of International Education and Training Services established in 1994 by the Ministerial Council on Education, Employment, Training and Youth Affairs.

Further information about the National Code website is available online at http://www.dest.gov.au/esos/National_Code/contents.htm.

State Regulations

At the State level, in Victoria, the provision of Vocational Education and Training (VET) to international students is regulated by the Office of Employment, Training and Tertiary Education (OTTE). OTTE have a quality assurance role, focusing on the quality of education and training services delivered.

Industry Codes

AVCC Code of Ethical Practice

As members of the Australian Vice-Chancellor's Committee (AVCC) and a signatory to The Code of Ethical Practice in the Provision of Education to International Students by Australian Higher Education Institutions, universities are committed to the development and maintenance of consistent, appropriate and culturally sensitive procedures and practices in relation to the recruitment, reception, education and welfare of international students. See the website for details
<http://www.avcc.edu.au/index.asp>

Key Requirements of Education Providers and International Students

Education providers

- Under the ESOS Act and The National Code, key requirements an organisation are bound to include
- The integrity and accuracy of marketing of education and training services;
- Competent, informed and reputable representation by appointed agents;
- The provision to prospective students of a full range of information relating to academic programs,
- English language proficiency and qualifications and/or work experience requirements for program entry, facilities, resources, teaching and assessment methods, learning resources, fees payable, refund arrangements, living and accommodation arrangements and support services;
- Ensuring appropriate teaching staff deliver and assess all programs registered on the Commonwealth Register of Courses and Institutions for Overseas Students (CRICOS).
- The maintenance of detailed and accurate records in relation to admission, enrolment, academic performance and in VET and schools and ELC's, attendance;
- The provision of appropriate support services delivered by suitably qualified staff including arrival and accommodation services; orientation and returning home programs; promotion of on-campus student and local community networks and facilitating the 'mixing' of local and international students;
- The provision of counselling and advisory services by suitably qualified staff;
- The provision of English language and study skills support programs;
- Having specific accommodation and welfare arrangements in place for students under 18 years of age.

International students

Under the ESOS Act and the National Code, international students are required to:

- Maintain full-time enrolment;
- Attend at least 80% of scheduled course (subject) hours across all courses;
- Make satisfactory academic progress;
- Keep their educational institution informed of their residence of abode at all times.

Frequently Asked Questions - The ESOS Act 2000

Check the Frequently Asked Questions for International Students:
<http://www.dest.gov.au/esos/default.htm>

Regulations at your local level

You need to check for any policy and procedural guidelines in relation the enrolment, support and management of the academic progress of international students at your institution.