



Australian Government  
Australian Skills Quality Authority

# National Regulation of ELICOS Providers

## ELICOS provider briefing sessions

### October – December 2012

Mr Chris Robinson, Chief Commissioner, ASQA | Ms Dorte Kristoffersen, Commissioner, TEQSA



Australian Government  
Tertiary Education Quality and Standards Agency

# National regulation

ASQA and TEQSA were established to provide consistent and effective national regulation of vocational education and training and higher education across Australia in their respective jurisdictions.

National regulation is intended to:

- ensure that students, employers and governments have full confidence in the quality of education and training
- strengthen Australia's international education sector, and
- streamline regulation for providers.

# Establishment of TEQSA

The Australian Government determined the establishment of a national higher education regulator following the *Review of Australian Higher Education* (the Bradley Review) in 2009.

TEQSA regulates higher education, CRICOS and ELICOS providers.

TEQSA has regulated CRICOS-registered higher education providers since January 2012.

# Establishment of ASQA

The Council of Australian Governments (COAG) determined the establishment of a national VET regulator in 2009.

ASQA began operations in July 2011.

- The states progressively referred powers to ASQA between July 2011 – July 2012.
- Vic and WA maintain responsibility for providers who do not deliver to international students or across jurisdictions.

ASQA now regulates approximately:

- 4100 training providers and course owners
- 600 CRICOS providers
- 147 ELICOS providers.

# ELICOS providers

Total of 216 ELICOS providers. Approximately:

- 72 are VET/ELICOS providers regulated by ASQA
- 45 are higher education/ELICOS providers regulated by TEQSA
- 77 are stand-alone ELICOS providers
  - 62 regulated by ASQA based on entry arrangements
  - 15 regulated by TEQSA based on entry arrangements
- 22 are multi-sector ELICOS providers (VET and higher education)
  - multi-sector providers need to comply with both ASQA and TEQSA legislation
  - 13 will be managed by ASQA
  - 9 will be managed by TEQSA

# Legislation and standards

To be registered on CRICOS, ELICOS providers must meet the requirements of:

- the *Education Services for Overseas Students Act 2000* (ESOS Act)
- the *Education Services for Overseas Students Regulations 2001* (ESOS Regulations)
- the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (National Code)
- the National standards for ELICOS providers and courses (ELICOS Standards) as defined by the ESOS Act.

# ASQA and TEQSA legislation

If ELICOS providers are also VET providers, they also need to comply with:

- the *National Vocational Education and Training Regulator Act 2011* (the NVR Act).

If ELICOS providers are also higher education providers, they also need to comply with:

- the *Tertiary Education Quality and Standards Agency Act 2011* (the TEQSA Act).

# Main features of the ESOS Act

The ESOS Act sets out the legal framework governing delivery of education to overseas students studying in Australia on a student visa.

- **Part 2** outlines the requirement to be registered to provide courses to overseas students
- **Part 3** outlines obligations on registered providers re conduct, fees, provision of information, agents and study periods
- **Part 4** outlines purpose and implementation of the National Code
- **Part 5** outlines tuition protection scheme (TPS)
- **Part 6** outlines the range of enforcement actions available to the Minister
- **Part 7** outlines rules for authorities to monitor and search providers
- **Part 8** outlines miscellaneous issues relating to ESOS authorities including ability for Minister to delegate powers (such as recent delegation to ASQA and TEQSA).

# Main features of the National Code

The National Code outlines nationally consistent standards for the conduct of CRICOS registered providers and the registration of their courses.

- **Standards 1 – 4** outline the requirements for pre-enrolment engagement of students, including marketing and education agents
- **Standards 5 – 6** outline the requirements of caring for and providing services to students, including younger students
- **Standards 7 – 8** outline the requirements of treating students as consumers, including transfers and complaints
- **Standards 9 – 13** outline requirements of the student visa programme
- **Standards 14 – 15** outline the requirements on staff, educational resources and premises.

# Main features of the ELICOS Standards

The ELICOS Standards outline sector specific requirements to be met by providers delivering ELICOS courses, in addition to National Code requirements.

- **Standard C1** outlines requirements for ELICOS course applications
- **Standards P1** outlines requirements around scheduled course contact hours
- **Standards P2** outlines requirements of managing the needs of younger ELICOS students
- **Standards P3 and P4** outline the requirements for the teaching and assessment of ELICOS
- **Standards P5 to P7** outline the requirements for ELICOS educational resources, staff and premises
- **Standard P8** outline the requirements for business management (including financial viability).

# New ELICOS regulatory arrangements

- On 1 July 2012 the Australian Government delegated regulatory responsibility for ELICOS to ASQA, TEQSA and state and territory governments.
- The decision is outlined in the *ESOS (Designated Authority) Determination 2012 (No.1)*.
- ASQA and TEQSA now have decision-making responsibility on provider compliance with the ESOS Act rather than providing advice and recommendations to the Minister.
- These responsibilities include:
  - approving CRICOS initial registration
  - approving CRICOS renewal of registration
  - approving amendments to CRICOS scope of registration
  - monitoring and enforcement under the ESOS Act.

# Regulator map

| ASQA   | TEQSA  | State/territory regulators   |
|--|--|--|
| <p>CRICOS</p> <ul style="list-style-type: none"><li>• RTOs</li><li>• ELICOS providers (except when delivered in schools, higher education or a pathway arrangements to higher education)</li></ul> | <p>CRICOS</p> <ul style="list-style-type: none"><li>• Higher Education providers</li><li>• ELICOS providers (where ELICOS is delivered in pathway arrangement to higher education)</li></ul> | <p>CRICOS</p> <ul style="list-style-type: none"><li>• Schools</li><li>• ELICOS (where delivered in schools)</li><li>• Non-award courses i.e. aviation and religion</li></ul> |

# Clarifying regulator responsibility

- ASQA and TEQSA have undertaken a process to allocate a single regulator to each ELICOS provider.
- Specific VET and higher education ELICOS providers have been advised of the appropriate regulator.

# Stand-alone ELICOS providers

- A joint ASQA and TEQSA letter was sent to stand-alone ELICOS providers in September seeking information about entry arrangements.
- Based on the information received, a single regulator has been allocated to each institution covering all CRICOS provider codes.
- PRISMS will be updated with the allocated regulator against each provider record.

# Multi-sector providers

Multi-sector providers must comply with ASQA and TEQSA requirements since both VET and higher education courses are being delivered.

To streamline regulatory processes:

- 13 multi-sector providers will have their ELICOS courses managed by ASQA
- 9 multi-sector providers will have their ELICOS courses managed by TEQSA
- Work is underway to develop more streamlined processes to regulate multi-sector providers.

# Requirements of compliance

- Both ASQA and TEQSA are committed to an evidence-based and risk-based approach to regulation.
- ASQA and TEQSA require providers to demonstrate how they comply with the legislative requirements.
- Evidence to demonstrate compliance is not prescribed – this is to allow for flexibility and innovation in the way education and training is delivered.

# Communication with ELICOS providers

ASQA and TEQSA are committed to communicating with ELICOS providers about specific ELICOS issues.

This will take place through:

- direct communication with providers through regular communiqués and ELICOS provider briefing sessions such as these, and
- liaison with peak bodies, English Australia and ACPET – an ELICOS provider forum has been established with these groups and ASQA and TEQSA.

# Communication with ELICOS providers

## ASQA

An ELICOS Info line has been established with a dedicated ASQA service officer.

- Call the Info line on **1300 701 801** and **select option 3**.
- Email **enquiries@asqa.gov.au** and specify it is an ELICOS enquiry.

## TEQSA

Provider Case Manager Model.

# ELICOS enquiries

The number of enquiries from ELICOS Info line:

- 302 phone calls
- 98 emails.

Main type of enquiries:

- clarification on jurisdiction (ASQA or TEQSA)
- general application assistance (what application to use, evidence requirements, etc)
- information on ELICOS Standards
- clarification on role of NEAS.