

# ESOS Compliance Commitment Policy

## Section 1 - Purpose and Scope

### Context

(1) The [Education Services for Overseas Students Act 2000 \(ESOS Act\)](#) and its associated legislative instruments set out the legal framework governing delivery of education to international students studying in Australia on a student visa. The ESOS Act regulates the education sector's involvement with international students, protects and enhances Australia's reputation for quality education and provides tuition protection for international students.

(2) The [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(National Code\)](#) was established under the ESOS Act and sets nationally consistent standards that oversee the protection of international students and delivery of courses to those students by providers registered on the [Commonwealth Register of Institutions and Courses for Overseas Students \(CRICOS\)](#). The ESOS legislative framework is administered by federal and state agencies including the Department of Education and Training (DET), the Department of Human Affairs, and the [Tertiary Education Quality and Standards Agency \(TEQSA\)](#).

(3) As a CRICOS registered provider, the University of Queensland has compliance obligations under the ESOS Act and the National Code. If the University fails to comply with any aspect of the legislation, specific sanctions may be applied, including loss of CRICOS registration and therefore cancellation of its rights to recruit international students.

### Purpose

(4) The purpose of this Policy is to articulate the University's commitment to achieving full compliance with the ESOS legislative requirements. This Policy sets out the basis upon which the University administers the relevant processes and procedures in line with that commitment.

### Scope

(5) This Policy applies to the whole of the University and its associates, including:

- a. all staff members responsible for administration or delivery of courses and student support services to international students;
- b. prospective and current international students;
- c. any person purporting to represent or recruit international students for the University.

## Section 2 - Principles and Key Requirements

(6) The University of Queensland is committed to achieving full compliance with the ESOS legislative requirements, which are designed to safeguard the interests of international students studying in Australia.

(7) The University shall provide clear and consistent support and advice to the UQ community concerning its ESOS obligations and compliance mechanisms.

# Section 3 - Roles, Responsibilities and Accountabilities

## Executive Leadership Team

(8) The Deputy Vice-Chancellor (Academic) provides assurance to the Vice-Chancellor that academic programs, student support services and student progression activities are compliant with the ESOS legislative framework.

(9) The Deputy Vice-Chancellor (Global Engagement) provides assurance to the Vice-Chancellor that marketing and promotional material, and other pre-enrolment activities, comply with the ESOS legislative framework.

## Policy Owners

(10) Heads of organisational units who are owners of governance instruments (policies and procedures) are responsible for ensuring that the relevant academic and operational policies and procedures are compliant with the ESOS Act and the National Code.

## Faculties, Schools and Central Administrative Units

(11) Faculties, schools and central administrative units are responsible for ensuring that relevant business processes are compliant with the eleven Standards under the National Code as outlined in the [ESOS Compliance Commitment Procedure](#).

## All Staff

(12) All staff members are responsible for understanding their obligations under each of the standards outlined in the National Code, and the implications for students arising out of the exercise of these obligations.

(13) All staff must ensure that they comply with the legislation and work in accordance with this Policy statement and all supporting procedures that serve to fulfil the University's obligations under the ESOS Act. Training on ESOS, the National Code and responsibilities under this legislation, is offered through the university staff development program.

# Section 4 - Monitoring, Review and Assurance

(14) This Policy is monitored and reviewed by the Academic Board through the Committee for Academic Programs Policy.

# Section 5 - Recording and Reporting

(15) On an annual basis the University must submit "A Declaration of Compliance" to TEQSA certifying that it is compliant with all the requirements of the ESOS legislation.

(16) Reporting obligations reside with all staff members, whether internal reporting for the purposes of detecting potential or actual risk in relation to compliance, or external reporting as may be required under the legislation.

# Section 6 - Appendix

## Definitions, Terms, Acronyms

| Term                  | Definition  |
|-----------------------|---|
| CRICOS                | <a href="#">Commonwealth Register of Institutions and Courses for Overseas Students.</a>  |
| ESOS Act              | <a href="#">Education Services for Overseas Students Act 2000</a>   |
| International student | Also referred to as overseas student, means a student who is not an Australian citizen or permanent resident, nor a New Zealand citizen, and is enrolled or proposes to enrol at an institution in Australia. Temporary residents of Australia are also classified as international students. |
| National Code         | <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a>   |
| TEQSA                 | Tertiary Education Quality and Standards Agency   |

## Status and Details

|                           |  |
|---------------------------|--|
| <b>Status</b>             | Current  |
| <b>Effective Date</b>     | 5th December 2018  |
| <b>Review Date</b>        | 31st December 2023   |
| <b>Approval Authority</b> | Provost and Senior Vice-President  |
| <b>Approval Date</b>      | 5th December 2018  |
| <b>Expiry Date</b>        | Not Applicable   |
| <b>Policy Owner</b>       | Kathryn Blyth<br>Director, Academic Services Division and Academic Registrar |
| <b>Enquiries Contact</b>  | Office of the Deputy Vice-Chancellor (Global Engagement)                     |