



POLICY NUMBER:	1.21	VERSION NUMBER:	4.1
DATE LAST REVIEWED:	March 2026	NEXT REVIEW DATE:	March 2027
RESPONSIBILITY: Board of Directors			

ESOS COMPLIANCE POLICY

1.0 Purpose

The Commonwealth legislative framework which establishes the minimum requirements for education programs delivered to international students in Australia includes the:

- *Education (Overseas Student) Regulation 1998 (plus amendments)*
- *Education Services for Overseas Students (ESOS) Act 2000 (ESOS Act)*
- *ESOS (Registration Charges) Act 1997*
- *ESOS Legislation Amendment (TPS and Other Measures) Act 2012*
- *ESOS Regulations 2001*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)*

As a collective group, these pieces of legislation and underpinning regulatory documents are known as the ESOS Framework, regulated for the higher education sector by the Tertiary Education Quality and Standards Agency (TEQSA). The purpose of this Policy is to outline how the College will comply with the requirements of this framework.

2.0 Scope

- All international students on a student visa
- All staff – operational and academic, permanent and contract
- All governing body members

This policy does not apply to:

- International students holding any visa other than a student visa
- Students studying entirely online or outside of Australia
- Students holding permanent residency status
- Domestic students

3.0 Policy Statement

The College is a registered provider of higher education courses on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and as such is committed to achieving full compliance with the requirements of the ESOS legislative framework, which are designed to safeguard the interests of international students studying in Australia.

ESOS compliance is a College-wide responsibility and commitment of all staff. Each staff member is responsible for understanding their obligations under the ESOS Act and must ensure that they comply with the legislation in accordance with this Policy statement and all supporting policies, procedures and guidelines that have been developed to support the College's obligations under the ESOS framework.



The College will provide regular training (at least annually) for all staff who deal with international students on the requirements of the ESOS framework and the supporting processes underpinning that compliance in place at the College.

The College will liaise with the Department of Home Affairs (DHA) around the conduct / visa concerns of international students using the Provider Registration and International Student Management System (PRISMS).

Compliance with the ESOS Framework is operationalised through relevant College policies and procedures relating to admissions and enrolment, course progress and attendance, marketing and recruitment, fees and refunds, student support services, complaints and appeals, critical incidents, privacy, and student transfers. These instruments collectively ensure ongoing alignment with the requirements of the ESOS Act and the National Code 2018.

4.0 Responsibilities

- 4.1. The CEO is the Principal Executive Officer of the College and therefore holds ultimate responsibility to ensure the College complies with the ESOS framework.
- 4.2. The Head of Regulation and Accreditation is the key regulatory contact of the College for the CRICOS registration of the institution, and ensures all staff are regularly informed of any changes to requirements. They also report on student misconduct or academic progress concerns via PRISMS.
- 4.3. The Director of Student Operations is responsible for ensuring all student-facing operational staff are aware of the requirements of the ESOS framework and their responsibilities under the Act when dealing with international students. They can also report on student misconduct or academic progress concerns via PRISMS.
- 4.4. The Dean – Higher Education is responsible for ensuring all student-facing academic staff are aware of the requirements of the ESOS framework and their responsibilities under the Act when dealing with international students; particularly regarding identifying students at risk, academic progression concerns and the need for intervention strategies to be implemented.
- 4.5. The Student Services Team and Academic Team are responsible for ensuring they understand the requirements of the National Code 2018 as they apply to their role at the College, and to make themselves available to attend regular training where it is offered.
- 4.6. The Finance Team is responsible for notifying the Manager of VET and Engagement when a student is not meeting their financial payment obligations under their visa conditions.
- 4.7. Students are responsible for meeting all conditions of their visa and for notifying the College of any change of personal situation (including location / moving, change of phone number, financial situation etc.) as soon as it becomes known.

5.0 National Code

The College undertakes to comply with the requirements of Standards 1-4 and 6-11 of the *National Code 2018*. It should be noted that Standard 5 of the *National Code 2018* does not apply as the College does not enrol international students under the age of 18 years.



The College also undertakes to ensure that any education agents engaged to recruit international students on behalf of the College will be aware of their obligations under the ESOS Framework and National Code 2018 and will be disengaged by the College as soon as any breach of those obligations may occur.

6.0 Resources and Capacity

- 6.1. The undertakes to ensure that it appropriately resources all campuses and courses of study including staffing and physical resourcing, to ensure international students have fair and equitable access to resources and support and the best chance of achieving the required outcomes of their course.
- 6.2. The College has an established capacity of international students that may be present on any campus at any one time and undertakes to not deliver to more international students than dictated by that capacity limit. The College understands that it can apply for capacity reviews at any time through TEQSA.

7.0 Breaches of the Act/Framework

Breaches of the Act or related regulatory documents may result in infringement penalties being applied to the individual in breach and / or the College.

The following actions are examples of a breach of the Act:

- Advertising that a non-CRICOS-approved course is eligible for international enrolments
- Delivering to more students than dictated by capacity limits at any one time
- Not responding to international student complaints within the timeframe set out in the relevant policy
- Not notifying DHA via PRISMS when a student withdraws from the College, either to return home or to transfer to another provider.

8.0 Relevant Legislative and Regulatory Documents

- Education (Overseas Student) Regulation 1998 (plus amendments)
- Education Services for Overseas Students (ESOS) Act 2000 (ESOS Act)
- ESOS (Registration Charges) Act 1997
- ESOS Legislation Amendment (TPS and Other Measures) Act 2012
- ESOS Regulations 2001
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)

9.0 Version Control History

Version	Date Approved	Approved By	Summary of Changes
1.0	11 August 2017	Executive Director, Higher Education	Initial approval of ESOS Compliance Policy.



2.0	12 October 2018		Updated content, accepted tracked changes
3.0	25 January 2019		Corrected internal version labelling
4.0	8 April 2021	Governing Board	Rebranded template, formatting, updated role titles and internal references.
4.1	20 February 2026	Governing Board	Updated responsibility titles and policy code to align with revised policy suite. Added statement confirming that compliance with the ESOS Framework and ESOS Act and National Code 2018. No substantive changes to compliance obligations.