

ESOS Compliance Vice-Chancellor's Directive

Abstract

This Directive sets out the basis upon which the university is able to ensure that its management of international students undertaking a UTS course in Australia on a student visa is compliant with the ESOS legislative framework. This includes the recruitment and administration of international students and the provision of relevant support services for international students.

The work of staff at all levels who are involved in the administration of international students studying at the university on a student visa is covered by this Directive. The implementation of specific aspects of the Directive is detailed in a suite of standard operating principles and procedures, which supports this Directive.

Dates	Directive approved	12/06/2009
	Directive takes effect	06/07/2009
	Directive is due for review (up to five years)	06/2014
	Directive amendment approved	16/12/2014
	Directive amendment takes effect	22/12/2014
Approved by	Vice-Chancellor	
	Latest amendment: Director, Governance Support Unit (see change history for details)	
Implementation Officer	Director, UTS International	
Relevant to	All UTS staff involved in the recruitment, administration and support of international students, including staff in the faculties and administration, in respect of all international students studying at UTS within Australia on a student visa.	
Related documents	<p>ESOS Compliance Standard Operating Principles and Procedures Manual (Staff Connect) is the key document under this Directive. The Manual may be supplemented by related student administration procedures.</p> <p>Statement of protocol on fees and refunds for International Students studying in Australia</p> <p>UTS Release Protocol</p> <p>This Directive complements the range of UTS rules, policies and procedures relating to students in general, eg the Student Rules.</p>	

Legislation	<p>ESOS legal framework:</p> <ul style="list-style-type: none"> • Education Services for Overseas Students Act 2000 (Cwlth) (the ESOS Act) • Education Services for Overseas Students (ESOS) Regulations 2001 (Cwlth) • Education Services for Overseas Students (Registration Charges) Act 1997 (Cwlth) • Education Services for Overseas Students (TPS Levies) Act 2012 (Cwlth) <p>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)</p> <p>Requirements of the Department of Home Affairs, including Migration Regulations</p>
File number	UR09/210
Review notes	As the key document under this Directive is the 'ESOS Compliance Standard Operating Principles and Procedures Manual', any review must include this document.

Contents

1. Purpose
2. Scope
3. Definitions
4. Directive principles
5. Directive statements
6. Roles and responsibilities
7. Acknowledgements
8. Version control and change history

1. Purpose

The purpose of this Directive is to ensure that the university complies with the Education Services for Overseas Students (ESOS) legislation, in order to maintain its registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The Directive articulates the university's commitment to compliance, and coordinates the relevant processes and procedures in line with that commitment.

The Commonwealth Department of Education regulates the education and training sector's involvement with overseas students studying in Australia on a student visa. It does this through the ESOS legislative framework. This protects Australia's reputation for delivering quality education services, and protects the interests of overseas students, by setting minimum standards.

The legislation mandates a nationally consistent approach to registering education providers so that the quality of the tuition and care of students remains high. The professionalism and integrity of the industry is further strengthened by the ESOS

legislation's interface with immigration law. This imposes visa related reporting requirements on both students and providers.

The university must comply with the requirements of the ESOS legislation and related immigration provisions. There are regulated reporting requirements on universities and other providers. If the university fails to comply with any aspect of the legislation, specific sanctions may be applied, including loss of registration and therefore cancellation of its right to recruit international students. Each year, the university is required to submit a 'Declaration of Conformity' to the Tertiary Education Quality Standards Agency (TEQSA), certifying that it is compliant with all the requirements of the ESOS legislation as set out in the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code 2018).

2. Scope

The ESOS Act applies to overseas students who are studying at UTS in Australia on a student visa. All staff who interact with or have any involvement in the recruitment, administration and support of international students who are studying at UTS in Australia on a student visa must comply with the Directive. Similarly, the ESOS legislation has an impact on the rights and responsibilities of international students, and the university has an obligation to inform them of same.

3. Definitions

CRICOS: Commonwealth Register of Institutions and Courses for Overseas Students.

ESOS: Education Services for Overseas Students.

International student: Refers to a student studying at UTS in Australia on a student visa.

PRISMS: Provider Registration and International Students Management System (the electronic system used to process information in the form approved under subsection 19(3) of the ESOS Act). Through PRISMS education institutions notify DIBP of each student's enrolment in a course.

4. Directive principles

UTS is committed to the education of international students, in line with its philosophy of developing graduates who are highly employable and effective in the global workplace.

To that end, it has in place strategies and procedures for the recruitment of international students, ongoing administration of their enrolment at UTS, and provision of appropriate support services to help them achieve the most from their time at UTS.

The university's management of international students aims to be fully compliant with relevant state and federal legislation, including the Education Services for Overseas Students Act 2000 (Cwlth) (the ESOS Act) and the National Code 2018.

The university aims to provide an appropriate level of support services to its international students, consistent with the ESOS legislation and with its role as a responsible member of the Australian higher education community.

If a faculty wishes all or part of its responsibilities under the ESOS Compliance Standard Operating Principles and Procedures Manual to be managed by a Student

Centre, it should ensure that the specified delegated tasks are included in its service level agreement.

5. Directive statements

5.1 Compliance — Use of the ESOS Compliance Standard Operating Principles and Procedures Manual

Each staff member who interacts with or has any involvement in the recruitment, administration and support of international students must be familiar with the requirements of the ESOS legislation and related provisions (eg DIBP reporting requirements) as they relate to the responsibilities of their individual position, regardless of their location within the organisation (eg UTS International, Student Administration Unit, Student Centres, faculties, etc.).

Each staff member must ensure that they comply with the legislation, and work in accordance with the principles and procedures set out in the ESOS Compliance Standard Operating Principles and Procedures Manual, which supports this Directive.

5.2 Compliance reporting

Each staff member who interacts with or has any involvement in the recruitment, administration and support of international students must be familiar with the specific reporting obligations that relate to their position, 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.

5.3 Compliance risk

Each staff member who interacts with or has any involvement in the recruitment, administration and support of international students must operate on the basis that compliance is an essential and integral aspect of their role, and not an 'add-on' or the responsibility of another area or position. Staff must notify their supervisor and the Manager, Policy and Compliance, of any potential, likely or actual breach of compliance.

Staff are also invited to provide feedback and to recommend improvements to the compliance regimen, and will be given an opportunity at briefings and information sessions to make suggestions. They may also provide feedback directly to the Manager, Policy and Compliance, at any time.

5.4 Compliance resources

In line with its overall responsibility for compliance, the university must provide adequate resources to ensure compliance. If compliance places an excessive burden on a particular area, it is the responsibility of supervising staff to look to the adequate deployment of staff and resources, and where necessary to seek support through the normal channels.

5.5 Industry standards

UTS International will liaise with other universities, including the sharing of information, to ensure that its own processes and procedures are of a standard at least consistent with that of other universities. This liaison may include benchmarking activities or joint projects and participation in the activities of the ESOS Reference Group of New South Wales and the Australian Capital Territory.

5.6 Communication

UTS International will be the responsible office to provide briefings for staff to assist them to understand and comply with the ESOS legislation. It will also ensure that staff are kept informed of any updates or changes to the legislative requirements, via broadcast emails and/or workshops and information sessions.

6. Roles and responsibilities

Accountable Officer: Deputy Vice-Chancellor (International and Advancement)

Implementation Officer: Director, UTS International through the Manager, Compliance and Quality

Other positions:

- Associate Director, Policy and Communications (UTS International)
- UTS Legal Services

7. Acknowledgements

Faculty, Student Centre and Student Administration Unit staff for their input in the development of the Manual.

8. Version control and change history

Effective date	Version	Approved by (date)	Amendment
12/06/2009	1	Vice-Chancellor	N/A
24/04/2013	1.1	Director, Governance Support Unit (GSU) (23/04/2013)	GSU administrative changes (under Delegation 3.17): reflecting changes to Commonwealth Government Department names.
22/12/2014	1.2	Director, GSU (16/12/2014)	GSU administrative changes (under Delegation 3.17): reflecting changes to Commonwealth Government Department names, UTS Senior Executive title changes and web link updates.