

ESOS Framework Staff Obligations

National Code Standard 6.7

1. Purpose

The purpose of this policy and procedure is to describe how ACBI (the College) ensures all new staff are fully aware of their obligations under the ESOS Framework.

2. Policy

ACBI is committed to ensuring that all staff who interact directly with overseas students understand their obligations under the Education Services for Overseas Students (ESOS) legislative framework, including the National Code 2018. This policy reflects the College's commitment to protecting the rights and interests of international students and supporting Australia's reputation for high-quality education services.

The College acknowledges its responsibility to provide comprehensive information and training to staff regarding the regulatory requirements affecting international students, including visa conditions, course progress standards, enrolment and reporting obligations, and student support provisions. Through this policy, the College ensures consistent, accurate and timely staff awareness of ESOS-related obligations as an integral part of staff onboarding, ongoing professional development, and quality assurance practices.

Definitions

- **CoE:** The Confirmation of Enrolment or CoE is a document that ACBI creates on PRISMS for a prospective Student Visa holder when the student has signed their Acceptance of Offer. The student uses the CoE as proof of enrolment when applying for their Student Visa.
- **CRICOS:** institutions that offer courses to Student Visa holders, and the courses they offer, are listed on the Commonwealth Register of Institutions and Courses for Overseas Students.
- **DEWR:** the Department of Employment and Workplace Relations
- **DoHA:** the Department of Home Affairs.
- **Enrol:** the words "enrolled" and "enrolment" are used in the ESOS Framework in the broad sense to mean that a student is undertaking a course.
- **ESOS Framework:** the Education Services for Overseas Students (ESOS) Acts and regulations set out the legal framework governing delivery of education to Student Visa holders.

- **International Student:** a student who is not a citizen or permanent resident of Australia, or a New Zealand citizen, and who must pay the international student fee for their course. International Students generally have Student Visas, but may have one of a range of other visas.
- **National Code:** National Code of Practice for Providers of Education and Training to Overseas Students 2018. The National Code provides standards and procedures that institutions which provide education to Student Visa holders must adhere to.
- **Overseas Student:** this term is used in the ESOS Framework to mean an International Student who has a Student Visa. The ESOS regulations only apply to these students.
- **PRISMS:** the Provider Registration and International Students Management System (PRISMS) is the web-based system that lists registered courses and is used to create CoEs or to report on changes in student enrolments.
- **Suspend:** in the ESOS Framework, "suspend" is used to mean any break in studies, for whatever reason, whether it is initiated by the student or the institution.

3. Responsibilities

The **CEO** is responsible for the implementation of this policy and procedure and to ensure that staff are aware of its application and implement its requirements.

Director of Studies is responsible for the implementation of this procedure with trainers and assessors.

Admissions Manager is responsible for the implementation of this procedure with student support staff

Trainers are responsible for the implementation of this policy with students

4. Requirements

The College must in accord with the Standards for RTOs and the National Code undertake the following activities.

National Code 6.7 The registered provider must ensure its staff members who interact directly with overseas students are aware of the registered provider's obligations under the ESOS framework and the potential implications for overseas students arising from the exercise of these obligations.

5. Scope

This policy and procedure applies to all ACBI staff members who interact directly with overseas students enrolled under a Student Visa. This includes academic, administrative, support, and marketing personnel, as well as managers and senior staff responsible for student services and compliance functions. The policy covers both initial and ongoing staff engagement and applies across

all operational contexts—whether face-to-face, online, or via third-party arrangements—where staff responsibilities intersect with the requirements of the ESOS Act, the National Code 2018, and associated legislative instruments.

It ensures that all relevant personnel are aware of the College's obligations under the ESOS Framework and understand the potential implications for overseas students that may arise from the exercise of those obligations.

6. Procedure

The PEO or delegate is to discuss with the new staff member each aspect of the information below and how the RTO complies with its requirements.

1. The ESOS framework

The ESOS legislative framework is designed to ensure that Australia's reputation for delivering quality education services is maintained and that the interests of overseas students are protected. It sets minimum standards and provides tuition and financial assurance. Together with Australian immigration law, the ESOS framework also imposes visa related reporting requirements on both students and educational institutions. [Australian Education International \(AEI\)](#) has produced an [Easy Guide to ESOS](#).

What is an International Student?

If a student is not an Australian citizen or permanent resident or a New Zealand citizen, then they are an International Student.

Does the ESOS framework apply to all International Students?

The ESOS framework only applies to those International Students who have Student Visas. The ESOS Act refers to these students as Overseas Students.

Can International Students study part-time?

If the student does not have a Student Visa, they may study part-time. If the student has a Student Visa, they must complete their course within the standard full-time completion period, unless certain circumstances apply.

(see <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500>).

2. Student visa conditions

If Student Visa holders do not uphold their visa conditions, their visa may be cancelled and they may have to leave Australia. A full list of conditions is available from the <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/see-your-visa-conditions?product=500> with the most important listed below:

- The Student Visa holder must remain enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
- The Student Visa holder must make satisfactory course progress according to the College's rules.
- The Student Visa holder must advise the College of their Australian address within seven days of arriving in Australia, and within seven days of any change of address.
- The Student Visa holder must maintain enough money to pay for travel, tuition and living expenses for themselves, their spouse and their dependent children for the duration of their stay in Australia.
- Any family members of school age (between five and 18 years) living in Australia must attend school in Australia.
- The Student Visa holder must maintain health insurance for themselves and their family members while in Australia.
- Students granted permission to work cannot undertake work until they have commenced their course in Australia. This applies to all student visa holders.

Student visa holders, are permitted, once their course has commenced, to work a maximum of 48 hours per fortnight during the semester and unlimited hours when their course is not in session.

Further information is available on the [Department of Home Affairs website](#).

3. Pre-enrolment information

Standard 2 of the National Code requires the College to give students detailed information about their course and about studying at the College before the student accepts the offer of a place in a course. All marketing material for prospective Student Visa holders should refer students to the website, which provides links to this information.

4. Promotional Material - Requirements for International Students

All promotional material intended for prospective international students must comply with the legislative requirements outlined in the ESOS Act, the National Code 2018, and the Standards for RTOs 2025. The College must ensure that any advertising or marketing material related to CRICOS-

registered courses is factual, transparent, and does not mislead or misrepresent the nature of the course, the provider, or the outcomes.

To meet these obligations, all promotional materials must include the College's name, contact details, RTO Code, and CRICOS Provider Code. Before publication, materials must be submitted to the PEO for review and approval to ensure compliance.

Promotional content must clearly present essential course information, including:

- A general description of the course content
- The qualification to be awarded
- Course duration and commencement dates
- Mode of study and training methods
- Assessment methods
- Details of any third-party providers involved in delivery, including their CRICOS and RTO codes
- Recognition arrangements with other providers (if applicable)
- Entry requirements, including English language proficiency and educational prerequisites
- Availability of course credit

In addition, marketing material should refer students to the College's website for comprehensive information regarding the study environment, course fees, refund policies, available support services, and schooling obligations for dependants. The website serves as the central source for general information required by legislation.

This approach ensures that international students are provided with accurate, accessible, and complete information to make an informed decision prior to enrolment.

5. Satisfactory course progress

The National Code (refer to Standard 8 of the National Code) requires the College to have an Intervention Strategy to identify and assist students at risk of not meeting their course progress requirements. The College has a detailed course progress policy and the Intervention Strategy is described below:

Identifying students at risk of not meeting course progress requirements

Early identification of students 'at risk' is critical to ensure that early intervention strategies can be provided to support and assist the student's academic success.

Training and administration staff use a variety of indicators and assessments to identify any students who are 'at risk' of making unsatisfactory progress. These may include, but are not limited to, the review of:

- The student's attendance record - students are required to have an 80% attendance record. Poor academic progress is strongly linked to poor attendance
- Class participation and level of engagement
- Formative assessment completions
- Completion of self-study activities
- Late submissions of assessments
- Number of resubmissions
- Requests for extension of class work or assessments
- Requests for additional help with assessments or class work
- Feedback from other training staff
- Not competent on unit assessments
- English ability

Strategies to assist identified students to achieve satisfactory course progress

The College's Intervention Strategy offers a range of different kinds of assistance for students to choose from.

Trainer Assistance

The trainer provides help and assistance to their students. This can be 'catch up' classes, additional reading, recommendations for pod casts and You Tube clips etc

A reduction in study load can be approved by the Academic Manager, if course rules permit and it is relevant to the student's situation, and as long as the National Code requirement for the student to study at least one unit face-to-face per teaching period is met. The details of this new study load are placed in the student's file.

Students who do not make satisfactory course progress

If a Student Visa holder does not make satisfactory course progress according to the College's rules, they are sent a letter informing them of this, and of the College's intention to report this breach of their Student Visa conditions to the Department of Home Affairs (DoHA), unless they lodge a formal appeal against their course Progress Status within 20 working days of the date of the letter, and their appeal is successful.

If they are reported to DoHA for failure to meet course requirements, this may result in their visa being cancelled and being unable to re-enter Australia for a period of three years.

F. Completion within the expected duration of study

Standard 8 of the National Code requires the College to ensure that, at all times, Student Visa holders are in a position to complete their studies within the duration specified in their CoE, unless certain circumstances apply. If a Student Visa holder chooses to study at less than a 100 per cent load in a particular teaching period, they will have to make sure that they can still complete their course in time. However, students must maintain an enrolment load, that is, a student cannot have zero load for their semester. A student may be reported to DoHA where the College believes their enrolment does not meet the full-time criteria to complete their course within the duration specified within their CoE, or, where the College believes that the student is not studying.

If a Student Visa holder does not complete within the expected duration of their course, the College can only issue them another CoE if

- (a) there are compassionate or compelling circumstances;
- (b) it was previously agreed to a reduced study load as part of the College's Intervention Strategy; or
- (c) they did not complete as the result of an approved deferment or suspension of their study.

Supporting documents should be saved in the student's file.

If a Student Visa holder completes their course early, the College must report this to the [Department of Home Affairs](#) (DoHA), and the duration of the student's visa will most likely be reduced.

G. Mode of study

The National Code permits Student Visa holders to enrol in a limited amount of distance/online learning. No more than 33% of their entire course may be studied by units which are delivered 100% in distance/online mode, and they must study at least one unit face-to-face in each compulsory teaching period.

Online learning does not include the provision of online lectures, tuition or other resources that supplement scheduled classes or contact hours.

H. Change of course

Students who change course will be asked to sign a new Acceptance of Offer and will be issued a new CoE and may be subject to a new tuition fee.

If a Student Visa holder intends to transfer to another RTO within the first six months of their final course at the College, their request will be assessed using the criteria in the Student Transfer Request assessment policy and procedure.

I. Complaints and appeals

International Students have access to a complaints and appeals process. This information is in the Student Handbook and on the website.

J. Deferring, suspending or cancelling study

Any deferment, suspension or cancellation of a Student Visa holder's enrolment may have an effect on their visa, and it is important that they contact DoHA for advice before taking any action.

If a Student Visa holder wants to suspend enrolment or take leave, they must complete the approved Leave Form and have their leave approved by Academic Manager, who can approve if compassionate or compelling circumstances apply. A new CoE is created and Offer and Acceptance signed by the student.

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to

- serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members such as parents or grandparents;
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
- a traumatic experience which could include involvement in, or witnessing of a serious accident; or witnessing or being the victim of a serious crime;
- where the College was unable to offer a pre-requisite unit;
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

The College's misconduct rules allow for the suspension of a student's enrolment for one or two semesters, or their expulsion. The College is required to notify DEWR and DoHA of any suspension or expulsion for reasons of misconduct, and it is most likely that the student's visa will be cancelled and that they will be banned from returning to Australia for a three-year period.

K. Course credit

If a Student Visa holder is granted course credit, and this results in a shortening of their course, the College will report their new expected course duration to DoHA, who may then reduce their visa duration.

L. CRICOS Registration of Courses for International Students

A course must be CRICOS registered by the national regulator to be available to International Students on Student Visas. A course that is not CRICOS Registered:

- a) Cannot be advertised or marketed in any way to international students; and
- b) International Students on Student Visas cannot be enrolled in the course.

M. Refund of Tuition Fees for International Students

Refunds available to International Students for cessation or non-commencement of study are subject to specific legislation and differ to refund conditions for Domestic Students. Please refer to the International Student Refund Policy for further information.

N. Useful links and definitions

Useful Links

- [Department of Home Affairs](#): Information about all visa issues.
- [Education Services for Overseas Students \(ESOS\)](#): AEI information about the ESOS Framework, including an Explanatory Guide for the National Code
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Explanatory Statement](#)
- CRICOS: <https://cricos.education.gov.au/> The official Australian Government website that lists all Australian education providers which offer courses to Student Visa holders, and the courses offered.

6. Policy Implementation

This policy and procedure will be implemented through staff induction, internal briefings, and inclusion in the College's staff policy portal. It will be referenced during student support and enrolment training and made accessible to all relevant staff involved in admissions, academic management, and student services. Information about student transfer rights and procedures will also be incorporated into the Student Handbook and communicated to students during orientation and throughout their enrolment. This ensures that both staff and students are aware of their obligations and entitlements under Standard 6.7 of the National Code 2018.

7. Review and Continuous Improvement

This policy and procedure will be reviewed annually as part of the College's continuous improvement cycle or more frequently if legislative, regulatory, or operational changes occur. Reviews will ensure alignment with Standard 6 of the National Code 2018, relevant provisions of the ESOS Act, and the Standards for RTOs 2025.

Feedback from staff, students, and stakeholders will be considered during each review cycle, and any identified improvements or corrective actions will be documented in the Continuous Improvement Register. Updates to the policy will be communicated through staff briefings, revised Student Handbook editions, and updates to the College's internal and external information platforms.

Associated Documents and Forms

Continuous Improvement Register

Document Control

Version number:	1.0	Approved by:	CEO
Approval date:	01 July 2025	Review date:	01 July 2026
Standards: National Code Standard 6.7			

Version History

Version	Date	Author	Reason	Sections
1.0	01/07/2025	Sam Hartley	Original Version	All