Standard 1:

- Support the addition of Australian Consumer law (1.1).
- Standard 1.2 requires providers to ensure information given to students "*clearly outlines the student's obligations and entitlements under the ESOS framework*" – what does this mean? Will the Department of Education and Training provide standard text for providers to use?
- Standard 1.3 provides registered providers must, "*in seeking to enter into agreements with overseas students…accurately identify…*" what does this mean? When are providers required to give this information? Can this information simply be on a provider's website?
- In relation to Standard 1.3.2, is it the intention that school providers be required to provide information on the standard work experience offered by schools?
- Standard 1.3.4 requires providers to accurately identify "*any other information relevant to the registered provider, its courses or outcomes associated with those courses"* this is a very broad, non-specific obligation.
-

Standard 2:

- Policies and processes available prior to offer for approving the welfare arrangements (under 18) (2.1.10) is supported.
- Has the school context been considered in the drafting of 2.3 – 2.5, specifically where the course credit is not granted by a provider, but rather, by an independent authority such as the Queensland Curriculum and Assessment Authority?

Standard 3:

- Standard 3.1 requires providers to enter into a written agreement "*concurrently with or prior to accepting payment of course money*". How can providers practically comply with this requirement, i.e. how can they refuse to accept funds made by electronic fund transfers? Isn't this beyond the control of a provider?
- Where a student/intending student is under 18 years of age, the agreement must be signed or otherwise accepted by a student's parent or legal guardian. What happens if an under 18 year old does not have a parent or legal guardian? Can they be enrolled in a course in Australia?
- The written agreement will be very lengthy, especially if it has to detail all prerequisites and English language requirements, rather than simply referring to the provider's relevant policy/procedure.
- 3.3.6 refers to the Privacy Act – is this intended to be a reference to the Commonwealth *Privacy Act 1988*? This won't apply to all providers – e.g. state school providers.
- 3.3.7 refers to providing a "link" in the contract – the wording should be re-considered, note the wording used in 6.9.3.

Standard 4:

- How will providers check compliance with standard 4.4 by their agents? There is little point making a requirement if it can't be checked and enforced.
- Adding Agent code of ethics (4.4.4) is a good addition.
- Acknowledge the existence of subcontractors with the clear direction to terminate the relationship if engaging in misleading practices (4.6).
- 4.5 refers to agents' responsibilities under standards 4.2 and 4.3 – but the obligations under those sections are on providers, not agents. This needs to be reworded so the meaning of 4.5 is clear.
- 4.5 requires providers to "ensure the agent understands" how can a provider "ensure" what someone else "understands"?

Standard 5:

- We support the inclusion of state/territory legislation compliance in relation to child protection for u/18 students (5.2) .
- Standard 5.2 should be moved to standard 6 and applicable to all students, regardless of their age.
- Checking homestay every six months what does this look like? Physical inspection or desk audit and student interviews? (5.3.2.2)
- 5.3.4 should mention section 21 of the ESOS Act.
- 5.3.5.3 should make reference to working days, as compliance will not be achievable where an event occurs on a weekend, public holiday etc.
- Support the responsibility of the receiving provider to ensure that there is no welfare gap. (5.7)
- 5.7.2 refers to the student returning to "their home country" Will this be the case even if their parent, legal guardian etc. are not in that country?

Standard 6:

- The addition of age and culturally appropriate orientation is supported. (6.1)
- In relation to standard 6.9.2 please see comments, above, regarding standard 5.2.
- 6.9.3 requires registered providers to provide students "general information on safety and awareness relevant to life in Australia" what does this mean? This is a vague obligation – will the Commonwealth Department of Education and Training provide standard text for all providers to use? Presumably the general information would be the same for all providers in Australia?

Standard 7:

- Support the retention of the first 6 month completion requirement of the principal course (registered school sector course). (7.1)
- For the schools sector, 7.1 restricts enrolment "until after the first six months of the first registered school sector course" - what if the first registered school sector course is less than six months? The limitation should refer to their first six months of study with a provider in Australia.
- In relation to the exceptions to the general rule prohibiting a transfer where the student has not yet completed six months of study in Australia, 7.1.3. provides "the releasing provider has agreed to the student's release and recorded the date of effect and reason for release in PRISMS". This is clearly a broad power and will presumably be exercised in accordance with the provider's policy and process required under Standard 7.2. It seems that the policy and process under Standard 7.2 will apply to all requests to transfer, regardless of whether the student has completed six months of study in Australia, though this should be made explicit if that is the intention.

Standard 7.2

- then imposes a requirement on providers to have a policy and process for assessing student requests to transfer. I think the intent of Standard 7.2, is captured if the National Code provides that a provider's policy must:
  1. Outline how a student can make a request to transfer.
  2. State a transfer will be approved where:
     a) the transfer is in the student's best interest; and
     b) the provider is satisfied the request is not being made because the student is trying to avoid being reported to immigration for failing to meet attendance or course progress requirements (maintaining the integrity of the student visa framework).
  3. Provide the criteria to be considered when deciding whether the transfer is in the student's best interest, including:
     a) if the student is failing to achieve satisfactory course progress, after the provider has implemented its policy and processes under Standard 8.3, and the course the student is seeking to transfer to would be more suitable for the student to achieve their study objectives;
     b) if there are compassionate or compelling circumstances;
     c) whether the student has demonstrated that their reasonable expectations about the current course are not being met;
     d) whether the course the student has applied to transfer to better meets their academic capabilities or goals ;
     e) whether the transfer could jeopardise the student's educational outcomes;
     f) if the transfer will give the student access to better support while studying in Australia;
     g) whether the student has only recently started the course and the full range of support services are yet to be provided or offered to the student and
     h) any other relevant matters.
  4. Provide a reasonable timeframe for assessing the request, making a decision and informing the student of the decision.
- Support detailed process for assessing student transfer request. (7.2)

- With regards to 7.3.1, there must be provision for situations where a student has no parent or legal guardian.
- Support the amendment that places the onus on the student to ensure they seek Immigration advice as to the status of their student visa. How often will this be done by a school student particularly high school where they are here without parents? (7.4)
- Streamlined reporting through PRISMS is a very good solution.

Standard 8:

- Support sector specific requirements.
- 8.1 is superfluous, as that information is covered below.
- 8.5 makes it seem reporting is optional "if it intends to report" whereas 8.15 imposes an obligation to report. Suggest deleting 8.5 as this information is covered more clearly in 8.15.
- Changes allowing schools to adhere to state registration or approval frameworks (does this mean State ESOS or Dept. of Ed policies? Qld state ESOS does not have any change but Dept. of Ed has a target of 94%) attendance policies whilst retaining the option to remain at 80%.(8.6.1)
- Can providers impose attendance obligations above 80% if a higher percentage is not imposed "under state registration or approval frameworks"? This is not clear.
- 8.15.4 – it is not clear what the intention of this sub-standard is – specifically "where the breach of course progress or attendance is substantiated and the 20 working days for internal appeal has passed". Is this supposed to cover the situation where either:
  - an internal appeal has been submitted and the provider's decision is supported; or
  - the 20 working days has passed and no internal appeal has been submitted?
- Support removing the requirement to wait until the external appeals process is exhausted before reporting (if that is the intention).
- 8.16 appears to require the appeal to be *decided* within 20 working days – is this the intention? Complex appeals could take longer usually because of length of time family takes to supply information. Qld government states up could take up to 90 days.
- Should 8.20 refer to the Disability Standards for Education?

Standard 9:

- 9.1- providers don't assess and approve cancellations.
- If 9.1 is directed towards student initiated deferral, suspension and cancellation, this could be made clearer.
- 9.3 gives very limited grounds for cancellation and notably excludes a ground mentioned in 9.7. Providers should be able to detail in their contract with students the grounds upon which enrolment may be cancelled and should not be limited to these two grounds.
- 9.7 – what does this mean? Can providers cancel at any time in the process or only after reporting the breach through PRISMS. Exactly how should the cancellation process align with the reporting visa breach process? This should be explicit in the Code.

Standard 10:

- Good to have separated complaints & appeals, but external appeals is problematic in maintaining enrolment while this takes place in Qld the ombudsman could take an extended period of time? (10.3)
- 10.2.4 – not all complaints may be able to be finalised within this timeframe, especially if they have to be referred to another unit or statutory body (e.g. ethical standards unit, Crime and Corruption Commission, police, child safety). For state entities there should be provision to align with existing department policies and procedures for complaints handling.

Standard 11:

- Under 11.1 providers need to seek approval from the ESOS agency for course content. In Queensland, school providers are not responsible for course content. It is approved by an independent authority and based on curriculum requirements. Likewise school providers cannot submit approval for proposed changes to course content, as we are not responsible for course content. The ESOS Authority should not be approving course content when there is an established authority with authority to perform this role.
- Potential for issues with VET courses and university partnership courses under (11.1.3). Does this mean that all external delivery of courses must be approved by the regulator even though they are approved QCAA?

Glen Donald
Director | International Student Programs
DET International
(trading as Education Queensland International)
CRICOS Provider Code: 00608A

T +61 7 3513 5704 **F** +61 7 3513 5783
E Glen.Donald@det.qld.gov.au
W www.eqi.com.au

Department of Education and Training
Floor 18 | Education House | 30 Mary Street | Brisbane Qld 4000
PO Box 15050 | City East Qld 4002 | Australia

Inspiring minds. Creating opportunities. Shaping Queensland's future.

Please consider the environment before printing this email
This email (including any attached files) is intended only for the addressee and may contain confidential information. If you are not the addressee, you are notified that any transmission, distribution, printing or photocopying of this email is strictly prohibited. If you have received this email in error, please immediately notify me. Unless explicitly attributed, the opinions expressed do not necessarily represent the official position of the Queensland Department of Education and Training.