Frequently Asked Questions related to changes to the designated authority arrangements under the Education Services for Overseas Students (ESOS) legislative framework

Under the ESOS legislative framework, any education providers wishing to deliver education services to overseas students must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The designated authority under the ESOS legislation is responsible for assessing applications from education providers related to CRICOS registration and making recommendations to the Commonwealth Delegate, including applications for initial registration, registration renewals, and changes to scope. The designated authority is also responsible for monitoring compliance with the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code).

Q1. **I provide or want to provide a Vocational Education and Training (VET) course to overseas students in a State or Territory. Who is my designated authority for applications related to registration on CRICOS of that course?**

A1. If you are registered as a Registered Training Organisation (RTO) with the national VET regulator, known as the Australian Skills Quality Authority (ASQA), ASQA is your designated authority (except if you are in Western Australia and Victoria and are not currently on CRICOS – see Q9).

If you are a RTO but are **not registered with ASQA** then your designated authority for each state where you operate is the person responsible for CRICOS registration under that state's law. This is usually the state registering body.

Q2. **I provide or want to provide a higher education course to overseas students in a State or Territory. Who is my designated authority for applications related to registration on CRICOS of that course?**

A2. The Tertiary Education and Quality Standards Agency (TEQSA) will be the designated authority for all higher education courses across Australia, including those delivered as part of a dual sector or multi-sector provider from 29 January 2012. Until then, the current arrangements will remain, namely that the body responsible under the law of the state is the designated authority for all higher education courses.

Q3. **I provide or want to provide a school course to overseas students in a State or Territory. Who is my designated authority for applications related to registration on CRICOS of that course?**

A3. In all states and territories, schools courses remain the responsibility of the body responsible under state law for approval of school programs to overseas students in that State, including school programs delivered by a RTO. For example, in NSW this is the NSW Board of Studies.

A school course is generally understood to be a school course registered by the state to deliver the school curriculum. If you are unsure if a course is considered a 'school course' you should check with the relevant regulatory body. If you are a RTO registered with ASQA, then check with ASQA, otherwise check with the relevant state regulatory body.

If you provide (or want to provide) the school course in more than one State or Territory, you will have a designated authority for each State or Territory.

Q4. **I provide or want to provide an ELICOS or Foundation program to overseas students in a State or Territory. Who is my designated authority for applications related to registration on CRICOS for that course?**

A4.1 ASQA is the designated authority for all ELICOS and Foundation programs, including where delivered by a higher education provider, a RTO, a multi-sector provider and a 'stand-alone' situation *except*
- where these courses are delivered in the capacity of a school (see A8 for more information)
- in states which have not yet referred their regulatory powers to ASQA (i.e. QLD, TAS and SA).

In these two situations, the designated authority for the course is the body responsible under the law of that State or Territory.

Q5. **If I am a multi-sector provider does this mean I will have more than one designated authority and have to pay multiple charges?**

A5. Dual/multi-sector providers may have more than one designated authority depending on the combination of courses and the states in which they operate although the intention is to minimise this to the extent possible**.**

Currently, a dual or multi-sector RTO combination (i.e. VET and/or ELICOS/Foundation Program/Schools/ Higher Education) in most states and territories will have two designated authorities, one for VET courses and another for school or higher education courses.

The number of designated authorities a multi-sector provider has is expected to be reduced when current arrangements are reviewed in mid- 2012. Each designated authority will be responsible for assessing applications for new courses and change of scope applications for the relevant sector.

Each designated authority may separately impose a charge to assess applications related to your CRICOS registration. This is a matter for the designated authority to determine and advise.

Note: the Australian Government CRICOS Annual Registration Charge (ARC) and ESOS Assurance Fund levy are separate and distinct from any fees charged by designated authorities. The number of designated authorities that a provider has will not affect the charges imposed by the Australian Government and Fund Manager related to CRICOS registration.

Q6. **I am a school provider which also operates as a RTO providing VET courses, who is my designated authority for ESOS purposes?**

A6. As a dual sector provider you will have two designated authorities for the purposes of ESOS – one for schools courses and one for VET courses. The body responsible under state law for approving CRICOS registration for schools courses will be the designated authority for all courses delivered in your capacity as a school. The designated authority for VET courses will depend on whether you are registered as an RTO with ASQA or with a state regulator (see question 1).

Q7. **I am a provider wanting to offer ELICOS /or Foundation Programs courses in my capacity as a school. Who is my regulator for these courses?**

A7. The body responsible under state law for these courses will be the designated authority for any ELICOS and Foundation programs offered by providers in their capacity as schools.

Q8. **I am a CRICOS registered school and a RTO registered with ASQA that offers ELICOS and /or Foundation Programs courses. Who is my Designated Authority?**

A8. The designated authority for ELICOS and Foundation Programs depends on the capacity in which the ELICOS course or Foundation Program is offered. If a course is offered in your capacity as a school, then the designated authority is the body responsible under state law for these courses. If a course is offered in your capacity as a RTO registered with ASQA then the designated authority for that course will be ASQA.

Determining the capacity in which the ELICOS or Foundation Program is being offered

Where the provider is primarily a school delivering to school aged students (i.e. the school has only registered as a RTO in order to offer a small number of VET courses to school students), the provider is considered to be delivering the ELICOS and Foundation programs in its capacity as a school. In this situation the designated authority for the ELICOS and Foundation programs will be the body responsible for registering schools courses under the state law.

Where the provider is primarily delivering VET courses but also offers a school program(s) the provider is considered not be delivering the ELICOS and/or Foundation Programs in its capacity as a school. In this situation ASQA will be the designated authority for the ELICOS and/or Foundation programs.

If you are not certain which situation applies to you, then you should contact the two regulatory bodies.

Q9. **I am an RTO in Western Australia or Victoria not registered with ASQA but I am seeking to become CRICOS registered in order to deliver to overseas students. Who is my designated authority?**

A9. Currently, the designated authority for providers that are not registered as a RTO with ASQA will be the body responsible under the law of the state for approving courses on CRICOS. Once a body is registered on CRICOS the designated authority for that body is ASQA.

Please note however, that legislative changes are currently before Parliament which propose to make ASQA the designated authority for any RTOs seeking to register as a CRICOS provider.

Q10. **I would like to submit an application to register as a CRICOS provider offering schools and VET courses, what is the process?**

A10. You should submit your applications to the relevant designated authority.

The designated authority for the schools and VET courses may be different, so separate applications may be required. Guidance regarding who the designated authority will be can be found at answers 1 through 9 above.

Relevant Designated Authorities under ESOS as of 29 January 2012

Sector	Relevant Designated Authority
All Higher Education courses	TEQSA
All VET courses for RTOs registered with ASQA	ASQA
All VET courses for RTOs registered in Queensland, SA and Tasmania*	Queensland regulator (for CRICOS registration in Queensland) South Australian regulator (for CRICOS registration in South Australia) Tasmanian regulator (for CRICOS registration in Tasmania) ASQA (for CRICOS registration in any other state or territory)
All ELICOS and Foundation Programs (except QLD SA and TAS)	ASQA (except where delivered in the capacity of a school)**
Schools, all ELICOS and Foundation Programs courses delivered in the capacity of a school, other non-award programs e.g. religious/aviation	Relevant state regulators
All ELICOS and Foundation Programs QLD, SAand TAS	QLD, SA and TAS regulators until powers referred to ASQA

* Proclamation of Tasmanian legislation referring powers to ASQA proposed for mid Feb
**TEQSA to take over designated authority responsibilities for ELICOS and Foundation Programs delivered by higher education providers from 1 July 2012