

# I CRICOS (COMMONWEALTH REGISTER OF INSTITUTIONS AND COURSES FOR OVERSEAS STUDENTS)

## Legislation

### National Code Part C

#### Overview

1. Part C of the National Code outlines registration of providers and courses on CRICOS. It provides a general description of the registration process under the ESOS legislative framework and specifies minimum requirements that apply to the registration process. This part needs to be read in conjunction with the ESOS Act, the ESOS Regulations, and Part D of the National Code, as they also set out requirements which need to be met for CRICOS registration.

2. Initial registration of providers and their courses on CRICOS involves two stages. The first stage is undertaken by the designated authority for that state or territory (1) and the second stage by DEEWR. A provider is not registered to offer or provide courses in a state to an overseas student until both stages of this process have been completed.

#### Registration on CRICOS

3. Providers can only be registered on CRICOS where they have been approved by the designated authority to provide courses of education or training to overseas students in that state. This approval can only be given where the provider to be registered has been found to comply with all the requirements for registration under the relevant state or territory legislation and section 9 of the ESOS Act. This includes complying with the requirements of the National Code.

4. Registration on CRICOS is for a particular course for a particular state. A provider wishing to provide courses in more than one state must seek registration for each course in each state where it will be delivered.

5. In the event that a change of ownership of the registered provider results in a change to the previous legal entity registered on CRICOS, the new entity must obtain its own CRICOS registration.

#### 6. Application for registration

6.1 In addition to meeting the general requirements for registration set out in this part, providers must submit applications for registration and re-registration in a form to be determined by each designated authority that contains at least the following information:

a. details of the provider, including:

i. legal entity name and status of the provider (for example, company or individual)

ii. trading name of the provider and whether it is a registered trading name

iii. an Australian Business Number or Australian Company Number

iv. names, and residency status, as appropriate of the principal executive officer for unincorporated associations or directors, owners, partners, consortium providers, chief executives and managers (where there is no stated position of director, principal or chief executive)

v. contact details of the head office (street and postal address, email, telephone, facsimile, website), and

vi. contact details of the premises at which the education/training will be provided

b. proposed maximum number of overseas students having regard to the appropriateness of the resources and facilities for the delivery of the course

1 References to state in Part C and Part D also include the Australian Capital Territory and Northern Territory unless otherwise explicitly stated.

## **National Code Part C (cont)**

c. locations, including address and contact details, for all sites where students are scheduled to attend classes for teaching purposes, course related information sessions and supervised study sessions. For work-based training sites where the location is unknown at the point of registration, the provider is required to maintain a documented policy specifying the criteria on which the selection and approval of such sites is based

d. a statement on:

- i. whether the provider (including directors, owners, partners, chief executive or managers) has previously been a registered provider (and, if so, the name of the designated authority, dates of the registration, reasons for ending registration and whether any sanctions are outstanding), and
- ii. whether the provider has previously been refused registration by DEEWR or any designated authority (and, if so, the name of the designated authority) and reasons for refusal

e. the courses that the provider is seeking to offer to overseas students in that state, including the proposed structure of the course, and

f. any other information as required under section 9 of the ESOS Act.

### **7. Course duration**

7.1 The registration of a course on CRICOS must include the expected duration of the course. The registered duration cannot exceed the time required for completing the course on the basis of the normal amount of full-time study. Only courses which can be undertaken on a full-time basis can be registered on CRICOS. A course will not be registered on CRICOS unless it meets the relevant Australian Qualifications Framework requirements or those of any other appropriate quality or accreditation framework, if an appropriate framework exists.

7.2 For English Language Intensive Courses for Overseas Students (ELICOS), a course duration range may be specified on CRICOS as the study duration will vary according to each student's learning goals which will be reflected in the expected duration of study specified on the student's Confirmation of Enrolment (COE). ELICOS course remain subject to the requirement in paragraph 7.1 that only fulltime courses can be registered on CRICOS.

7.3 The designated authority must take into account the proposed course structure when determining the appropriate duration for registration on CRICOS (that is, the number of compulsory terms or semesters each academic year). The registered duration of the course must include approved holiday periods and any approved periods of work-based training. When the course duration is not specified by the accrediting authority, the designated authority will determine the course duration based on a minimum of 20 scheduled course contact hours per week.

7.4 Proposed changes to the registered duration of a course must be approved by the designated authority prior to the changes being made.

### **8. Work-based training**

8.1 Work-based training must only be approved by a designated authority as part of a CRICOS registered course where:

- a. it must be undertaken to gain the qualification, and
- b. the registered provider has appropriate arrangements for the supervision and assessment of overseas students in place.

## **National Code Part C (cont)**

### **9. Mode and place of study IT**

9.1 Courses delivered entirely by online or distance learning cannot be registered on CRICOS. Courses with a distance or online component can only be registered on CRICOS where the designated authority is satisfied that these courses meet the minimum requirements as specified in Standard 9.

### **10. Arrangements with other providers**

10.1 Where more than one provider is to be involved in providing a registered course to overseas students (for example, where one develops the curriculum and awards the qualification, and another delivers the tuition), only one provider will be registered for that course. CRICOS registration for courses is not transferable between providers.

10.2 The designated authority needs to be advised in writing of all providers to be involved in providing a registered course, the role played by each provider in the delivery of the course and the single provider recommended to be registered for the course. The designated authority will assess the provider's suitability for registration in light of its connection with and responsibility for the course.

10.3 The registered provider is responsible under the ESOS Act for breaches of the Act or National Code, whatever the nature of its contractual or other arrangements with another provider for that course.

10.4 Proposed changes to arrangements with other providers must be approved by the designated authority prior to the changes being made.

### **11. Inspection of premises**

11.1 As part of the registration approval process, the designated authority will conduct at least one inspection of the provider's premises to ensure that the provider meets Standard 14 (Staff capability, education resources and premises). For this purpose, the provider's premises include all locations where the provider operates as well as the locations of providers with whom the provider has an arrangement. When applicable, it may also include sites of work-based training.

11.2 The designated authority may choose to accept from a provider a statement that it satisfies all of the requirements of the National Code without an inspection, so long as the course is provided entirely by the provider (that is, not under an arrangement with another provider). The designated authority may also accept clear evidence that the facilities meet Standard 14, based on reports from persons authorised by the designated authority to provide the advice.

11.3 Further inspections will be conducted by the designated authority as appropriate during the period of CRICOS registration. These further inspections may include unscheduled visits when the designated authority deems such a visit is warranted.

11.4 An inspection will include interviews with management and staff of the provider. It may also include interviews with students and other clients of the provider and observations of teaching.

### **12. Maximum number of students**

12.1 As part of the registration approval process, the designated authority will decide whether to approve the maximum number of students that a provider can enrol. In making this decision, the designated authority will consider the capacity of the provider in terms of its premises, approved arrangements with other providers, facilities, resources, equipment, materials and ratio of staff to student numbers.

## **ESOS Act**

### **ESOS Act Penalties for breach of CRICOS registration requirements**

- 2-year imprisonment for non-compliance with s.8 of the ESOS Act by offering or providing a non-registered course (**s. s.8**)

### **ESOS Act CRICOS registration requirements concerning provider**

- The provider is a resident of Australia(**s. 9(2)(a)**)
- Either paid annual fund contribution or exempt (**s.9.2(b)**)
- Designated authority given Secretary a Certificate that provider complies with the National Code (**s.9.2 (c )**)
- Unless provider administered by state education authority or receives funds from Commonwealth for recurrent expenditure provider is fit and proper to be registered (**9.2(ca)**)
- Secretary has no reason to believe provider not complying or will not comply with Act or Code (**s.9.2 (d)**)
- Provider not liable for an annual registration charge, reinstatement fee or late payment penalty that remains unpaid (**s. 9.2(e)**)

## **Compliance requirements**

The ESOS Act requires providers of courses to international students to register their institution and the courses they offer on CRICOS. Faculties cannot offer a place in a course that does not have CRICOS approval. The Victorian Registration and Qualifications Authority (VRQA) approve registration before a code is allocated and the details are recorded on the CRICOS register. Providers and their agents must not promote a course to overseas students unless it is registered on CRICOS.

Any provider of education and training that seeks to recruit, enrol or teach overseas students, or to advertise its ability to do so, must be registered on CRICOS, or must do so in accordance with an arrangement it has with a provider registered for the relevant course (in which case the registered provider is responsible for all obligations under the Act). The provider must be registered for each course it offers to overseas students, and for each State or Territory in which it offers the course (section 8 ESOS Act 2000).

Faculties and Monash College Pty Ltd must register their courses on CRICOS before offering them to international students. Penalties for breach are severe. In order to obtain registration, the [Course approval template](#) must be completed and forwarded to International Recruitment Services. International Recruitment Services has a list of necessary [supporting information](#) to be provided.

It is recommended that Callista should not be updated with a new course listing for international students until the course has been approved for CRICOS registration. Although an offer letter cannot be created without a CRICOS code, it is nevertheless an extra safeguard if a course is not listed on Callista until registration approval has been given. Callista data is the central repository of data for university courses: if Callista is updated before CRICOS approval is given, the university exposes itself to the risk that it may inadvertently offer a course that has not been registered.

In order to ensure no student holding a student visa is enrolled in a non CRICOS course, faculties and Monash College should run the CRICOS MRS reports (ie MRS/ESOS/CRICOS Course audit and the CRICOS student audit). Because of the central importance of CRICOS to ESOS and International enrolments at Monash, it is recommended that each organisational unit identifies and includes in Position Descriptions a staff member who has CRICOS responsibility for that area.

In Item 9.1 it is stated that ‘courses delivered entirely by online or distance learning cannot be registered on CRICOS.’ This has been clarified with <sup>1</sup>DEEWR to mean that: ‘courses must be structured’ so that students can complete the course without doing more than 25% of their course by DE or online study’ and ‘without restricting subject choice to too narrow a pathway’.

Therefore a courses compulsory component must allow the student to be able to do at least 75% of it via on-campus study.

#### Compliance tips

- Actively monitor enrolment of students to ensure no student holding a student visa is enrolled in a non CRICOS registered course
- Maintain a record of audits and action arising conducted of CRICOS registered courses and student audits
- Maintain a record of audits and action arising conducted of student enrolment by online study.

### **Compliance obligations**

#### **Faculty and Monash College Pty Ltd**

- Inform the International Recruitment Services CRICOS Administrator whenever a ‘notifiable event’ occurs. These being:

<b>EVENT</b>	<b>ACTION</b>
<i>New Courses Offered to International Students</i>	Where Faculty Board and DVC (Education) has approved a course for international students, a CRICOS code is required. Supporting documentation must be supplied (Faculty Board Submission). Details should include duration, title, structure, entry requirements, full-time, on-campus, fee and contact details as well as marketing material.
<i>Course No Longer Offered</i>	Courses need to be suspended on the CRICOS register if no longer offered to international students. No supporting documentation required although faculties should email the CRICOS Administrator advising of the discontinuation.
<i>Change of Duration:</i>	Faculties need apply for a new CRICOS code for courses that have amended durations. Supporting documentation must be supplied (promotional material with the new duration and/or Faculty Board Minutes approving amendment).
<i>Change of Title</i>	Faculties need to supply supporting documentation with the new title (promotional material or Faculty Board Minutes approving amendment).

<sup>1</sup> As per email from DEEWR to Mgr, ESOS Compliance (4 April 2007)

EVENT	ACTION
<i>Change of Fee</i>	No supporting documentation required.
<i>Change to Structure</i>	Although not recorded on the CRICOS register, DEEWR needs to be notified. For information about change of structure, see Appendix []: Supporting documentation of new structure needs to be provided by Faculties (promotional material or Faculty Board Minutes approving amendment).
<i>Change of Campus</i>	Although not recorded on the CRICOS register, DEEWR needs to be notified.
<i>Change to Field of Study (BFOS) (where course is moved from one Faculty to another)</i>	Field of Study is recorded on the CRICOS register. No supporting documentation required. (Where 2 faculties involved and course ownership changes, faculty assuming ownership advises CRICOS Administrator including paperwork from relinquishing faculty agreeing to change).

- Follow course approval steps for submission of documentation to International Recruitment Services once a course has been approved for offering to International students

COURSE APPROVAL STEPS	NOTE
Access the CRICOS approval template referring to Broad Fields of Study and Level of Study:  The <a href="#">template and application</a> are available.	Where Faculty Board and DVC (Education) has approved a course for international students, a CRICOS code is required. Supporting documentation must be supplied (Faculty Board Submission). Details should include duration, title, structure, entry requirements, full-time, on-campus, fee and contact details.
Faculty staff complete the “ <a href="#">CRICOS Course Specific Form</a> ”	
Once completed, the application should be returned to the CRICOS Administrator attaching: - Course proposal - Subject proposals - Proposed Handbook entry (if available) - Evidence of approval through Faculty Board or the PhD and Scholarship Committee	Once a CRICOS code has been allocated for the course the CRICOS code and the provider code should appear on all promotional material generated across the University for the course.

- Update Callista once International Recruitment Services has informed the faculty contact that CRICOS approval has been obtained
- Run CRICOS reports (MRS/ESOS/CRICOS Course audit and CRICOS student audit) twice per semester
- Advise ESOS Compliance Manager if any student holding a student visa is enrolled in a non CRICOS course to discuss arrangements for immediate transfer of student to a CRICOS registered course

- Conduct an annual audit of CRICOS register to ensure all courses offered by MU and MCPL are correctly registered.

### **International Recruitment Services**

- Run PRISMS 'Course export' report twice a semester to ensure action is taken on all courses due to expire (re-register or suspend)
- Forward documentation to Victoria Registration and Qualifications Authority (VRQA)
- Forward CRICOS applications to VRQA who will assign a CRICOS code once the Minister has given approval for the course.
- Inform faculty CRICOS contact that CRICOS approval has been obtained and of the course CRICOS code.

### **If a course amendment occurs**

- Check documentation, advise faculty to update Callista, forward amendments to DEEWR and check CRICOS register to verify update has been actioned.

## **Monash Documentation**

### Policy

A documented policy specifying the criteria on which the selection and approval of or work-based training sites where the location is unknown at the point of registration (see 6.1.c) to be developed.

### Procedures

- Faculty and MCPL CRICOS procedure including steps to be followed to obtain CRICOS registration, for notifying International Recruitment Services of 'notifiable events' and for updating Callista with newly registered courses
- Faculty and MCPL policy concerning documenting course changes where any compulsory unit changes from on campus to online (or mixed mode) or vica versa.

### MRS Report

MRS reports in ESOS folder-CRICOS course audit, CRICOS student audit and 'Online' student audit (see also Standard 9).

## **CRICOS FAQ'S**

### **Can promotional material be circulated prior to CRICOS approval?**

Prior to CRICOS approval, promotional material can be circulated but it must clearly state the course is subject to CRICOS approval and, applications or fees cannot be accepted from applicants for places in courses not CRICOS approved.

### **What if a course is merely waiting ministerial approval?**

Where a course is simply awaiting ministerial approval the course description can be included in promotional material with the following statement boldly marked:

*"Awaiting government CRICOS endorsement at the time of publication. International Student visas cannot be issued without a CRICOS code. Please check on the status of the course before making an application."*

### **Can a course be listed in the course guide that has not yet been approved for international students?**

As the Course guide is produced two years in advance, a course may still be in university approval processes at the time of publication. If this is the case the course can be listed (without a full description) and the following statement should be used:

"The faculty hopes to offer the following courses to International Students in 200x but must first gain university approval and government CRICOS endorsement. Check the faculty website for latest information on availability to International Students before making an application. International Student visas cannot be issued without a CRICOS code."