

## C OBLIGATIONS OF REGISTERED PROVIDERS

The obligations of registered providers are set out in Part 3 of the ESOS Act. Division 1 sets out the general obligations and division 2 refunds of course money.

### General obligations

- Not engage in misleading or deceptive conduct (s.15)
- Resident of Australia (s.16)
- Notify the Secretary of breaches by associates (s.17)
- Only registered providers may receive course money (s.18)
- Give information about an accepted student to the Secretary within 14 days of any specified change in the status of the student's enrolment or the course they are undertaking (s.19)
- Send a student a written notice if the student has breached a student visa condition, informing them that they are required to attend in person before an officer (within the meaning of the [Migration Act 1958](#)) at a specified place within 28 days (s.20)
- Keep records of each accepted student (s.21)
- Belong to a tuition assurance scheme, unless exempted through the regulations (s.22)
- If liable to pay an annual registration charge, pay the charge by the last business day of February of the year (s.23)
- Pay an annual Fund contribution, unless exempted under the Act (s.24)

The providers that are exempt from the fit and proper person requirements of the Act (section 9(5)) are also exempt from making Fund contributions (section 24(2)).

### Refund of course money

- Sections 27–32 of the Act outline the obligations of providers with regard to refunds of course money. Refunds may apply in the event of provider default or student default.
- Refund course fees within two weeks in the case of provider default (s.29) and within four weeks in the case of student default (s.28).

### National Code obligations

Registered providers have an obligation to comply with the National Code. Self accrediting providers make an annual declaration of conformity with the National Code and once every five years are subject to an independent external audit report.