

F OFFSHORE REQUIREMENTS

Overview

The ESOS Act regulates the delivery of courses in Australia for the holders of student visas. It does not apply to the delivery of courses offshore. Students though who commence study offshore and complete in Australia are subject to ESOS upon arrival in Australia on a student visa. Providers must satisfy the requirements of standards 1, 2 and 3.

The ESOS evaluation report noted the close inter-connection between onshore and offshore delivery. The twinning model, which began in the 1980s, has gained new popularity in recent years with a growing number of programmes where students commence studying offshore and complete their course (or move into a more advanced one) onshore. Examples were given to the evaluation where offshore partners and agents have promised students articulation from their offshore study into programmes in Australia but the students have subsequently found their entry levels insufficient for the programme they were promised' (**ESOS Evaluation Report, 5.4.1**).

The National Code 2007 attempts to address some of these shortfalls noted by the ESOS Evaluation report.

Compliance requirements

Although the regulatory arm of ESOS does not extend to offshore delivery, it does extend to matters such as information provided to prospective onshore students and imposes a responsibility on providers for the actions of their agents and associates.

For courses delivered in Australia and marketed offshore, standard 1 and s.107 ESOS Act requires that the registered providers name and CRICOS code are clearly identified in written material. Section 107 states that if a person makes an offer to an overseas student or invites an application for a course (registered on CRICOS and to be delivered in Australia), then the written materials must identify the provider and provider number. Moreover 'if the letter of offer is for a course that is structured to lead to onshore study then it is advisable to include the provider CRICOS code' (DEEWR advice).

Standard 2 requires that before accepting a student for enrolment, prescribed information must be provided to the student. This information is normally provided by the provider (Monash) but in some instances agents have a delegated responsibility. Standard 4 sets out the responsibilities of providers in relation to their agents. Monash is responsible for ensuring that agents with whom it has an agreement have access to up-to-date marketing materials. Students who commence offshore with the intention of enrolling onshore will enter into a written agreement as provided by Monash (standard 3).