



National Code of Practice for Providers of Education and Training to Overseas Students 2018

The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) supports the National Strategy for International Education 2025 to advance Australia as a global leader in education, training and research.

The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to overseas students.

The National Code 2018 commenced on 1 January 2018. Education providers must comply with the National Code to maintain their registration to provide education services to overseas students.

National Code 2018 Factsheets

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Standard 1: Marketing information and practices

National Code of Practice for Providers of Education and Training to Overseas Students 2018

Do's:

1. **Be Honest in Marketing:** Ensure that all marketing and promotion of your courses and educational services are true and not misleading.
2. **Include CRICOS Details:** Always include your Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered name and number in all your written and online materials.
3. **Follow Australian Consumer Law:** Make sure your marketing is in line with Australian Consumer Law.
4. **Provide Accurate Course Information:** When you enter into written agreements with overseas students, give accurate information about:
 - Any work-based training required as part of the course.
 - Prerequisites for entering the course, including English language requirements.
 - Any other relevant information about your courses and the outcomes they lead to.
5. **Include CRICOS Information in All Materials:** Your CRICOS registered name and number must be in all written or online material related to course offerings to overseas students.
6. **Check Enrolment Status:** If an international student wants to transfer to your institution, check if they are enrolled with another provider first.

Don'ts:

1. **Avoid False Promises:** Do not promise or guarantee migration outcomes or successful education assessment outcomes from your courses.
2. **No Misleading Information:** Do not give false or misleading information about course requirements when entering into agreements with students.
3. **Don't Recruit in Conflict with Obligations:** Avoid recruiting international students in a way that conflicts with your obligations under Standard 7 (Overseas Student Transfers). This includes not promoting your courses as superior or cheaper to encourage students to transfer from their current provider.
4. **No Misleading Marketing:** Do not use marketing practices that are false or misleading.



Standard 2: Recruitment of an overseas student

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Do's:

1. **Provide Clear Information:** Offer comprehensive and easily understandable information to assist students in making informed decisions. This includes details on course content, tuition and non-tuition fees, and more.
2. **Check Student Qualifications:** Ensure overseas students have the necessary English language proficiency, educational qualifications, and/or work experience to enrol in the course.
3. **Recognise Prior Learning:** If offering recognition of prior learning (RPL) or course credits, have clear policies and processes to assess and record this.

Key Information to Provide Before Enrolment:

- **Course Requirements:** Information about English language proficiency, educational qualifications, work experience, and course credits.
- **Course Details:** Include CRICOS course code, content, study modes, training placements, assessment methods, duration, breaks, qualifications awarded, and outcomes.
- **Facilities and Resources:** Information on campus locations, facilities, equipment, and learning resources.
- **Partnership Arrangements:** Details of any arrangements with other providers or businesses involved in delivering the course.
- **Fees and Policies:** Indicative tuition and non-tuition fees, potential fee changes, cancellation and refund policies, and circumstances for deferring, suspending, or cancelling enrolment.
- **ESOS Framework:** Information about the Education Services for Overseas Student framework and links to official materials.
- **Welfare Arrangements:** Policies for accommodation, support, and welfare of younger students.
- **Accommodation and Living Costs:** Options and indicative costs of living in Australia.

Additional Requirements:

- **Documented Policies:** Have and implement documented policies for assessing students' qualifications and language proficiency.
- **Literacy Requirements:** Consider literacy requirements in the student's first language for courses without English language proficiency requirements.
- **Record Keeping:** For RPL or course credits, provide written records for the student to accept and retain these records for two years after the student ceases to be accepted.
- **Inform About Course Duration Changes:** If RPL or course credits reduce the course length, inform the student and issue a Confirmation of Enrolment for the reduced duration.



GLOBAL COLLEGE AUSTRALASIA

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Don'ts:

- **Avoid Misleading Recruitment:** Do not recruit students without ensuring they meet all the necessary qualifications for the course.
- **Do Not Compromise Course Integrity:** When granting RPL or course credits, ensure it does not compromise the integrity of the qualification and complies with the educational framework of the course.

GCA's Support for Agents

As part of our commitment to providing quality education and upholding ethical recruitment practices, Global College Australasia (GCA) equips our agents with the necessary tools and information. We provide all approved marketing materials and detailed course information to assist you in accurately representing our courses and services. These resources are designed to ensure consistency and reliability in the information shared with prospective students. Your role in guiding students towards informed decisions about their education is invaluable, and we are here to support you in this journey.



Section 2: Standard 2 - Recruitment of an Overseas Student

As you embark on recruiting overseas students for GCA, it's vital to align with our standards and ethics. This section outlines guidelines for compliant and integrity-driven recruitment practices.

What You Should Do:

1. Provide Clear Information:

- Offer detailed, understandable information to assist students in informed decision-making.
- *Example:* Explain the course duration and structure, including mandatory training components.

2. Check Student Qualifications:

- Verify necessary language proficiency and educational qualifications for enrolment.
- *Example:* Review language test scores for meeting GCA's criteria.

3. Recognize Prior Learning (RPL):

- Inform students about RPL policies and processes at GCA.
- *Example:* Advise how previous educational or professional experiences might count towards course credits.

Key Information to Provide Before Enrolment:

- **Course Requirements:**
 - *Example:* Detail specific language requirements for course eligibility.
- **Course Details:**
 - *Example:* Explain the course curriculum, including practical elements.
- **Facilities and Resources:**
 - *Example:* Describe GCA's campus amenities and learning resources.
- **Partnership Arrangements:**
 - *Example:* Outline collaborations with other institutions or organizations.
- **Fees and Policies:**
 - *Example:* State all fees, including potential changes, and enrolment policies.
- **ESOS Framework:**
 - *Example:* Provide resources on the rights and responsibilities under this framework.
- **Welfare Arrangements:**
 - *Example:* Discuss support services, especially for students under 18.
- **Accommodation and Living Costs:**



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- *Example:* Offer an overview of living costs and accommodation options.

Additional Requirements:

- **Documented Policies:**
 - *Example:* Use GCA's policies for assessing students' qualifications.
- **Literacy Requirements:**
 - *Example:* Discuss language requirements for courses without English prerequisites.
- **Record Keeping:**
 - *Example:* Maintain records of any RPL or course credits granted.
- **Inform About Course Duration Changes:**
 - *Example:* Update students if RPL or course credits alter course length.

What You Should Not Do:

- **Avoid Misleading Recruitment:**
 - Don't recruit students who don't meet qualifications.
 - *Example:* Avoid encouraging ineligible students to apply for certain courses.
- **Do Not Compromise Course Integrity:**
 - Ensure RPL or course credits do not undermine educational value.
 - *Example:* Do not grant credits that bypass key learning outcomes.



Standard 3: Written Agreements

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Do's:

1. **Create a Written Agreement:** Have a formal written agreement with every overseas student or intending overseas student you enrol. This can be in any form as long as it meets National Code and ESOS Act requirements.
2. **Ensure Agreement Acceptance:** Make sure the agreement is signed or accepted by the overseas student, or if they are under 18, by their parent or legal guardian.
3. **Include Essential Information:** The agreement must include course details, prerequisites, enrolment conditions, fees, refund and cancellation policies, and your complaints and appeals processes.
4. **Provide Necessary Advisories:** Inform overseas students of required information, including contact detail updates and emergency contacts.
5. **Outline Fee Payment Terms:** Do not accept any fees until the student (or their guardian if under 18) has accepted the agreement. Fees can be paid at the same time as the agreement is signed or accepted. Not applicable to Global College Australasia at this time as currently GCA only enrol over 18 students.

Key Elements of the Written Agreement:

- **Comprehensive Course Details:** List the course(s) the student will enrol in, any prerequisites, tuition and non-tuition fees, refund policies, and conditions on the student's enrolment.
- **Include All Fees:** Clearly outline all tuition and non-tuition fees to avoid disputes over hidden costs.
- **Complaints and Appeals Processes:** Detail internal and external complaints and appeals processes.
- **Consumer Law Rights:** State that the agreement does not affect the student's rights under Australian Consumer Law.
- **Refund Process:** Explain the process for claiming refunds and any specific conditions.
- **Course Delivery Guarantees:** Include information on what happens if a course is not delivered, mentioning the role of the Tuition Protection Service (TPS).
- **Privacy Disclosures:** Set out the circumstances in which personal information may be shared, following the Privacy Act 1988.
- **Record Keeping:** Keep records of all written agreements and payment receipts for at least two years after the student ceases to be an accepted student.



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Don'ts:

1. **Avoid Vague Agreements:** Do not create written agreements that lack clarity or fail to meet the requirements of the National Code and ESOS Act.
2. **Don't Overlook Student Acceptance:** Do not enrol students if under 18.
3. **Avoid Hidden Fees:** Do not fail to clearly list all potential fees in the agreement.
4. **Don't Disregard Legal Rights:** Do not omit information about the student's rights under Australian Consumer Law and the complaints and appeals processes.



Standard 4: Education agents

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Do's:

1. **Formal Agreements with Agents:** Have a written agreement with each education agent you work with.
2. **Record Agent Details:** Enter and maintain education agent details in the Provider Registration and International Student Management System (PRISMS).
3. **Ensure Agent Knowledge:** Make sure education agents understand the Australian International Education and Training Agent Code of Ethics.
4. **Agent Ethics and Honesty:** Ensure agents act ethically and honestly, prioritising the interests of overseas students.
5. **Monitor Agent Activities:** Regularly check your agents' activities and ensure they provide accurate, up-to-date information to students.
6. **Corrective Actions:** Take immediate action or terminate the relationship if an agent does not comply with the National Code or engages in unethical practices.
7. **Avoid Unethical Agents:** Do not accept students from agents who engage in unethical recruitment processes or provide unauthorised migration advice.

Key Elements of the Agent Agreement:

- **Responsibilities of Both Parties:** Outline both the education provider's and the agent's responsibilities, including compliance with the ESOS Act and National Code.
- **Monitoring and Quality Assurance:** Detail how the provider will monitor the agent's activities and ensure they provide accurate information.
- **Actions for Non-Compliance:** Specify corrective actions and grounds for terminating the agreement.
- **Information Sharing:** Describe the circumstances under which information about the provider may be shared with government agencies.

Agent Conduct Requirements:

- **Conflict of Interest:** Agents must declare and avoid conflicts of interest, such as charging fees to both students and providers for the same service.
- **Confidentiality and Transparency:** Agents must maintain appropriate confidentiality and transparency in their dealings.
- **Knowledge and Training:** Agents should be well-informed about the Australian education system and adhere to business ethics as per the Australian International Education and Training Agent Code of Ethics.



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Maintaining Agent Details:

- **PRISMS Record Keeping:** Keep updated records of all agents in PRISMS, following the provided guidelines.

Immediate Corrective Actions:

- **Addressing Non-Compliance:** Act immediately if an agent, or their employee or subcontractor, fails to meet responsibilities.
- **Termination for Misconduct:** Terminate relationships with agents who engage in false or misleading recruitment practices or violate visa conditions.

Don'ts:

1. **Avoid Incomplete Agreements:** Do not engage with agents without a complete written agreement.
2. **Don't Ignore Agent Misconduct:** Do not overlook unethical or dishonest behaviour by agents.
3. **Avoid Unauthorised Agents:** Do not work with agents who provide unauthorised migration advice or engage in dishonest recruitment practices.
4. **Don't Compromise Student Interests:** Do not accept students from agents if it's known or suspected that they are not acting in the best interest of the students.

Standard 5: Younger Overseas Students

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Not applicable.

GCA does not recruit or enrol students under the age of 18.



Standard 6: Student Support Services

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Do's:

1. **Provide Orientation and Information:** Offer orientation programs about living and studying in Australia, including campus safety and Australian lifestyle.
2. **Offer Free Support Services:** Provide free support services to help overseas students adjust to life and study in Australia.
3. **Have a Critical Incident Policy:** Develop a policy for managing serious incidents affecting students.
4. **Ensure Sufficient Staff Support:** Have enough staff, apart from academic staff, to support and advise overseas students.

Key Requirements:

- **Orientation Programs:** These should include information on support services, legal services, emergency and health services, facilities, complaints processes, course attendance and progress requirements, employment rights, and workplace issue resolution.
- **Safety Information:** Give advice on personal security and safety on campus and in Australia, including general safety tips relevant to Australian life.
- **Access to Support Services:** Ensure students can access learning support, mental health support, counselling, career services, housing, financial, health, and disability services.
- **Dedicated Contact Officer:** Assign at least one staff member as the official contact for overseas students, knowledgeable about available support services.

Critical Incident Policy:

- **Policy and Procedures:** Have a policy and procedures for handling critical incidents (like missing students, severe aggression, natural disasters, or serious injuries) that cause extreme stress or fear.
- **Record Keeping:** Maintain records of any critical incidents and the actions taken for at least two years after a student ceases to be enrolled.

Staff and Support Personnel:

- **Training and Awareness:** Ensure staff interacting with overseas students understand their responsibilities under the ESOS framework and the implications for students.
- **Sufficient Personnel:** Base the number of support personnel on the number of overseas students and their likely needs.



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Don'ts:

1. **Don't Neglect Orientation:** Do not fail to provide comprehensive orientation programs for new students.
2. **Avoid Additional Charges:** Do not charge overseas students extra for support services.
3. **Don't Ignore Safety:** Do not overlook the importance of informing students about safety and emergency procedures.
4. **Don't Overlook Critical Incidents:** Do not fail to have a clear and effective critical incident management policy.



Standard 7: Overseas Student Transfers

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Do's:

1. **Follow Transfer Restrictions:** Do not enrol overseas students wanting to transfer from another provider before they complete six months of their principal course, except under specific circumstances.
2. **Have a Transfer Policy:** Implement a documented policy and process for assessing transfer requests during the restriction period.
3. **Record Transfer Outcomes:** Record all outcomes of transfer requests in the Provider Registration International Student Management System (PRISMS).
4. **Offer Appeal Opportunities:** Do not finalise a transfer refusal until the student has accessed the complaints and appeals process.
5. **Parental Consent for Minors:** Ensure parental or guardian consent for transfers involving students under 18 years of age.

Key Requirements:

- **Restriction Period:** Generally, students cannot transfer before completing six months of their principal course unless certain conditions are met.
- **Assessing Requests:** Transfer requests must be assessed against the provider's policy, considering the student's best interests and reasons for transfer.
- **Documentation and Evidence:** Maintain records of transfer requests, decisions, and related documents for two years after the student ceases to be an accepted student.
- **Transfers for School Sector Students:** School sector students cannot transfer before completing six months of their first registered school course.

Grounds for Transfer:

- **Provider or Course Ceases:** If the current provider or course stops operating.
- **Sanction on Provider:** If a sanction prevents the student from continuing their course.
- **Government Sponsor Support:** If a government sponsor supports the transfer.
- **Compassionate or Compelling Circumstances:** Serious illness, bereavement, major political upheaval, natural disasters, or traumatic experiences affecting the student.

Transfer Process:

- **Written Request:** Students must submit a written transfer request with a letter of offer from another provider.
- **Best Interest Considerations:** The transfer should be in the student's best interests, and providers should specify what these interests are in their policies.
- **Outcomes Recording:** Record transfer request outcomes in PRISMS.



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For Students Under 18:

- **Parental Consent:** Written consent from parents or guardians is required.
- **Welfare Arrangements:** The receiving provider must accept responsibility for the student's accommodation and welfare.

Don'ts:

1. **Avoid Early Transfers:** Do not enrol students wishing to transfer before completing six months of their principal course, except under specific conditions.
2. **Don't Ignore Policies:** Do not overlook the provider's transfer policy when assessing requests.
3. **Avoid Incomplete Records:** Do not fail to maintain and record transfer request details and outcomes.
4. **Don't Neglect Appeal Rights:** Do not finalise transfer refusals without giving students a chance to appeal.



Standard 8: Overseas student visa requirements

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Do's:

1. **Monitor Progress and Attendance:** Regularly check overseas students' course progress and attendance as per sector requirements.
2. **Inform Students:** Clearly communicate course progress and attendance requirements to overseas students before they start.
3. **Support At-Risk Students:** Identify and assist students at risk of not meeting course progress or attendance requirements.
4. **Extend Enrolment Carefully:** Only extend the duration of a student's enrolment under specific circumstances and inform them about the potential impact on their visa.
5. **Comply with Online Learning Limits:** Deliver online learning according to sector-specific rules, ensuring it does not exceed one-third of the course.

Key Requirements:

- **Course Duration:** The duration specified in the Confirmation of Enrolment (CoE) should not exceed the CRICOS registered duration.
- **Documented Policies:** Have clear policies and processes for monitoring course progress and attendance.
- **Attendance Requirements:** Maintain a minimum attendance rate (usually 80%) or higher if required by specific sectors or state legislation.
- **Intervention Strategies:** Implement strategies to assist students who are not meeting progress or attendance benchmarks.
- **Reporting Visa Holders:** Report students who fail to meet course progress or attendance requirements, after giving them notice and an opportunity to appeal.

Sector-Specific Rules:

- **Schools, ELICOS, and Foundation Programs:** Monitor both attendance and course progress.
- **Higher Education:** Monitor course progress but not attendance.
- **Vocational Education and Training (VET):** Monitor course progress; attendance monitoring may be required by ESOS agency.

Extending Course Duration:

- **Circumstances for Extension:** Extend only for compassionate or compelling reasons, intervention strategy implementation, or approved deferral/suspension of enrolment.
- **New Visa Application:** Advise students they may need a new visa if the extension affects their course completion date.



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Online Learning:

- **Limitations on Online Learning:** Ensure that no more than one-third of the course is delivered online, and that at least one unit per study period is face-to-face, except in the final unit.

Don'ts:

1. **Don't Overlook Attendance and Progress:** Do not neglect to monitor students' course progress and attendance.
2. **Avoid Unauthorised Extensions:** Do not extend enrolment durations without meeting the specified criteria.
3. **Don't Exceed Online Learning Limits:** Do not offer more than one-third of the course through online learning.
4. **Don't Fail to Report:** Do not fail to report students who do not meet progress or attendance requirements after due process.



Standard 9: Deferring, suspending or cancelling the overseas student's enrolment

National Code of Practice for Providers of Education and Training to Overseas Students 2018

Do's:

1. **Manage Enrolment Changes:** Have processes for assessing, approving, and recording any deferment, suspension, or cancellation of study.
2. **Notify Students in Writing:** Inform students in writing if their enrolment is intended to be suspended or cancelled.
3. **Advise on Visa Implications:** Tell students to seek advice from the Department of Home Affairs about the impact on their visa.
4. **Allow for Appeals:** Do not enforce suspension or cancellation until the student has completed an internal appeals process unless there is a risk to health or wellbeing.
5. **Update PRISMS:** Keep PRISMS updated with any enrolment changes.

Key Requirements:

- **Record Keeping:** Maintain records of all decisions to defer, suspend, or cancel a student's enrolment.
- **Notification to Department of Education and Training:** Notify through PRISMS when a student's enrolment is deferred, suspended, or cancelled.
- **CoE Impact:** Be aware that changes in enrolment status can affect the student's Confirmation of Enrolment (CoE).

Student-Initiated Changes:

- **Compassionate or Compelling Circumstances:** Students can request changes due to serious illness, bereavement, major political upheaval, natural disaster, or traumatic experiences.
- **Documented Evidence:** Consider supporting documents when assessing requests for changes due to compassionate or compelling circumstances.

Provider-Initiated Changes:

- **Reasons for Changes:** May include misbehaviour, failure to pay fees, or breach of course progress or attendance requirements.
- **Appeals Process:** Provide a notice of intention to report and allow 20 working days for the student to access the internal complaints and appeals process.

Immediate Action Without Appeal:

- **Health or Wellbeing Risks:** Immediate action can be taken without an appeals process if the student's or others' health or wellbeing is at risk.



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Don'ts:

1. **Don't Neglect to Inform:** Do not fail to inform students about potential visa impacts due to changes in enrolment.
2. **Avoid Unwarranted Changes:** Do not defer, suspend, or cancel enrolment without valid reasons or without following the proper process.
3. **Don't Disregard Appeals:** Do not finalise changes to enrolment without giving students the opportunity to appeal, except in situations involving risk to health or wellbeing.



Standard 10: Complaints and appeals

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Do's:

1. **Implement a Complaints and Appeals Process:** Have and implement a documented internal process for handling complaints and appeals.
2. **Inform About External Appeals:** Advise students within 10 working days about their right to access an external appeals process if they are dissatisfied with the internal process outcome.
3. **Act on Favourable Decisions:** Immediately implement any decision or recommendation favouring the student from either internal or external appeals processes.

Key Requirements:

- **Accessible Information:** Provide clear, comprehensive, and easily accessible information about the internal complaints and appeals process.
- **Timely Response:** Start assessing a complaint or appeal within 10 working days of receiving it and resolve it promptly.
- **Fair and Transparent Process:** Conduct the assessment professionally, fairly, and transparently.
- **Opportunity for Representation:** Allow students to present their case with minimal or no cost, and with the assistance of a support person if needed.
- **Written Statement of Outcome:** Provide a written statement of the outcome, including reasons, and maintain records on the student's file.
- **Reporting in PRISMS:** Do not report unsatisfactory course progress or attendance until all complaints and appeals processes are completed.

Internal Complaints and Appeals:

- **Formal Lodgement:** Have a procedure for students to formally lodge complaints or appeals.
- **Handling Complaints Against Providers:** Respond to complaints about the provider or any related party.
- **Written Outcome Records:** Keep written records of the outcomes on the student's file.

External Complaints and Appeals:

- **Contact Information for External Bodies:** Provide contact details for the appropriate external complaints and appeals body, like the Ombudsman.
- **External Review Nature:** Clarify that external processes typically review the provider's adherence to policies and procedures rather than make direct decisions on the matter.



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Provider-Initiated Reporting:

- **Post-Appeal Reporting:** Only report students for unsatisfactory progress or attendance in PRISMS after all complaints and appeals processes have been completed.
- **Immediate Implementation of Decisions:** Act immediately on the outcomes of external appeals processes.

Don'ts:

1. **Don't Delay Implementing Decisions:** Do not delay in implementing favourable decisions from complaints and appeals processes.
2. **Avoid Withholding Information:** Do not fail to inform students about their right to access external appeals processes.
3. **Don't Ignore Appeals Timelines:** Do not neglect the requirement to start assessing complaints or appeals within 10 working days.
4. **Don't Overlook Fairness:** Do not conduct the appeals process in a manner that is not fair, professional, or transparent.



Standard 11: Additional registration requirements

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Do's:

1. **Register Full-Time Courses Only:** Ensure that only full-time courses are registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
2. **Seek Approval for Course Changes:** Submit any proposed changes to the course registration to the ESOS agency for approval at least 30 days before the changes commence.
3. **Undergo External Audit:** If you are a self-accrediting registered provider, conduct an independent external audit during your CRICOS registration period to inform re-registration.

Key Requirements:

- **Approval for Course Details:** Seek approval from the ESOS agency or designated State authority for course content, duration, modes of study, student numbers, and arrangements with other providers.
- **Demonstrate Compliance:** Show that the course duration is appropriate for full-time study, includes holiday breaks or work-based training, and that any work-based training is necessary and supervised.
- **Resource Appropriateness:** Ensure adequate staff, resources, and facilities for the delivery of courses to overseas students.
- **Online and Distance Learning:** Courses should not be delivered entirely online or by distance learning.

Specific Requirements for Course Registration:

- **Course Duration and Contact Hours:** For VET courses, demonstrate a minimum of 20 scheduled course contact hours per week unless specified otherwise.
- **Facilities and Resources:** Show that you and any partners have sufficient facilities, equipment, learning resources, and premises.
- **Student Numbers:** Ensure the proposed number of overseas students is appropriate for your resources and facilities.

Self-Accrediting Registered Providers:

- **Independent External Audit:** Conduct an audit within 18 months prior to the renewal of CRICOS registration.
- **No Annual Declaration Required:** Self-accrediting providers do not need to provide an annual declaration of conformity to TEQSA.



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Don'ts:

1. **Don't Register Part-Time Courses:** Avoid registering part-time courses on CRICOS.
2. **Avoid Delay in Approval Requests:** Do not delay in submitting proposed course changes for approval.
3. **Don't Overlook Audit Requirements:** Do not ignore the requirement for an independent external audit if you are a self-accrediting provider.