

## **APPENDIX 3**

### **Response from State Regulatory Authorities**

- Received from the Department of Further Education, Employment Science and Technology, South Australia Government;
- Received from the Victorian Regulations and Qualifications Authority;
- Received from the Victorian Regulations and Qualifications Authority;
- Received from Queensland Department of Education
- Received from the Department of Education & Training, Northern Territory.



Ref: BR09/2561

Mr John Carter  
Secretary  
Standing Committee on Education, Employment and Workplace  
Relations (References)  
PO Box 6100  
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Dear Mr Carter

Thank you for your letter dated 7 September 2009 to the Quality Directorate, Department of Further Education, Employment, Science and Technology (DFEEST), requesting information on regulatory arrangements in South Australia.

The Quality Directorate manages the registration and audit of providers under delegation from the Training and Skills Commission through the *Training and Skills Development Act SA (2008)*. These registration functions cover the higher education, vocational education and training sectors for delivery to domestic and overseas students.

As requested, information on the following is attached:

- the size of the Directorates operations
- procedures that are followed to register organisations
- quality assurance procedures that are in place for Registered Training Organisations.

Please do not hesitate to contact Ms Chris Hastwell, A/Director Quality Directorate on telephone (08) 8226 3405, should you require additional information.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Garrard', written over a white background.

Raymond Garrard  
**CHIEF EXECUTIVE**

7<sup>th</sup> September 2009

Encl.

### **Size of operations**

There are currently 330 providers registered under the *Training and Skills Development Act (2008)* in South Australia (the Act). 72 of these are registered to deliver to overseas students and of these, 49 operate primarily in the vocational education and training sector. The remainder operate in the higher education and or ELICOS sectors.

The key functions of audit and registration in the VET domestic and ESOS sectors (covering some 305 providers) are currently conducted by six lead auditors who are departmental employees. There is a seventh lead auditor who is primarily responsible for the handling and investigation of complaints about registered providers. DFEEST is currently recruiting two further lead auditors to bring the total to eight. The lead auditors are supported by staff in the Quality Directorate covering management, administration and record keeping functions.

In addition, there are two staff who are assisting in the management and provision of information to departmental staff and external clients on ESOS related matters. This includes coordinating inter-agency meetings, professional development activities newsletters and advisory information to providers.

### **Procedures to register organisations**

Organisations are registered against the *South Australian Standards for Registration to Deliver Education Services to Overseas Students*, established under the Act. A copy of the standards for registration is attached for reference. You will note that these Standards require providers to meet the requirements for registration in the higher education or vocational education and training sector (except in the case of ELICOS providers) and also be assessed as compliant with the National Code 2007.

All providers must submit an application for registration and demonstrate through a National Police Certificate, Statutory Declaration and independent certification of financial viability that they are fit and proper to be registered under the Act.

All applications for initial registration are assessed at a site audit by an audit team. Each audit team comprises a lead auditor, an external auditor (who has significant experience in vocational education and training) and where relevant, an industry specific technical adviser. The lead auditor is responsible for forwarding through their manager a report of the audit findings against all relevant requirements of the AQTF and the National Code. The audit also assesses and makes recommendations on the approved student capacity of the provider. The manager forwards a recommendation to the delegate. Neither the manager nor the delegate is directly involved in the audit.

The delegate may determine to register the organisation with or without conditions attached to the registration. In some cases for initial registration it is necessary for the approval to be conditional on, for example, a further site inspection to confirm that all resources have been purchased prior to students commencing studies.

This same process is followed to assess applications to renew registration and applications for extension to scope of registration including increases in approved student capacity. In applications that are assessed to be low risk an application may be approved on the basis of an application alone or by assessment of documents submitted by the provider at the request of the lead auditor.

### **Quality assurance procedures for Registered Training Organisations**

The Directorate works to quality assure the sector through regulatory and non-regulatory interventions.

Regulatory intervention is applied on a risk management basis. In the first instance, all providers registered for the first time are audited a second time within the first 12 months of

their registration to ensure that policies and procedures assessed at the initial audit are being successfully deployed. The focus of these and all other 'post-initial' audits is to assess evidence of quality outcomes. This is done by speaking with staff and students, examining records and looking for evidence of continuous improvement of the provider's operations.

Registered providers that are assessed to be high risk as a result of a poor compliance record or because of recent and rapid growth are more closely monitored. In particular the department regularly checks on the Provider Registration and International Student Management System (PRISMS) to identify providers that are in danger of breaching their approved capacity.

If a provider is not able to satisfactorily and quickly rectify compliance the delegate may apply a condition to the provider's registration restricting their operations. Most commonly this restricts the provider from issuing new enrolments.

The Directorate has one officer dedicated to handling complaints about registered providers. The investigation of a complaint may also lead to a Registered Training Organisation being assessed as high risk and subject to closer monitoring by the Department.

Non-regulatory interventions also play an important role in quality assurance.

Regular communication is maintained with all ESOS Providers via a quarterly update from the Directorate. The update provides them with current information related to the ESOS Framework and reminds them of their roles and responsibilities as ESOS providers, as well as their responsibility to providing quality education and training.

Professional development opportunities are provided on a regular basis on topics that identified by registered providers themselves. These topics have included:

- appropriate reporting on PRISMS
- working with and managing education agents
- addressing student welfare needs and providing appropriate student support
- ensuring student compliance with student visa requirements
- work placements for overseas students.

The Quality Directorate also works with the Office of the Training Advocate, an independent body established under the Act to offer assistance and support to students (both domestic and international); individuals and organisations with any questions or concerns about the tertiary education system. The Training Advocate has played a particularly important role in supporting and advocating for overseas students.

## SOUTH AUSTRALIA

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### STANDARDS FOR REGISTRATION TO DELIVER EDUCATION SERVICES TO OVERSEAS STUDENTS

The Department of Further Education, Employment, Science and Technology under delegation by the Training and Skills Commission will register under section 26 (1) (c) of the *Training and Skills Development Act 2008*, the following kinds of organisations:

- (A) a university created by South Australian statute that has adopted the Training and Skills Commission Code of Practice for delivery of education and training to overseas students;
- (B) an organisation registered under section 26 (1) (a) of the *Training and Skills Development Act, 2008*, that has adopted the Training and Skills Commission Code of Practice for delivery of education and training to overseas students and

**either**

is administered by a State education authority;

**or**

is entitled to receive funds under a law of the Commonwealth for recurrent expenditure for the provision of education or training, other than one excluded by ESOS Act Regulations from the scope of this paragraph.

- (C) an organisation registered under Section 26 (1) (a) of the *Training and Skills Development Act 2008* (ie a Registered Training Organisation or a registered provider of higher education courses);

**or**

an organisation that is certified as accredited by the National ELT Accreditation Scheme (NEAS) Limited ABN 29003 980 667;

**and**

- (1) that has adopted the Training and Skills Commission Code of Practice for delivery of education and training to overseas students;

**and**

- (2) that has been assessed as being

- (a) compliant with the National Code of Practice for Providers delivering Education Services to Overseas Students.
- (b) fit and proper within the meaning of the Code, having had due regard to a Statutory Declaration made by the Organisation, a national police clearance certificate and searches under the Commonwealth Corporations Law.

**and**

- (3) has demonstrated on initial registration and **annually thereafter**, financial viability through a statement by an accountant who
- (a) possesses a Public Practising Certificate, maintains appropriate indemnity insurance and is a member of a recognised professional accounting association
  - (b) has no financial interests in the organisation seeking registration

The attestation shall take into consideration:

- (a) the accounts system adopted by the provider is appropriate
- (b) the organisation is in a sound financial position and has the necessary financial resources to deliver the course(s) offered for fee.

In certifying the financial viability of a provider, with no prior trading history the accountant shall take into consideration:

- (a) a forecast of the resources available for the operations of the organisation for the first six months, without the need for students' fees
- (b) a forecast of the resources available for a further two year period taking into account on-going operations including students' fees.

In attesting to the financial viability of a provider with a prior trading history, the accountant shall take into consideration:

- (a) a forecast of the resources available for the operations of the provider for a two year period including all sources of funding available to the provider
- (b) financial statements including profit and loss statements, balance sheets and explanatory notes to the accounts, and statements of the resources available for the previous three years of the business.

Registered Training Organisations operating in SA under AQTF mutual recognition arrangements must undergo a full assessment.



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Mr John Carter  
Secretary  
Senate inquiry into the welfare of international students  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Mr Carter

Thank you for your letter dated 7 September 2009 requesting information to inform the Senate inquiry. Attached to this letter is the information you have requested. Please contact me directly should you require any clarification or further information. I can be contacted on telephone 9651 3204 or via email on [glover.lynn.m@edumail.vic.gov.au](mailto:glover.lynn.m@edumail.vic.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Glover'.

Lynn Glover  
Director, VRQA

29 SEP 2009

## Victorian Registration & Qualifications Authority: Response to information request from the *Senate inquiry into the welfare of international students*

### 1. Size of the Victorian Registration and Qualifications Authority (VRQA) VET unit.

There are 53 staff who work in the VRQA. The VRQA organisation chart is provided at Attachment One.

The VRQA VET Unit manages routine registration and audit activities for Registered Training Organisations (RTOs) and for providers of courses to overseas students in the VET area; as well as the accreditation of courses delivered by RTOs. The VRQA has a panel of contracted auditors which undertake the audits and reviews of providers.

In May this year the VRQA established a dedicated unit to manage the Rapid Audit Program of high risk RTOs approved to deliver courses to overseas students. This unit is managing the auditing of 41 providers.

### 2. Initial VRQA registration process for Registered Training Organisations (RTOs) and providers of courses to overseas students

Steps	Process
1. Receive application for initial registration as an RTO and/or provider to overseas students	<ul style="list-style-type: none"> <li>• Applications submitted direct to the VRQA</li> <li>• Application date stamped</li> <li>• Application checked for completeness and additional information sought where required</li> <li>• Application entered on CRM as inactive</li> <li>• Application and registration fee processed</li> </ul>
2. Evaluate application	<ul style="list-style-type: none"> <li>• Initial risk assessment is based on supplementary risk indicators</li> <li>• Adequacy of information assessed</li> <li>• Create a hard file for each application</li> <li>• Scope of audit determined</li> <li>• Audit arranged by appropriate officer</li> <li>• Determine if approval of licensing or industry bodies is required</li> </ul>
3. Conduct an audit	<ul style="list-style-type: none"> <li>• Auditor or audit team selected from auditor panel</li> <li>• Date of audit arranged by auditor in consultation with client</li> <li>• VRQA Audit Procedures undertaken</li> </ul>
4. Make a recommendation on registration	<ul style="list-style-type: none"> <li>• Recommendation based on compliance with relevant Standards, Codes, legislation and regulations</li> <li>• Recommendation on period of registration based on risk assessment</li> </ul>



Steps	Process
5. Approve or refuse application	<ul style="list-style-type: none"> <li>• Delegate approves or rejects registration application</li> <li>• Decision is consistent with relevant Standards, Codes, legislation and regulations</li> <li>• Decision recorded electronically using CRM function</li> </ul>
6. Implement decision	<ul style="list-style-type: none"> <li>• If <b>unsuccessful</b>, applicant advised and provided with reason for decision</li> <li>• Annual registration fee returned to unsuccessful applicant</li> <li>• If <b>successful</b>, applicant provided with letter of confirmation, Certificate of Registration, Scope of Registration Certificate and registration information</li> <li>• For providers of courses to overseas students, the Registration recommendation is forwarded to DEEWR which has responsibility for registering providers on CRICOS</li> </ul>

3. The VRQA has a range of quality assurance arrangements in place to underpin the delivery of vocational education and training by RTOs including:

#### *Governance*

- ❖ Strategic governance of all VRQA business activities by the VRQA Board. The VRQA is a statutory authority, responsibilities of direct interest to the inquiry are:
  - i. monitoring of minimum standards
  - ii. initial registration and ongoing monitoring of all schools, training and higher education providers
  - iii. accreditation of courses and registration of qualifications
  - iv. authorisation of providers to conduct or award those courses and qualifications
  - v. approval of providers of courses for overseas students
  - vi. providing public information about registered courses and providers
- ❖ The VRQA Board has delegated its powers in relation to the delivery of courses to overseas students to the Director, Deputy Director and TVET Australia. The delegates are required to report formally to each VRQA Board meeting on any decisions they have taken under delegation.
- ❖ The VRQA has established a sub committee with responsibilities for monitoring and driving improvement in quality of vocational education and training in Victoria.
- ❖ All VRQA Board decisions are reported to the relevant Minister for information immediately after meetings.
- ❖ The Secretary of the Department of Industry, Innovation and Regional Development is a member of the VRQA Board.
- ❖ The VRQA Board undertakes an annual client satisfaction survey of registered education and training organisations. This survey is not restricted to VET providers but covers all education sectors. The survey results are

reported to the VRQA Board and provides critical feedback on the VRQA regulatory services and procedures. This information is used to inform the Board's annual planning activities and influences priorities for business improvement.

- ❖ The VRQA Board produces a detailed annual report which provides information on all aspects of its regulatory business. A copy of the 2007/08 report can be found on our website at:

[www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)

- ❖ The Minister for Skills and Workforce Participation has directed the VRQA to develop guidelines aimed at strengthening the registration and ongoing quality of services provided by vocational education and training providers approved to deliver to overseas students. These guidelines are under development and will be implemented from 1 January 2010.

### ***Operations***

- ❖ The VRQA staff conduct monthly information sessions for prospective applicants considering registration as an RTO or seeking approval to deliver courses to overseas students. These sessions cover all aspects of the National and Victorian regulatory framework, procedures for registration, likely timelines and appeal mechanisms.
- ❖ The VRQA have a dedicated website which covers all of its regulatory activities. In relation to vocational education and training it also lists providers who have had their registration suspended or cancelled.
- ❖ The VRQA undertakes regular auditor and contractor seminars and training programs. These programs provide critical information on policy and operational matters.
- ❖ The Director meets regularly with key stakeholders to brief them on emerging issues.
- ❖ Under the *Education and Training Reform Act 2006* the VRQA has appointed a number of authorised officers. These officers are able to enter premises, make enquiries and inspect and examine documents. The VRQA is increasingly using authorised officers to conduct preliminary investigations and to lead complex audits and reviews.

### ***Consumer Protection***

- ❖ The VRQA has developed and implemented a State Register. The Register provides up to date information on all registered education and training providers in Victoria. The State Register has been designed to allow the public to easily search by provider name, locality, qualification and type of registration (this includes whether they have approval to deliver to overseas students). This information ensures that students and parents whether located here in Victoria or off shore are able to access relevant information about registered providers.
- ❖ The VRQA has developed a simple post card for prospective international student which lists the key questions they should be asking of potential



providers of education and training before they make any decisions about enrolment. This postcard is available on the VRQA website. This has been distributed in India and is available in Hindi.

- ❖ The VRQA has a dedicated Complaints Unit. The Unit reports directly to the Director and assesses all complaints and conducts investigations. In addition the unit provides a telephone service to overseas students.
- ❖ The VRQA has established its own 'First Response' team. This team is activated to support the closure of any provider of courses to overseas students. The team is formed from senior officers across the VRQA. The team takes responsibility for assessing the situation, coordinating information between relevant authorities and with ACPET and arranging any student briefings. The team ensure that all necessary consumer protection arrangements are in place quickly to support students. A detailed checklist has been developed by the VRQA to assist staff in managing college closures.

### ***Vocational education and training quality assurance arrangements***

#### ***❖ Types of audits and reviews***

In its regulatory role, the VRQA has a range of audit and review options to manage the quality of RTOs. These include audit programs for the following:

- New registration
- Renewal of registration
- 12-month review of registration
- Extension to scope of registration
- Increase to maximum capacity of overseas students
- Compliance with requirements of registration
- Complaints audit
- Strategic audits

#### ***❖ Quality Assurance via the audit and review program***

A team of independent auditors, contracted by the VRQA to undertake site and desktop audits and reviews, they report to the VRQA on the level of compliance of RTOs with the requirements for registration under the *Australian Quality Training Framework 2007* (the AQTF 2007) and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code 2007).

Audits and reviews are implemented according to the registration cycle of the RTO and its status for delivering courses to overseas students.

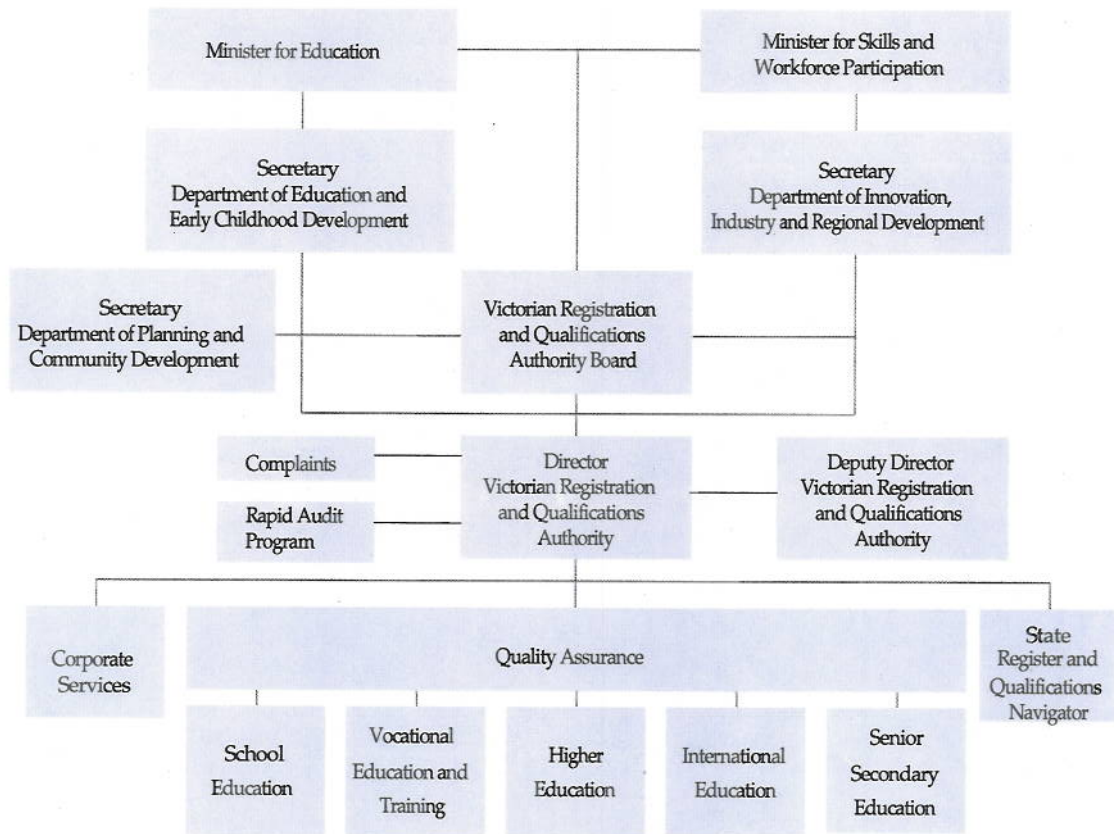
Initial registration audits for new providers, and at the end of their first 12 months of registration, ensure compliance is monitored in an RTO's early registration history.

Audits are also conducted for renewal of registration every five years; and for the assessment of proposed amendments to an RTO's registration status, e.g. addition of new courses, new training locations, increase to maximum number of overseas students. The audits enable the VRQA to meet its obligations under the *Education and Training Reform Act 2006* in relation to monitoring quality assurance for RTOs.

For RTOs which consistently demonstrate quality training outcomes and compliance with the essential standards, the audit processes undertaken are proportional to the lower level of risk involved with these providers. Equally, where there is a history of critical non-compliance by an RTO, this will impact on the scope of the VRQA's audit program in order to address the higher level of risk.

In certain circumstances the VRQA will develop and implement special audits, such as complaints audits, compliance and strategic audits. These are undertaken to monitor compliance with the National Code 2007 or the AQTF 2007 at any particular stage of the registration period of an RTO, or of a particular group of RTOs, e.g. the Rapid Audit Program is currently being undertaken by the VRQA on a group of high risk providers of courses to overseas students.

# Organisation chart as at September 2009







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8 October 2009

Mr John Carter  
Secretary  
Senate inquiry into the welfare of international students  
PO Box 6100  
Parliament House Canberra ACT 2600

Sear Mr Carter

I refer to your email dated the 27 September 2009 in which you asked several questions relating to the delivery of courses to overseas students.

I have attached my response. Please note that I will provide a response to question fie in due course.

Please ring me on (03) 9651 3204 should you need to discuss any of my answers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Glover', written in a cursive style with a long, sweeping tail that extends to the right.

**Lynn Glover  
Director**

## **Senate inquiry into the welfare of international students**

### **Response from the Victorian Registration and Qualifications Authority to Questions on Notice to State Training Registration and Compliance Agencies**

- 1. It is claimed that many Registered Training Organisation's (RTO's) offer cooking and hairdressing courses that do not include work-based training programs. Why are these programs approved? Why are normal industry requirements ignored when the reason for providing these courses is to supply the needs of industry?**
  - All registered providers approved to deliver a particular qualification to overseas students must comply with the requirements specified in the relevant National Training Package.
  - National Training Packages allow providers flexibility in the delivery of qualifications. Qualifications may be delivered fully within the institution or as a combination of institutional and workplace based delivery. these decisions will be made on the basis of the facilities required by the provider to support the delivery of the qualification. The delivery of training through workplace based training requires the approval of the designated authority prior to offering such an option to students.
  - Industry experience is therefore made available to all students through a number of means including vocational placement or simulated work based experience.
  
- 2. Is it government policy to maintain equality in standards in comparable courses across the VET sector, including private RTO's? If so, how do you explain the apparently wide variations?**
  - All registered training organisations must be approved to deliver courses to overseas students by the designated authority. Providers must comply with the delivery requirements specified in the relevant National Training Package, irrespective of whether the provider is a public or private RTO.
  - National Training Packages specify the requirements for each individual qualification including the set number of core units of competency as well as a specified number of elective units, which are selected from a range of options available within the training package by the registered provider. Variations across delivery can occur as a result of the provider's choice in elective units of competency.
  - If the variation referred to above has been based on observations of variations in duration of qualifications registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), it should be noted that the overall duration registered on CRICOS is a combination of both teaching weeks and holiday weeks. To accurately evaluate the variation in course delivery across all providers nationally, holiday periods need to be excluded from the total registered duration.



**3. Why is it possible for an ATO to be registered when its intention is to enrol only foreign students: the assumption to be drawn that they are likely to cut corners on training?**

- The Education and Training Reform Act 2006 provides the VRQA with the authority to approve providers as suitable to provide a specified course to students from overseas. In deciding whether to grant approval, the VRQA may have regard to all or any of the following matters:
  - the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students
  - the suitability of the course for overseas students
  - guidelines issued by the VRQA
  - any other matter relating to the management or operations of the provider.

**4. Is it possible for proprietors of de-registered RTO's to obtain registration for starting new establishments?**

- Each application for registration both as an RTO and for approval on CRICOS requires the provider to demonstrate it meets the above requirements. Information about the previous conduct of a provider or managerial agent is sought and considered during the course of the assessment of a new application for registration.
- Section 9 (6) of the ESOS Act imposes a 'fit and proper person' test which enables DEEWR to take into account, in deciding whether to grant CRICOS registration, if an applicant *"has ever had his, her or its registration cancelled or suspended for any one or more courses for any one or more States under this Act..."* or *"has ever had a condition imposed on his, her or its registration under this Act"*.
- State & Territory legislation regarding the registration of RTOs also contain similar provisions which enable registering authorities to take account of past RTO cancellations in determining a new application for RTO registration.

**5. Would you agree with the contention that the state-Commonwealth division of responsibility for main training ESOS standard diminishes systems accountability overall? What advantage is there in maintaining shared responsibility in the regulation of the VET system?**

- This matter is currently being considered I will provide a response in due course.



## **Senate inquiry into the welfare of international students**

### **Response from Queensland to Questions on Notice to State Training Registration and Compliance Agencies**

- 1. It is claimed that many Registered Training Organisation's (RTO's) offer cooking and hairdressing courses that do not include work-based training programs. Why are these programs approved? Why are normal industry requirements ignored when the reason for providing these courses is to supply the needs of industry?**
  - All registered providers must comply with the requirements specified in the relevant National Training Package.
  - Providers have a number of options in delivery mode for both Hairdressing and Commercial Cookery. Depending on the facilities available in-house at the Training Organisation, a provider can choose to deliver a qualification entirely within their organisation, utilising for example an in-house restaurant or hair salon. Should these not be available, or should the provider choose to include additional external training, a provider can choose to offer vocational placement within industry. The delivery of such vocational placement is regulated, and approval must be sought from the designated authority prior to offering such an option to students.
  - Industry experience is therefore made available to all students through a number of means including vocational placement or simulated work-placement experience.
  
- 2. Is it government policy to maintain equality in standards in comparable courses across the VET sector, including private RTO's? If so, how do you explain the apparently wide variations?**
  - All registered providers must comply with course delivery requirements specified in the relevant National Training Package, irrespective of whether the provider is a public or private RTO.
  - Training package qualifications specify a set number of core units of competency as well as a specified number of elective units, which are selected from a range of options available within the training package by the registered provider. Variations across delivery can occur as a result of the provider's choice in elective units of competency.
  - If the variation referred to above has been based on observations of variations in duration of qualifications registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), it should be noted that the overall duration registered on CRICOS is a combination of both teaching weeks and holiday weeks. To accurately evaluate the variation in course delivery across all providers nationally, holiday periods need to be excluded from the total registered duration. The data recorded on CRICOS does not at present allow such an evaluation. The number of teaching weeks is informed by the nominal hours for a particular qualification. Nominal hours is a value assigned to a structured program of study that nominally represents the anticipated hours of supervised learning and/or training deemed necessary to conduct training/learning and assessment activities associated with the program of study. Nominal hours do not include hours associated with work experience, industry placement, or field placement. (AVETMISS definition –

Australian Vocational Education and Training Management Information Statistical Standard).

- In recognising that there will be variations in the time taken by different individuals to achieve competency, nominal hours do not appear in training packages. They are formulated through a separate process and may be used by State/Territory Governments as a mechanism for the allocation of funds for training.
- If the variation referred to above is in relation to the cost of a qualification, the cost of each program is determined exclusively by the RTO.
- There is no requirement for systematic moderation of assessment outcomes in the VET sector across the various providers of the same qualifications. The provider must ensure consistency with requirements of the training package by addressing the specific entry requirements, the assessment guidelines and qualification packaging rules, required trainer and assessor competencies and assessment evidence requirements specified in the units of competency.

**3. Why is it possible for an ATO to be registered when its intention is to enrol only foreign students: the assumption to be drawn that they are likely to cut corners on training?**

- The legislation allows for any provider that can demonstrate compliance with legislative requirements to be registered on CRICOS, irrespective of their intended student cohort. There are many examples of training organisations delivering exclusively to the international student sector with a demonstrated track record of high quality educational outcomes for these students.

**4. Is it possible for proprietors of de-registered RTO's to obtain registration for starting new establishments?**

- Each application for registration both as an RTO and on CRICOS requires the provider to demonstrate it meets national standards, and that appropriate policies and procedures are in place to ensure that the organisation is able to comply with legislative requirements. Information about the previous conduct of a provider or managerial agent is sought and considered during the course of the assessment of a new application for registration. However, it is not without precedent for de-registered providers and/or proprietors to seek a new registration in another jurisdiction through a new corporate entity without necessarily declaring their previous history. Current limitations on the national database, where the full history of providers in one jurisdiction is not always available in another, can limit the ability of regulators to make informed decisions in these circumstances.

**5. Would you agree with the contention that the state-Commonwealth division of responsibility for main training ESOS standard diminishes systems accountability overall? What advantage is there in maintaining shared responsibility in the regulation of the VET system?**

- Accountability in the cooperative regulatory model is articulated in the Commonwealth Act and National Code.
- The existence of specific legislation in some States and Territories for the education of overseas students and not in others, adds to the complexity of the system. The current approach relies very heavily on the sharing of information. A national approach, with a single entity, would have the advantage of clear lines of accountability and authority to take action.



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Mr John Carter  
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**Our ref** DOC2009/07336  
2009/1723

o / October 2009

Dear Mr Carter

**RE: Senate Enquiry into the Welfare of International Students**

Thank you for your letter of 7 September 2009 seeking information regarding the processes followed by regulatory authorities in the states and territories as they relate to international education.

There are ten institutions registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) who provide education services to international students in the Northern Territory. These are: this Department which has responsibility for all Northern Territory Government schools, Charles Darwin University which offers both higher education and vocational education and training (VET) courses, an English Language Intensive Courses for Overseas Students provider, one private VET provider and six non-government schools.

The International Services Branch (ISB) is located within the Training and Higher Education Division of this Department. There are two officers who engage in the registration and regulation of providers of education services to international students in the Northern Territory, overseen by a Director who has responsibility for international education.

All institutions interested in applying for CRICOS registration in the Northern Territory must apply through the ISB. Applications are assessed by both internal and external auditors, with assessments including interviews and site inspections. Once all requirements have been met, the Chief Executive of this Department recommends to the Australian Government Department

of Education, Employment and Workplace Relations that the provider be registered on CRICOS. Before being recommended for registration on CRICOS, the institution must be appropriately accredited as a higher education provider, a registered training organisation, or have National ELT Accreditation Scheme accreditation.

As the international education, VET and higher education regulatory areas are all located in the Training and Higher Education Division of this Department, regulatory staff work closely together to monitor quality assurance of registered training organisations. This includes the sharing of information about providers, ongoing monitoring of provider registration compliance and performance through regular contact, audits based on risk assessment and responding to complaints.

If you have any queries regarding the above or require further information, please contact Ms Wendi Masters, Director Strategic Policy, on telephone (08) 8901-1305 or via email at [wendi.masters@nt.gov.au](mailto:wendi.masters@nt.gov.au).

Yours sincerely



**John Hassed**  
Deputy Chief Executive