



Comparison of the ESOS National Code 2007 Parts C & D with the revised Higher Education Standards Framework

Parts C and D of the *National Code of Practice for Providers of Education and Training to Overseas Students 2007* (the National Code) established under the *Education Services for Overseas Students (ESOS) Act 2000* have been mapped against the draft proposed Higher Education Standards Framework (the Framework), to explore alignment and achieve consistency wherever practicable. The following tabulation shows where there is an equivalent outcome or where there may be only partial alignment (in part due to the very detailed nature of the National Code). The mapping has been primarily concerned with alignment of education-related matters and there has been no attempt to address immigration-related issues, as these are not addressed by the Framework.

Parts A, B, C.1 and C.2 of the National Code form an explanatory overview only that does not have a regulatory function and is not relevant to the Framework and this comparison.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
National Code Part C - 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 and section 9A of the ESOS Act. This includes complying with the requirements of the National Code.	7.2.3 There are policies and processes that ensure information and advice given to international students holding or applying for an Australian student visa and decisions taken in relation to such students meet statutory requirements.	Equivalent outcome.
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.		No longer relevant for higher education (due to a single Higher Education regulator).
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.	6.2.1 The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:	The National Code addresses an existing obligation of the Higher Education provider

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		<p>i. there are credible business continuity plans and adequately resourced financial and tuition safeguards to mitigate disadvantage to students who are unable to progress in a course of study due to unexpected changes to the higher education provider's operations, including if the provider is unable to provide a course of study, ceases to operate as a provider, loses professional accreditation for a course of study or is otherwise not able to offer a course of study</p>	<p>to the regulator under the TEQSA Act 2011 (Section 29), and this obligation is not repeated in the Framework. However, in the event of a failure of a new entity to gain registration, the interests of students are protected by Framework Standard 6.1.2i.</p>
6.1a	<p>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:</p> <p>a. details of the provider, including:</p> <ul style="list-style-type: none"> 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, 	<p>PART B1: Criteria for Eligibility to Make an Initial Application for Registration as a Higher Education Provider in Australia</p> <p>An applicant is eligible to apply for registration as a higher education provider in Australia if:</p> <ol style="list-style-type: none"> 1. The applicant is an entity of a type consistent with the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act 2011). 2. A principal purpose of the entity to be registered is the provision of higher education in or from Australia. 3. The applicant has a governing body and a constitution (or equivalent) that meets the requirements of the instrument under which the applicant is established or incorporated. 4. Members of the governing body meet the Australian residency requirements, if any, of the instrument under which the applicant is 	<p>Equivalent outcome specific to higher education.</p>

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	<p>chief executives and managers (where there is no stated position of director, principal or chief executive)</p> <p>v. contact details of the head office (street and postal address, email, telephone, facsimile, website), and</p> <p>vi. contact details of the premises at which the education/training will be provided</p>	<p>established or incorporated, or otherwise there are at least two members of the governing body who are ordinarily resident in Australia.</p> <p>5. The applicant has, or will have, operations and staffing in Australia for the delivery of higher education.</p> <p>6. The members of the governing body are fit and proper persons.</p> <p>7. The applicant has fulfilled, and is reasonably expected to continue to fulfil, its regulatory obligations as a corporation in Australia.</p> <p>8. The applicant applies for accreditation of a higher education course of study at the time of application for registration as a higher education provider in Australia, and tenably expects to commence delivery of an accredited course of study in or from Australia from the date of commencement of its registration as a higher education provider.</p> <p>9. The applicant is not engaged in, or reasonably expected to be engaged in, any proceedings or actions that may jeopardise its intended delivery of higher education.</p> <p>10. The application for registration discloses accurately and in full:</p> <ol style="list-style-type: none"> a. the registered name of the applicant entity and trading name(s) if different b. the ownership of the entity c. any parent entities, predecessors and other related entities d. the entity's constitution (or equivalent) e. the members of the governing body f. the higher education course(s) of study and 	

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		<p>qualification(s) that are proposed to be offered initially</p> <ul style="list-style-type: none"> g. other parties with whom it is proposed to deliver higher education in Australia and overseas, if applicable h. other educational activities undertaken or proposed in Australia or overseas i. any previous applications for approval to provide higher education in Australia or overseas made by the applicant or related entities and any conditions imposed on such approvals if granted j. if approval to offer higher education has ever been withdrawn from the applicant or related entities k. if any serious offences have been committed by the applicant or related entities in Australia or overseas, and l. such other information as may be requested by the Tertiary Education Quality and Standards Agency (TEQSA). 	
6.1b	proposed maximum number of overseas students having regard to the appropriateness of the resources and facilities for the delivery of the course	2.1.1 Facilities, including facilities where external placements are undertaken, are fit for their educational and research purposes and accommodate the numbers and educational and research activities of the students and staff who use them.	Equivalent outcome.
6.1c	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	<p>7.3.1 There is a repository of publicly available, current information about the higher education provider's operations that includes:</p> <ul style="list-style-type: none"> a. the registered name of the higher education provider, trading name(s) if different, regulatory status and authority to provide courses of study to 	Equivalent outcome.

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	the selection and approval of such sites is based	<p>international students studying on an Australian student visa</p> <p>f. a high-level organisational chart that includes the organisational units that deliver courses of study, such as schools or faculties</p> <p>g. the locations at which higher education is offered, including overseas if applicable</p> <p>h. an overview of teaching campuses, facilities, learning resources and services provided for students</p> <p>j. arrangements with other parties to deliver courses of study or to conduct research training</p> <p>m. contact details.</p> <p>5.4.1 Work-integrated learning, placements, other community-based learning and collaborative research training arrangements are quality assured, including assurance of the quality of supervision of student experiences.</p> <p>5.4.2 When a course of study, any parts of a course of study, or research training are delivered through arrangements with another party(ies), whether in Australia or overseas, the registered higher education provider remains accountable for the course of study and verifies continuing compliance of the course of study with the standards in the Higher Education Standards Framework that relate to the specific arrangement.</p>	
6.1d	<p>a statement on:</p> <p>i. whether the provider (including directors, owners, partners, chief executive or</p>	PART B1: Criteria for Eligibility to Make an Initial Application for Registration as a Higher Education Provider in Australia	Equivalent outcome.

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	<p>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</p> <p>ii. whether the provider has previously been refused registration by DEST or any designated authority (and, if so, the name of the designated authority) and reasons for refusal</p>	<p>An applicant is eligible to apply for registration as a higher education provider in Australia if:</p> <p>10. The application for registration discloses accurately and in full:</p> <ul style="list-style-type: none"> h. other educational activities undertaken or proposed in Australia or overseas i. any previous applications for approval to provide higher education in Australia or overseas made by the applicant or related entities and any conditions imposed on such approvals if granted j. if approval to offer higher education has ever been withdrawn from the applicant or related entities k. if any serious offences have been committed by the applicant or related entities in Australia or overseas, and 	
6.1e	the courses that the provider is seeking to offer to overseas students in that state, including the proposed structure of the course, and	<p>3.1.1 The design for each course of study is specified and the specification includes:</p> <ul style="list-style-type: none"> b. structure, duration and modes of delivery <p>7.3.1 There is a repository of current publicly available information about the higher education provider's operations that includes:</p> <ul style="list-style-type: none"> a. the registered name of the higher education provider, trading name(s) if different, regulatory status and authority to provide courses of study to international students studying on an Australian student visa i. a list of all higher education courses of study that are offered, including indicative estimated annual 	Equivalent outcome.

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		<p>enrolments</p> <p>7.3.2 The list of all higher education courses of study within the repository of information includes:</p> <p>e. whether each course of study is authorised to be offered to international students studying on an Australian student visa.</p>	
6.1f	any other information as required under section 9 and section 9A of the ESOS Act.	<p>PART B1: Criteria for Eligibility to Make an Initial Application for Registration as a Higher Education Provider in Australia</p> <p>An applicant is eligible to apply for registration as a higher education provider in Australia if:</p> <p>10. The application for registration discloses accurately and in full:</p> <p style="padding-left: 40px;">l. such other information as may be requested by the Tertiary Education Quality and Standards Agency (TEQSA).</p>	Equivalent outcome.
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.	<p>3.1.1 The design for each course of study is specified and the specification includes:</p> <p>b. structure, duration and modes of delivery</p> <p>7.2.3 There are policies and processes that ensure information and advice given to international students holding or applying for an Australian student visa and decisions taken in relation to such students meet statutory requirements.</p> <p>7.3.2 The list of all higher education courses of study within the repository of information includes:</p> <p>c. whether the qualification is recognised in the</p>	Compliance with the identified Standards for Higher Education is consistent with the requirements of the National Code.

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		Australian Qualifications Framework f. the duration of each course of study	
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 courses remain subject to the requirement in paragraph 7.1 that only full-time courses can be registered on CRICOS.		ELICOS courses are not higher education courses.
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.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
7.4	Proposed changes to the registered duration of a course must be approved by the designated authority prior to the changes being made.		Refer to Section 29 of the TEQSA Act 2011 (Condition - notifying TEQSA of material changes).
8.1	Work-based training must only be approved by a designated authority as part of a CRICOS-registered course where: <ul style="list-style-type: none"> a. it must be undertaken to gain the qualification, and b. the registered provider has appropriate arrangements for the supervision and assessment of overseas 	5.4.1 Work-integrated learning, placements, other community-based learning and collaborative research training arrangements are quality assured, including assurance of the quality of supervision of student experiences.	National Code standard 8.1a is primarily an immigration-related outcome, however an equivalent

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	students in place.		educational outcome is achieved.
9.1	Courses delivered entirely by online or distance learning can not 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.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
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.	5.4.2 When a course of study, any parts of a course of study, or research training are delivered through arrangements with another party(ies), whether in Australia or overseas, the registered higher education provider remains accountable for the course of study and verifies continuing compliance of the course of study with the standards in the Higher Education Standards Framework that relate to the specific arrangement.	The Framework does not address specific rules of CRICOS registration, however Standard 5.4.2 speaks to the accountability of the “primary” provider.
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.	<p>PART B1: Criteria for Eligibility to Make an Initial Application for Registration as a Higher Education Provider in Australia</p> <p>An applicant is eligible to apply for registration as a higher education provider in Australia if:</p> <p>10. The application for registration discloses accurately and in full:</p> <p style="padding-left: 40px;">g. other parties with whom it is proposed to deliver higher education in Australia and overseas, if applicable</p>	Equivalent outcome.
10.3	The registered provider is responsible under the ESOS Act for breaches of the Act or National Code, whatever the nature of its	5.4.2 When a course of study, any parts of a course of study, or research training are delivered through	Equivalent outcome.

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	contractual or other arrangements with another provider for that course.	<p>arrangements with another party(ies), whether in Australia or overseas, the registered higher education provider remains accountable for the course of study and verifies continuing compliance of the course of study with the standards in the Higher Education Standards Framework that relate to the specific arrangement.</p> <p>6.2.1 The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:</p> <p>a. the governing body and the entity comply with the requirements of the legislation under which the provider is established, recognised or incorporated, any other legislative requirements and the entity's constitution or equivalent</p>	
10.4	Proposed changes to arrangements with other providers must be approved by the designated authority prior to the changes being made.		Refer to Section 29 of the TEQSA Act 2011 (Condition-notifying TEQSA of material changes).
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.		Part of TEQSA's operational processes.
11.2	The designated authority may choose to accept from a provider a		

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	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.		
12.1	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.	2.1.1 Facilities, including facilities where external placements are undertaken, are fit for their educational and research purposes and accommodate the numbers and educational and research activities of the students and staff who use them.	Equivalent outcome.
National Code Part D – Standards for Registered Providers			
Standard 1 – Marketing information and practices			
1.1	The registered provider must ensure the marketing of its education and training services is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers.	7.1.1 Representation of the higher education provider, its educational offerings and charges, whether directly or through agents or other parties, is accurate and not misleading.	Equivalent outcome.
1.2a	The registered provider must:	7.3.1 There is a repository of current publicly available	Equivalent outcome.

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	<p>a. clearly identify the registered provider's name and CRICOS number in written marketing and other material for students, including electronic form, and</p>	<p>information about the higher education provider's operations that includes:</p> <p>a. the registered name of the higher education provider, trading name(s) if different, regulatory status and authority to provide courses of study to international students studying on an Australian student visa</p>	
1.2b	<p>b. not give false or misleading information or advice in relation to:</p> <ul style="list-style-type: none"> i. claims of association between providers ii. the employment outcomes associated with a course iii. automatic acceptance into another course iv. possible migration outcomes, or v. any other claims relating to the registered provider, its course or outcomes associated with the course. 	<p>7.3.1 There is a repository of current publicly available information about the higher education provider's operations that includes:</p> <p>j. arrangements with other parties to deliver courses of study or to conduct research training</p> <p>7.1.5 Representations, whether expressed or implied, about the outcomes associated with undertaking a course of study, eligibility for acceptance into another course of study, employment outcomes or possible migration outcomes are not false or misleading.</p>	Equivalent outcome.
1.3	The registered provider must not actively recruit a student where this clearly conflicts with its obligations under Standard 7 (Transfer between registered providers).		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
National Code Standard 2 – Student engagement before enrolment			
2.1a	Prior to accepting a student, or an intending student, for enrolment in a course, the registered provider must provide, in print or through referral to an electronic copy, current and accurate information regarding the following:	<p>1.1.2 The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including:</p> <p>b. policies, arrangements and potential eligibility</p>	Equivalent outcome

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	<p>a. the requirements for acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required and whether course credit may be applicable</p>	<p>for credit for prior learning, and</p> <p>1.1.3 Admission and other contractual arrangements with students, or where legally required, with their parent or guardian, are in writing and include any particular conditions of enrolment and participation for undertaking particular courses of study that may not apply to other courses more generally, such as health requirements for students undertaking clinical work, requirements for security checks, particular language requirements and particular requirements of work placements.</p> <p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>a. information to assist in decisions about courses or units of study, including the course design, prerequisites, assumed knowledge, when and where courses/units are offered, application dates, arrangements for recognition of prior learning, standing credit transfer arrangements, pathways to employment and eligibility for registration to practise where applicable</p>	
2.1b	<p>the course content and duration, qualification offered if applicable, modes of study and assessment methods</p>	<p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p> <p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where</p>	<p>Equivalent outcome.</p>

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		<p>practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>a. information to assist in decisions about courses or units of study, including the course design, prerequisites, assumed knowledge, when and where courses/units are offered, application dates, arrangements for recognition of prior learning, standing credit transfer arrangements, pathways to employment and eligibility for registration to practise where applicable</p>	
2.1c	campus locations and a general description of facilities, equipment, and learning and library resources available to students	<p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p> <p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>a. information to assist in decisions about courses or units of study, including the course design, prerequisites, assumed knowledge, when and where courses/units are offered, application dates, arrangements for recognition of prior learning, standing credit transfer arrangements, pathways to employment and eligibility for registration to practise where applicable</p>	Equivalent outcome.
2.1d	details of any arrangements with another registered provider, person or business to provide the course or part of the course	7.3.1 There is a repository of current publicly available information about the higher education provider's operations that includes:	Equivalent outcome.

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		<p>j. arrangements with other parties to deliver courses of study or to conduct research training</p> <p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>b. information to assist in planning for and participation in educational and other activities, including contact points, advice about orientation and induction, delivery arrangements, technical requirements for access to IT systems for online activities, timetables, access to learning resources, avenues to participate in decision making and opportunities to participate in student representative bodies</p>	
2.1e	indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies	<p>1.1.2 The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including:</p> <p>a. all charges associated with their proposed studies as known at the time and advice on the potential for changes in charges during their studies</p> <p>c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges.</p>	Equivalent outcome.
2.1f	information about the grounds on which the student's enrolment may be deferred, suspended or cancelled	<p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p>	Equivalent outcome.

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		<p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>c. information to outline the obligations of students and their liabilities to the higher education provider including expected standards of behaviour, financial obligations to the higher education provider, critical deadlines, policies for deferral, change of preference/enrolment and leave of absence, particular obligations of international students, disciplinary procedures, misconduct and grounds for suspension or exclusion</p>	
2.1g	a description of the ESOS framework made available electronically by DEST		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
2.1h	<p>relevant information on living in Australia, including:</p> <ul style="list-style-type: none"> i. indicative costs of living ii. accommodation options, and iii. where relevant, schooling obligations and options for school-aged dependants of intending students, including that school fees may be incurred. 	<p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p> <p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p>g. information to assist international students studying in Australia if applicable, including indicative costs of</p>	Equivalent outcome.

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		living and studying in Australia, accommodation options, arrangements for health care and, where applicable, schooling obligations related to school-aged dependants (including the possibility that school fees may be incurred).	
2.2	The registered provider must have documented procedures in place, and implement these procedures to assess whether the student's qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.	1.1.1 Admissions policies, requirements and procedures are documented, are applied fairly and consistently, and are designed to ensure that admitted students have the academic preparation and proficiency in English needed to participate in their intended study, and no known limitations that would be expected to impede their progression and completion.	Equivalent outcome.
National Code Standard 3 – Formalisation of enrolment			
3.1a	The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student's parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. The agreement must: <ul style="list-style-type: none"> a. identify the course or courses in which the student is to be enrolled and any conditions on his or her enrolment 	1.1.3 Admission and other contractual arrangements with students, or where legally required, with their parent or guardian, are in writing and include any particular conditions of enrolment and participation for undertaking particular courses of study that may not apply to other courses more generally, such as health requirements for students undertaking clinical work, requirements for security checks, particular language requirements and particular requirements of work placements. <p>1.1.2 The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including:</p> <ul style="list-style-type: none"> c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges. 	Equivalent outcome.

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3.1b	provide an itemised list of course money payable by the student	1.1.2 The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including: a. all charges associated with their proposed studies as known at the time and advice on the potential for changes in charges during their studies	Equivalent outcome.
3.1c	provide information in relation to refunds of course money	1.1.2 The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including: c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges.	Equivalent outcome.
3.1d	set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition, and		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
3.1e	advise the student of his or her obligation to notify the registered provider of a change of address while enrolled in the course.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
3.2	The registered provider must include in the written agreement the following information, which is to be consistent with the	1.1.2 The admissions process ensures that, prior to enrolment and before fees are accepted, students are	Equivalent intent however the Code is

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	<p>requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:</p> <ul style="list-style-type: none"> a. amounts that may or may not be repaid to the student (including any course money collected by education agents on behalf of the registered provider) b. processes for claiming a refund c. a plain English explanation of what happens in the event of a course not being delivered, and d. a statement that “This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws”. 	<p>informed of their rights and obligations, including:</p> <ul style="list-style-type: none"> a. all charges associated with their proposed studies as known at the time and advice on the potential for changes in charges during their studies c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges. <p>6.2.1 The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:</p> <ul style="list-style-type: none"> i. there are credible business continuity plans and adequately resourced financial and tuition safeguards to mitigate disadvantage to students who are unable to progress in a course of study due to unexpected changes to the higher education provider’s operations, including if the provider is unable to provide a course of study, ceases to operate as a provider, loses professional accreditation for a course of study or is otherwise not able to offer a course of study <p>7.2.4 Students are given reasonable notice of changes to a higher education provider's operations including information about increases in fees and associated costs and any consequences that may affect their choice of, or ability to participate in, an intended course(s) of study.</p>	<p>more prescriptive in relation to information to be included in the written agreement.</p> <p>The Tuition Protection Service is now in place to assist students in the event of a course not being delivered.</p>
National Code Standard 4 – Education agents			
4.1	The registered provider must enter into a written agreement with each education agent it engages to formally represent	7.1.4 Agents and other parties that are involved in representing the higher education provider are bound	Broad intent of the National Code is

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<p>it. The agreement must specify the responsibilities of the education agent and the registered provider and the need to comply with the requirements in the National Code. The agreement must also include:</p> <ul style="list-style-type: none"> a. processes for monitoring the activities of the education agent, including where corrective action may be required, and b. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4. 	<p>by formal contracts with the provider, their performance is monitored and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.</p> <p>7.1.1 Representation of the higher education provider, its educational offerings and charges, whether directly or through agents or other parties, is accurate and not misleading.</p> <p>7.2.3 There are policies and processes that ensure information and advice given to international students holding or applying for an Australian student visa and decisions taken in relation to such students meet statutory requirements.</p>	<p>covered by the proposed Framework. The specific requirement of the Code that the agreement between agent and provider includes a requirement for compliance with Code, and termination conditions are not covered in the proposed Framework. The provider must currently comply with the Code as part of ESOS legislation (this is consistent with 7.2.2 in the Framework). Compliance with the Framework is seen as an equivalent outcome.</p>
4.2	The registered provider must ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).	7.1.1 Representation of the higher education provider, its educational offerings and charges, whether directly or through agents or other parties, is accurate and not misleading.	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
4.3	<p>The registered provider must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:</p> <ul style="list-style-type: none"> a. engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers). b. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa c. using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than a bona fide student, or d. providing immigration advice where not authorised under the Migration Act 1958 to do so. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
4.4	<p>Where the registered provider has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.</p>	7.1.4 Agents and other parties that are involved in representing the higher education provider are bound by formal contracts with the provider, their performance is monitored and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.	Equivalent outcome.
4.5	<p>The registered provider must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or</p>	7.1.4 Agents and other parties that are involved in representing the higher education provider are bound by formal contracts with the provider, their	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.	performance is monitored and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.	
National Code Standard 5 – Younger students			
5.1	<p>Where the registered provider has taken on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the registered provider must:</p> <ul style="list-style-type: none"> a. nominate the dates for which the registered provider accepts responsibility for approving the student’s accommodation, support and general welfare arrangements using the DIAC pro forma letter available through PRISMS b. advise DIAC in writing of the approval using the DIAC pro forma letter available through PRISMS c. have documented procedures for checking the suitability of the student’s accommodation, support and general welfare arrangements, and d. advise DIAC as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the DIAC pro forma letter available through PRISMS. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
5.2	Where Standard 5.1 applies and the student is under 18 with a student visa that covers multiple courses, the registered provider with whom the student is currently enrolled is responsible for approving arrangements for the student’s accommodation, support and general welfare during that nominated period.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
5.3	<p>Where Standard 5.1 applies and the registered provider suspends or cancels the enrolment of the student, the registered provider must continue to check the suitability of arrangements for that student until:</p> <ul style="list-style-type: none"> a. the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student’s accommodation, support and general welfare arrangements b. the student leaves Australia c. other suitable arrangements are made that satisfy the Migration Regulations, or d. the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
National Code Standard 6 – Student support services			
6.1a-e	<p>The registered provider must assist students to adjust to study and life in Australia, including through the provision of an age and culturally appropriate orientation programme that includes information about:</p> <ul style="list-style-type: none"> a. student support services available to students in the transition to life and study in a new environment b. legal services c. emergency and health services d. facilities and resources e. complaints and appeals processes, and 	<p>1.3.1 Successful transition into courses of study is achieved through orientation programs that are tailored to the needs of student cohorts and include specific consideration for international students adjusting to living and studying in Australia.</p> <p>2.3.2 Timely, accurate advice on access to personal support services is available, including for access to emergency services, health services, counselling, legal advice, advocacy, and accommodation and welfare services.</p> <p>7.2.2 Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p>	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
		<p>e. information to facilitate access to services and support including the types of services available such as educational resources including English language support, personal support services, cultural support and ancillary services, hours of availability, how to access services and emergency contact details where applicable</p> <p>f. information to assist in resolution of grievances, including an explanation of processes for resolution of grievances and complaints and internal and external appeals processes, guidance on how to participate in the processes and sources of assistance including advocacy, and</p>	
6.1f	f. any student visa condition relating to course progress and/or attendance as appropriate.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
6.2	The registered provider must provide the opportunity for students to participate in services or provide access to services designed to assist students in meeting course requirements and maintaining their attendance.	<p>3.3.4 Students have access to learning support services that are consistent with the requirements of their course of study, their mode of study and the learning needs of student cohorts, including arrangements for supporting and maintaining contact with students who are off campus.</p> <p>3.3.3 Access to learning resources does not present unexpected barriers, costs or technology requirements for students, including for students with special needs and those who study off campus.</p> <p>7.2.1 Accurate, relevant and timely information for</p>	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
		students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.	
6.3	The registered provider must provide the opportunity for students to access welfare-related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral.	<p>2.3.1 All students are advised of the actions they can take, the staff they may contact and the support services that are accessible if their personal circumstances are having an adverse effect on their education.</p> <p>2.3.2 Timely, accurate advice on access to personal support services is available, including for access to emergency services, health services, counselling, legal advice, advocacy, and accommodation and welfare services.</p> <p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p>	Equivalent outcome.
6.4	The registered provider must have a documented critical incident policy together with procedures that covers the action to be taken in the event of a critical incident, required follow-up to the incident, and records of the incident and action taken.	<p>2.3.5 There is a critical-incident policy together with readily accessible procedures that cover the immediate actions to be taken in the event of a critical incident and any follow up required.</p> <p>7.3.3 Information systems and records are maintained, securely and confidentially as necessary to:</p> <ul style="list-style-type: none"> c. document and record responses to formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents, and 	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
6.5	The registered provider must designate a member of staff or members of staff to be the official point of contact for students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services.	2.3.2 Timely, accurate advice on access to personal support services is available, including for access to emergency services, health services, counselling, legal advice, advocacy, and accommodation and welfare services. 7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.	Equivalent outcome
6.6	The registered provider must have sufficient student support personnel to meet the needs of the students enrolled with the registered provider.	2.3.3 The nature and extent of support services that are available for students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs.	Equivalent outcome.
6.7	The registered provider must ensure that its staff members who interact directly with students are aware of the registered provider's obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations.	7.2.3 There are policies and processes that ensure information and advice given to international students holding or applying for an Australian student visa and decisions taken in relation to such students meet statutory requirements.	Equivalent outcome.
National Code Standard 7 – Transfer between registered providers			
7.1	The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where: <ul style="list-style-type: none"> a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered b. the original registered provider has provided a written letter of release 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<ul style="list-style-type: none"> c. the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course, or d. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change. 		
7.2	<p>The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:</p> <ul style="list-style-type: none"> a. the circumstances in which a transfer will be granted b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student, and c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
7.3	<p>The registered provider must grant a letter of release only where the student has:</p> <ul style="list-style-type: none"> a. provided a letter from another registered provider confirming that a valid enrolment offer has been made, and b. where the student is under 18; <ul style="list-style-type: none"> i. the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<p>ii. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).</p>		
7.4	<p>A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIAC to seek advice on whether a new student visa is required.</p>		<p>Immigration-related outcome that is not directly related to the quality of education and hence the Framework.</p>
7.5	<p>Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).</p>		<p>Immigration-related outcome that is not directly related to the quality of education and hence the Framework.</p>
7.6	<p>The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.</p>		<p>Immigration-related outcome that is not directly related to the quality of education and hence the Framework.</p>
National Code Standard 8 – Complaints and appeals			
8.1a	<p>The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these</p>	<p>2.4.1 Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties.</p>	<p>Equivalent outcome.</p>

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	requirements: <ul style="list-style-type: none"> a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept 	2.4.2 There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal. 7.3.3 Information systems and records are maintained, securely and confidentially as necessary to: <ul style="list-style-type: none"> c. document and record responses to formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents, and 	
8.1b	each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself		Financial implications of complaints and appeals processes are not addressed in the Higher Education Standards.
8.1c	each party may be accompanied and assisted by a support person at any relevant meetings	2.4.3 Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance.	Equivalent outcome.
8.1d	the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and	2.4.4 Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
		student could benefit.	
8.1e	the [complaints and appeals] process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.	2.4.2 There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.	Partially addressed however additional immigration-related issues arising from the timing requirements are not addressed.
8.2	The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.	2.4.2 There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal. 2.4.4 Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.	Equivalent outcome.
8.3	If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.	2.4.2 There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal. 2.4.4 Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit. 7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
		access for students with special needs, to enable informed decision making about educational offerings and experiences.	
8.4	If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.	2.4.2 There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.	Equivalent outcome.
8.5	If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.	2.4.5 If a formal complaint or appeal is upheld, any action required is initiated promptly. 2.4.4 Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit.	Equivalent outcome.
National Code Standard 9 – Completion within the expected duration of study			
9.1	The registered provider must have and implement documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, the registered provider must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
9.2	The registered provider may only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of: a. compassionate or compelling circumstances (e.g.		Immigration-related outcome that is not directly related to the quality of education and hence

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<p>illness where a medical certificate states that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)</p> <p>b. the registered provider implementing its intervention strategy for students who were at risk of not meeting satisfactory course progress, or</p> <p>c. an approved deferment or suspension of study has been granted under Standard 13.</p>		the Framework.
9.3	Where there is a variation in the student's enrolment load which may affect the student's expected duration of study in accordance with 9.2, the registered provider is to record this variation and the reasons for it on the student file. The registered provider must correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation/s by extending his or her expected duration of study.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
9.4	The registered provider may allow the student to undertake no more than 25 per cent of the student's total course by distance and/or online learning. However, the registered provider must not enrol the student exclusively in distance or online learning units in any compulsory study period.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
9.5	Except in the circumstances specified in 9.2, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
National Code Standard 10 – Monitoring course progress			

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
10.1	The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.	<p>1.3.3 Methods of assessment or monitoring that determine progress within or between units of study or in research training validly assess progress and, in the case of formative assessment, provide students with timely feedback that assists in their achievement of learning outcomes.</p> <p>1.3.5 Trends in rates of retention, progression and completion of student cohorts through courses of study are monitored to enable review and improvement.</p> <p>7.3.3 Information systems and records are maintained, securely and confidentially as necessary to:</p> <p>a. maintain accurate and up-to-date records of enrolments, progression, completions and award of qualifications</p> <p>6.3.2 Academic oversight assures the quality of teaching, learning, research and research training effectively, including by:</p> <p>a. developing, monitoring and reviewing academic policies and their effectiveness</p>	Equivalent outcome.
10.2	<p>The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:</p> <p>a. requirements for achieving satisfactory course progress</p> <p>b. process for assessing satisfactory course progress</p> <p>c. procedure for intervention for students at risk of</p>	<p>1.3.2 Specific strategies support transition, including:</p> <p>a. assessing the needs and preparedness of individual students and cohorts</p> <p>b. undertaking early assessment or review that provides formative feedback on academic progress and is able to identify needs for additional support, and</p> <p>c. providing access to informed advice and</p>	Equivalent intent however the Code is more prescriptive in relation to processes for intervention which are focused on immigration-related aspects.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<p>failing to achieve satisfactory course progress</p> <ul style="list-style-type: none"> d. process for determining the point at which the student has failed to meet satisfactory course progress, and e. procedure for notifying students that they have failed to meet satisfactory course progress requirements. 	<p>timely referral to academic or other support.</p> <p>1.3.4 Processes that identify students at risk of unsatisfactory progress and provide specific support are implemented across all courses of study.</p> <p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p>	
10.3	The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.		
10.4	<p>The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:</p> <ul style="list-style-type: none"> a. procedures for contacting and counselling identified students b. strategies to assist identified students to achieve satisfactory course progress, and c. the process by which the intervention strategy is activated. 		
10.5	The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.	1.3.4 Processes that identify students at risk of unsatisfactory progress and provide specific support are implemented across all courses of study.	Equivalent outcome.
10.6	Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider		Immigration-related outcome that is not

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.		directly related to the quality of education and hence the Framework.
10.7	Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEST through PRISMS of the student not achieving satisfactory course progress as soon as practicable.		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
National Code Standard 11 – Monitoring course progress			
11.1	<p>The registered provider must record the attendance of each student for the scheduled course contact hours for each CRICOS registered course in which the student is enrolled which is:</p> <ul style="list-style-type: none"> a. an accredited vocational education and training course (unless Standard 11.2 applies) b. an accredited school course c. an accredited or non-award ELICOS course, or d. another non-award course¹. 		Not applicable to Higher Education.
11.2	Where the registered provider implements the DEST and DIAC approved course progress policy and procedures for its vocational education and training courses, Standard 11 does not apply.		

¹ For the purposes of the National Code, non-award courses do not include higher education courses or units, including Study Abroad courses.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
11.3	<p>For the courses identified in 11.1, the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:</p> <ul style="list-style-type: none"> a. requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours b. manner in which attendance and absences are recorded and calculated c. process for assessing satisfactory attendance d. process for determining the point at which the student has failed to meet satisfactory attendance, and e. procedure for notifying students that they have failed to meet satisfactory attendance requirements. 		Not applicable to Higher Education.
11.4	<p>For the courses identified in 11.1, the registered provider's attendance policies and procedures must identify the process for contacting and counselling students who have been absent for more than five consecutive days without approval or where the student is at risk of not attending for at least 80 per cent of the scheduled course contact hours for the course in which he or she is enrolled (i.e. before the student's attendance drops below 80 per cent).</p>		
11.5	<p>For the courses identified in 11.1, the registered provider must regularly assess the attendance of the student in accordance with the registered provider's attendance policies and procedures.</p>		
11.6	<p>Where the registered provider has assessed the student as not</p>		

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<p>achieving satisfactory attendance for the courses identified in 11.1, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.</p>		
11.7	<p>Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEST through PRISMS that the student is not achieving satisfactory attendance as soon as practicable.</p>		Not applicable to Higher Education.
11.8	<p>For the vocational education and training and non-award courses identified in 11.1.a and 11.1.d, the registered provider may only decide not to report the student for breaching the 80 per cent attendance requirement where:</p> <ul style="list-style-type: none"> a. that decision is consistent with its documented attendance policies and procedures, and b. the student records clearly indicate that the student is maintaining satisfactory course progress, and c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled. 		
11.9	<p>For the ELICOS and school courses identified in 11.1, the registered provider may only decide not to report a student for</p>		

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	<p>breaching the 80 per cent attendance requirement where:</p> <ul style="list-style-type: none"> a. the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes) apply, and b. that decision is consistent with its documented attendance policies and procedures, and c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled. 		Not applicable to Higher Education.
National Code Standard 12 – Course credit			
12.1a	<p>Where the registered provider grants course credit, the registered provider must:</p> <ul style="list-style-type: none"> a. have documented procedures for the granting and recording of course credit, and 	<p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p> <p>1.2.1 Assessment of prior learning is undertaken for the purpose of granting credit for units of study within a course of study or toward the completion of a qualification, such assessment is conducted according to institutional policies, the result is recorded and students receive timely written advice of the outcome.</p>	Equivalent outcome.
12.1b	<ul style="list-style-type: none"> b. provide a record of the course credit to the student, which must be signed or otherwise accepted by the student, and place it on the student’s file. 	<p>1.2.1 Assessment of prior learning is undertaken for the purpose of granting credit for units of study within a course of study or toward the completion of a qualification, such assessment is conducted according to institutional policies, the result is recorded and</p>	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
		students receive timely written advice of the outcome.	
12.2	<p>If the registered provider grants the student course credit which leads to a shortening of the student's course, the registered provider must:</p> <ul style="list-style-type: none"> a. if the course credit is granted before the student visa grant, indicate the actual net course duration (as reduced by course credit) in the confirmation of enrolment issued for that student for that course, or b. if the course credit is granted after the student visa grant, report the change of course duration via PRISMS under section 19 of the ESOS Act. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
National Code Standard 13 – Deferring, suspending or cancelling the student's enrolment			
13.1	The registered provider must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.	<p>7.3.3 Information systems and records are maintained, securely and confidentially as necessary to:</p> <ul style="list-style-type: none"> a. maintain accurate and up-to-date records of enrolments, progression, completions and award of qualifications <p>7.2.1 Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p>	Equivalent outcome.
13.2	<p>The registered provider can only defer or temporarily suspend the enrolment of the student on the grounds of:</p> <ul style="list-style-type: none"> a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or b. misbehaviour by the student. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
13.3	<p>The registered provider must:</p> <ul style="list-style-type: none"> a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and b. notify the Secretary of DEST via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled. 		Immigration-related outcome that is not directly related to the quality of education and hence the Framework.
13.4	<p>The registered provider must inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1. If the student accesses the registered provider's internal complaints and appeals process, the suspension or cancellation of the student's enrolment under this standard can not take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.</p>	2.4.2 There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal.	Partially addressed however the Code is more prescriptive about suspension and cancellation of enrolment processes due to immigration-related issues.
National Code Standard 14 – Staff capability, educational resources and premises			
14.1	<p>The registered provider must have and implement policies and procedures to ensure its staffing resources are adequate and have the capabilities as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must have and implement appropriate documented policies and processes for the recruitment, induction, performance assessment and ongoing development of members of staff involved with the recruitment or delivery of education or client services to</p>	<p>3.2.1 The staffing complement for each course of study is sufficient to meet the educational, academic support and administrative needs of student cohorts undertaking the course.</p> <p>3.2.3 Staff with responsibilities for academic oversight and those with teaching and supervisory roles in courses or units of study are equipped for their roles, including having:</p> <ul style="list-style-type: none"> a. knowledge of contemporary developments in the 	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	students.	<p>discipline or field, which is informed by continuing scholarship or research or advances in practice</p> <p>b. skills in contemporary teaching, learning and assessment principles relevant to the discipline, their role, modes of delivery and the needs of particular student cohorts, and</p> <p>c. a qualification in a relevant discipline at least one level higher than is awarded for the course of study, or equivalent relevant academic or professional or practice-based experience and expertise, except for staff supervising doctoral degrees having a doctoral degree or equivalent research experience.</p> <p>3.2.5 Teaching staff are accessible to students seeking individual assistance with their studies, at a level consistent with the learning needs of the student cohort.</p>	
14.2	The registered provider must have adequate education resources, including facilities, equipment, learning and library resources and premises as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must ensure it has adequate education resources, including facilities, equipment, learning and library resources, and premises, including ownership or tenancy arrangements for the premises, as are needed to deliver the registered course to the students enrolled with the registered provider.	2.1.1 Facilities, including facilities where external placements are undertaken, are fit for their educational and research purposes and accommodate the numbers and educational and research activities of the students and staff who use them.	Equivalent outcome.
14.3	The registered provider must notify the designated authority and the students enrolled with the registered provider of any intention to relocate premises (including the head office and	6.2.1 The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably,	Equivalent outcome.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	campus locations) at least 20 working days before the relocation.	<p>including:</p> <p>i. there are credible business continuity plans and adequately resourced financial and tuition safeguards to mitigate disadvantage to students who are unable to progress in a course of study due to unexpected changes to the higher education provider's operations, including if the provider is unable to provide a course of study, ceases to operate as a provider, loses professional accreditation for a course of study or is otherwise not able to offer a course of study</p> <p>7.2.4 Students are given reasonable notice of changes to a higher education provider's operations² including information about increases in fees and associated costs and any consequences that may affect their choice of, or ability to participate in, an intended course(s) of study.</p>	
National Code Standard 15 – Changes to registered providers' ownership or management			
15.1	<p>The registered provider must advise the designated authority in writing of:</p> <p>a. any prospective changes to the ownership of the registered provider as soon as practicable prior to the change taking effect, and</p> <p>b. any prospective or actual change to the high managerial agents (as defined in section 5 of the ESOS Act) of the registered provider as soon as practicable</p>		Registration would be regulated by TEQSA.

² See D/E 4: Changes to a (the) Higher Education Provider's Operations

Changes to a higher education provider's operations include changes to the delivery of a course of study that may affect the participation of students in their chosen course of study, such as significant changes to the content of the course, deletion of opportunities for expected specialisations or majors, changes to the locations of delivery that have a significant impact on access, altered modes of participation or delivery, limitations or withdrawal of learning support, additional requirements for completion and unheralded increases in fees or associated costs, such as requirements for new technology.

National Code ref	National Code content	Proposed Higher Education Standards Framework	Comments
	prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.		
15.2	The registered provider must provide the designated authority with information on the new owner or high managerial agent for the purpose of making an assessment under section 9B of the ESOS Act.		