New ESOS Regulatory Arrangements from 1 July

Implementation of the new regulatory arrangements under the Education Services for Overseas Students Act 2000 (ESOS Act) will start on 1 July 2011 when the Australian Skills Quality Authority (ASQA) commences operations as the national regulator for vocational education and training.

The Minister for Tertiary Education and Skills, Senator Chris Evans, has made a determination by legislative instrument, under the ESOS Act, that ASQA will be the designated authority for all ELICOS and Foundation program courses, except where they are delivered by schools.

In addition to a news item on the AEI website and through PRISMS, the new regulatory arrangements for these programs are as follows:

1. From 1 July 2011, in New South Wales, Victoria, Western Australia, the ACT and the Northern Territory, ASQA will be the designated authority, under the ESOS Act, for:
   - RTOs delivering courses to international students, including ELICOS and Foundation Program courses;
   - any ELICOS and/or Foundation Program courses being delivered by higher education and multi-sector providers; and
   - ‘stand-alone’ ELICOS/Foundation Program providers.

2. For providers in South Australia, Queensland and Tasmania, the current state regulatory body will continue to be the designated authority until legislation transferring the regulatory powers of those states to the Commonwealth is finalised. ASQA will subsequently become the designated authority as outlined in 1 above.

3. The relevant state regulatory body will continue to be the designated authority for:
   - all higher education courses;
   - the higher education arm of a dual-sector provider; and
   - schools, including any ELICOS and Foundation Program courses delivered by schools or any school programs delivered by RTOs.

New ELICOS and Foundation Program Standards have been approved by states and territories through Ministerial Council processes and by the Minister as legislative instruments under the ESOS Act (pending registration on the Federal Register of Legislative Instruments).