



HOW TO BECOME REGISTERED ON CRICOS: Information for new providers of education and training to overseas students

If you intend to offer education or training services to students studying in Australia on student visas, you are required both to seek approval from your state/territory authority, **and** to comply with the federal legislative requirements for registration on the **Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)**.

The following information is intended to advise **new providers** of education and training courses about the Australian Government requirements necessary for registration on CRICOS, and should be read in conjunction with the attached flowchart: 'CRICOS Registration – Pathways for New Providers'. You should also consult the following web pages established by the Australian Government Department of Education, Employment and Workplace Relations (DEEWR):

- <http://www.aei.gov.au/ESOS>
- <http://www.aei.gov.au/AEI/OffshoreSupport/GettingStarted/Default.htm>

As the flowchart explains, as a new provider, you will need to determine which one of the four categories enables you to comply with the Australian Government requirements for registration. Categories 1 and 2 are exempt from paying a contribution to the ESOS Assurance Fund, and Categories 3 and 4 are required to pay a contribution to the Fund (non-exempt).

Category 1

If your organisation is administered by a state/territory education authority or it is a non-government school or university entitled to receive recurrent funding from the Australian Government, it will not be required to pay an annual contribution to the Assurance Fund and it will not be required to comply with any of the tuition assurance provisions outlined in Categories 2, 3 or 4. (For details see the ESOS Act 2000 Section 24, the ESOS Regulations 2001, 3.17 & 3.18).

Providers exempt from paying into the Assurance Fund will also be exempt from Tuition Assurance Scheme (TAS) membership. Once exempt providers satisfy their state/territory authority's requirements for approval, they can then proceed to registration by the Australian Government on CRICOS.

Category 2

Some providers may opt to collect all tuition fees from their students after the students have completed either all or part of the course – an arrangement known as 'payment in arrears'. Providers that collect tuition fees in part (i.e. in instalments) will also need to arrange a credit transfer agreement with another provider.

Providers proposing to take payments in arrears need to seek DEEWR's approval for these arrangements by way of statutory declaration as specified under regulations 3.18(2)–3.18(5) of the ESOS Regulations 2001. If DEEWR approves these arrangements, the provider is exempted from the requirement to contribute to the Assurance Fund and of the requirement to belong to a Tuition Assurance Scheme. DEEWR can at any time seek evidence of payment in arrears agreements with enrolled students. Once the provider has satisfied their state/territory authority's requirements for approval, they proceed to registration by the Australian Government on CRICOS.

Category 3

Most non-exempt providers will opt to join a Tuition Assurance Scheme (TAS), an industry association scheme for alternative placement of students. You will need to approach a TAS to apply for membership. For information on TAS operators, please consult:

http://aei.gov.au/AEI/ESOS/Tuition_Assurance_Scheme.htm

If you are in Category 3, once your TAS membership is approved, you should contact the Assurance Fund Manager. You need to satisfy your State/Territory authority's requirements for approval, and then proceed to registration by the Australian Government on CRICOS.

Category 4

Some providers will find, for various reasons, that joining a TAS is not a viable option, and they will need to consider the other options under Category 4. In each case, the provider will need to seek approval from the Australian Government Minister's delegate. Briefly, the options are:

1. An indemnity agreement

The indemnity agreement provides a parent organisation guarantee of the tuition fees of enrolled students of the provider, or if the provider cannot provide a course for which a student has paid the provider, the parent organisation will pay for provision of a suitable alternative course to the student.

2. A bank guarantee

A bank guarantee provides an indemnity to a provider for refund amounts that the provider may be required to pay to a student.

3. Ministerial exemption from becoming a member of a TAS

A provider who the Minister believes on reasonable grounds should not be expected to become a member of a tuition assurance scheme established in accordance with the ESOS Regulations 2001, under Regulation 3.11(d) may be exempted from being required to become a member of a Tuition Assurance Scheme. Providers who believe this category applies to them should write to the Minister's delegate.

In each of the above cases in Category 4, you will need to write to: ESOS Consumer Protection & Registration Unit, International Quality Branch, Department of Education, Employment and Workplace Relations, (LC430) GPO Box 9880, Canberra ACT 2601. Once Ministerial (delegate) approval is granted, the provider can make application to the Fund Manager (see the website for details: <http://esosassurancfund.com.au/>)

Further information

It is important to be aware of the full requirements of providers registered on CRICOS, and you are advised to consult the DEEWR website at <http://www.aei.gov.au/ESOS> or contact DEEWR with your questions via email to: esosmailbox@deewr.gov.au or by telephone using the ESOS Hotline number (02) 6240 5069

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**CRICOS Registration - Pathways for New Providers
(steps to meet Commonwealth registration provisions as of 27 May 2003)**

