

<b>Policy title:</b>	<b>INTERNATIONAL FEE PAYING STUDENTS POLICY</b>
<b>Published:</b>	<b>2011</b>
<b>Identifier:</b>	<b>IFPS201206</b>
<b>Legislation:</b>	<b><i>Migration Act 1958 (Cwlth)</i></b> <b><i>Education Services for Overseas Students Act 2000 (ESOS Act) (Cwlth)</i></b> <b><i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007) (Cwlth)</i></b> <b><i>Privacy Act 1988 (Cwlth)</i></b> <b><i>Education Act 2004 (ACT)</i></b> <b><i>Human Rights Commission Act 2005 (ACT)</i></b> <b><i>Discrimination Act 1991 (ACT)</i></b>
<b>Procedures:</b>	<b>School Management Manual – Module 9</b>

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## **1. POLICY STATEMENT**

- 1.1. The ACT Government Education and Training Directorate (the Directorate) aims to ensure all students gain an understanding of the international community and their place within it. This supports the development of an understanding of the languages and cultures of other societies.
- 1.2. To assist in the achievement of this aim, the Directorate promotes and supports visits to public schools in the ACT by international visitors.
- 1.3. Public schools in the ACT deliver fully integrated programs in which Australian and international fee paying students are able to share their values and cultural norms. This assists in promoting cultural awareness, knowledge and appreciation of wider international issues.
- 1.4. The education of international fee paying students is subject to Commonwealth legislation. The Directorate has incorporated these legislative requirements into its operations.

## **2. RATIONALE**

- 2.1. This policy provides a framework for action when dealing with international fee paying students enrolling in ACT public schools. It refers to the procedures staff will adhere to in the administration and management of the program.
- 2.2. Guidelines for international fee paying students have been developed for principals and others involved in the program and can be found in the School Management Manual –

Module 9 – International Education. These are available to all schools and can be accessed on the Directorate’s intranet at <https://index.det.act.gov.au/admin/smm.html>

### **3. DEFINITIONS**

#### **3.1. International Fee Paying Student**

A student who is not an Australian citizen and does not have Australian permanent residency status, but holds a 571 student visa and is required to pay full tuition fees, as defined by the Education Services for Overseas Students (ESOS) Act 2000.

#### **3.2. *Education Services for Overseas Students Act 2000 (ESOS Act) (Cwlth)***

This Commonwealth legislation protects Australia’s reputation for delivering quality education services and the interests of international students, by setting minimum standards and providing tuition and financial assurance.

The legislation mandates a nationally consistent approach to registering education providers to ensure the quality of the tuition and care of students remains high. The professionalism and integrity of the industry is further strengthened by the ESOS legislation’s interface with Australian immigration law.

#### **3.3. *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007)(Cwlth)***

The National Code is a set of nationally consistent standards which govern the protection of international students and delivery of courses to those students by providers registered on CRICOS - the Commonwealth Register of Institutions and Courses for Overseas Students. Only CRICOS courses can be offered to international students studying in Australia on a student visa.

#### **3.4. Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)**

The ESOS Act requires providers of courses to international fee paying students to register their institution and the courses they offer with the Australian Government Department of Education, Employment and Workplace Relations (DEEWR). This register is called the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

#### **3.5. Overseas Student Health Cover (OSHC)**

International fee paying students studying in Australia must have Overseas Student Health Cover (OSHC) for the entire duration of their stay in Australia. This is a condition of their student visa.

#### **3.6. International Private Student Coordinator (IPS Coordinator)**

The Directorate provides the emotional, social and practical support that is necessary for a successful transition into the ACT education system. Each school appoints an International Private Student (IPS) Coordinator to provide pastoral care to international fee paying students, monitor their attendance and academic progress.

All welfare issues, personal, social or academic concerns can be discussed with the IPS Coordinator.

### 3.7 **School Management Manual – Module 9 – International Education**

This manual sets out information and procedures that staff must adhere to in the administration and management of the international education program in ACT public schools.

## 4. **LEGISLATION**

4.1 Enrolment of international students in ACT public schools is governed by legislation. These compulsory requirements are set out in the *Migration Act 1958* (Cwlth), *Education Services for Overseas Students Act 2000* (ESOS Act) (Cwlth), *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (The National Code 2007) (Cwlth), *Privacy Act 1988* (Cwlth), *Education Act 2004* (ACT), *Human Rights Commission Act 2005* (ACT), *Discrimination Act 1991* (ACT).

## 5. **PROCEDURES**

### 5.1 **The International Education Unit**

5.1.1 The International Education Unit ensures that international fee paying students have access to appropriate support, including assistance with enrolment, adequate orientation, study facilities, welfare, counselling, accommodation services, attendance monitoring and grievance mechanisms.

5.1.2 The International Education Unit collects and distributes monies generated by the program.

5.1.3 The International Education Unit works with schools to provide support for international fee paying students and regular feedback to parents.

5.1.4 On registration the International Education Unit obtains character checks by the Australian Federal Police for all homestay applicants over the age of 18 years. Self disclosure forms are sent out annually with updated Police Record checks every 5 years.

5.1.5 The International Education Unit visits all homestay provider applicants to ensure suitability of premises.

5.1.6 The International Education Unit adheres to the principles identified in the *Privacy Act 1988* (Cwlth) when collecting and handling personal information about potential homestay applicants.

5.1.7 The International Education Unit puts in place arrangements aimed to ensure the safety of international fee paying students while attending ACT public schools. It does this in a manner that is sensitive to their cultural and special needs.

5.1.8 The International Education Unit arranges compulsory Overseas Student Health Cover (OSHC) for international fee paying students in ACT public schools.

5.1.9 The International Education Unit investigates any reported incidents in relation to international students.

## 5.2 Principals

- 5.2.1 Principals must check with the International Education Unit that international fee paying students are eligible to enrol in ACT public schools before enrolment.
- 5.2.2 Principals must ensure that high quality services are delivered to international fee paying students enrolled at their school.
- 5.2.3 Principals will appoint a teacher responsible for international fee paying students. The International Private Students (IPS) Coordinator should be funded from the resource allocation to schools for each student. The IPS Coordinator should receive release time from teaching to perform these functions. Release time must be one teaching line for every 15 international fee paying students.

## 5.3 Teaching Staff

- 5.3.1 The International Private Student (IPS) Coordinator is responsible for the day to day welfare of international fee paying students. The IPS Coordinator reports concerns about students to the principal in the first instance and if no resolution is reached, contacts the International Education Unit.
- 5.3.2 All teachers in ACT public schools have a duty of care to all students. They must take all reasonable steps to ensure departmental and school policies are adhered to for international fee paying students.

## 5.4 International Fee Paying Students and Parents

- 5.4.1 International fee paying students enrolled in ACT public schools must adhere to the conditions of their student visa while studying in Australia.
- 5.4.2 Parents of international fee paying students enrolled in ACT public schools must adhere to the conditions identified in the *Application for Enrolment in Mainstream Schooling* provided by the ACT Government Education and Training Directorate. The Commonwealth requires additional duty of care responsibilities of the Directorate for the welfare of international fee paying students. The application form can be accessed at [http://www.det.act.gov.au/school\\_education/international\\_students](http://www.det.act.gov.au/school_education/international_students)

## 5.5 Refund Procedures

- 5.5.1 All applications for a refund of tuition fees must be in writing. Please address all refund advice to:
  - Manager, International Education Unit
  - ACT Government Education and Training Directorate
  - GPO Box 158
  - Canberra ACT 2601
- 5.5.2 The ACT Government Education and Training Directorate will refund 100% of the tuition fee in the following circumstances:
  - (a) the international fee paying student's application for a student visa is unsuccessful. The original rejection letter received from the Australian

Diplomatic Mission must be included with the application for a refund of tuition fees

- (b) the course offered by the Directorate, which the international fee paying student has enrolled in, does not start on the agreed starting date as stated in their Confirmation of Enrolment (CoE)
- (c) the course offered by the Directorate, which the international fee paying student has enrolled in, stops after it has commenced but before it is completed
- (d) the course offered by the Directorate and enrolled in by the international fee paying student is not provided in full because the Directorate, as a CRICOS provider has had a sanction imposed by the Department of Education, Employment and Workplace Relations (DEEWR) or the ACT Accreditation and Registration Council (ARC).

- 5.5.3 If an international applicant decides they no longer wish to enrol in an ACT public school they should advise the Directorate in writing of this decision and return the Confirmation of Enrolment (CoE) if it has not already been lodged with the Australian Diplomatic Mission.

The ACT Government Education and Training Directorate will only agree to a refund:

- (a) if the applicant advises the Directorate before their visa is approved.
- (b) if after receiving their visa, the applicant is unable to travel to Australia due to illness or misadventure. In this instance, the Directorate expects that the applicant will advise the Department of Immigration and Citizenship (DIAC) to arrange for their visa to be cancelled. The Directorate will need to see evidence of the visa cancellation.
- (c) if after arriving in the ACT, the applicant is required to return to their home country due to illness or misadventure. In this instance, the Directorate expects that the applicant will advise DIAC to arrange for the duration of their visa to be changed. The Directorate will need to see evidence of the new visa.

## **5.6 Transfer Procedures**

- 5.6.1 Students may apply to transfer to another school (government or non-government):
- (a) post-payment and prior to commencement (in extenuating circumstances only)
  - (b) less than six months (one semester) after commencement (in exceptional, compassionate and compelling circumstances, on a case-by-case basis and provided the transfer is in the student's best interest)
  - (c) after six months (one semester) of enrolment.
- 5.6.2 The ACT Government Education and Training Directorate will issue a letter of release at no cost to the student provided:
- (a) the transfer application fulfils policy requirements
  - (b) tuition and any other outstanding fees are fully paid
  - (c) there is no risk that visa conditions will be breached
  - (d) if the student is under 18 years of age, the parent or legal guardian provides written support for the transfer
  - (e) if the student is under 18 years of age and is not cared for in Australia by a parent or suitable nominated relative, a valid enrolment offer must confirm that the new provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements.

5.6.3 All applications for a request to transfer must be in writing. Transfer applications will be processed within five working days from the receipt of a complete application. The transfer application should be made in writing to:

Manager, International Education Unit  
ACT Government Education and Training Directorate  
GPO Box 158  
Canberra ACT 2601

5.6.4 A transfer application decision can be appealed in writing within 20 working days of the decision. Appeals can be sent to:

Executive Director, Tertiary Education and Performance  
ACT Government Education and Training Directorate  
GPO Box 158  
Canberra ACT 2601

## **6. POLICY OWNER**

Executive Director, Tertiary and International Education.

## **7. RELATED POLICIES**

Enrolment in ACT Public Schools (preschool – Year 12)