



International higher education providers seeking to offer higher education in Australia

Questions and answers

1. How does TEQSA regulate international higher education providers?

TEQSA assesses all regulated entities under the *Tertiary Education Quality and Standards Agency 2011* (the TEQSA Act) against the requirements of the TEQSA Act and the Threshold Standards.

The extent to which an entity is regulated by TEQSA varies based on matters including whether an entity is an Australian or overseas entity. The TEQSA Act only applies to the operations of overseas higher education providers where the overseas provider offers or confers a higher education award for a course of study “provided wholly or mainly from Australian premises.”

2. What options exist for an overseas provider of higher education to deliver higher education in Australia?

Overseas providers of higher education seeking to offer higher education in Australia may wish to either:

- a. establish campuses at which students will complete their entire course of study for a higher education award
- b. establish an Australian subsidiary to solely or jointly confer the relevant awards
- c. enrol Australian students in online courses provided from overseas premises; or
- d. offer students the opportunity to take classes for shorter periods of time at Australian premises operated by the provider, either as part of a course of study towards an award that is completed mainly overseas or as a stand-alone course which does not involve conferral of an award
- e. establish arrangements with an Australian registered higher education provider where the Australian provider confers the higher education award if the overseas provider’s students undertake the majority of their course in Australia.

Options (a) and (b) would generally require the overseas provider to obtain registration with TEQSA. Option (c), (d) and (e) would not require the overseas provider to be registered with TEQSA, but option (e) would require an arrangement with another entity that is registered with TEQSA.

3. Are overseas providers required to register with TEQSA?

Overseas providers (providers established outside Australia) are only required to be registered with TEQSA if they offer or confer a higher education award for a course of study “provided wholly or mainly from Australian premises.” Australian providers (providers established in Australia) are required to be registered with TEQSA where they are a “regulated entity” within the meaning of section 5 of the TEQSA Act.

Courses provided wholly or mainly in Australia

Where an overseas provider confers higher education awards for courses provided wholly or mainly from Australian premises, the overseas provider could apply to be registered in the Higher Education Provider (HEP) category or the Overseas University/Overseas University of Specialisation categories.

Australian subsidiaries of overseas entities

Where an overseas entity establishes an Australian subsidiary that offers higher education awards, the subsidiary could apply to be registered in the HEP category or the Australian University College categories. If the subsidiary has been authorised for at least five years to self-accredit at least 85% of its total courses of study, the subsidiary could also apply for registration as an Australian University or Australian University of Specialisation.

Short-term study abroad arrangements

A provider offering short-term study abroad arrangements, where the majority of the course leading to the award is provided outside Australia, or where no award is offered or conferred for completion of the course, is not required to register with TEQSA.

International online courses offered to Australian students

International online courses offered by overseas providers are not subject to regulation by TEQSA. Our general approach to regulating providers engaged in online delivery is set out in TEQSA’s Information Sheet at

<http://www.teqsa.gov.au/sites/default/files/TEQSAeLearningInformationSheet.pdf>.

4. What is the process of registration?

General information about TEQSA’s registration processes is available at <http://www.teqsa.gov.au/for-providers/registration/initial-registration>. Providers interested in proceeding with an application for registration should refer to the relevant TEQSA Guide at <http://www.teqsa.gov.au/for-providers/registration/forms-and-guides>.

Overseas providers conferring higher education awards for courses which are not provided wholly or mainly from Australian premises do not need to apply for registration with TEQSA, though they may need to contact relevant State or Territory authorities regarding any State or Territory specific regulatory requirements.

Overseas providers may also need to contact the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education if they wish to use the word “University” in an Australian company name, business name or domain name. Please see <http://www.innovation.gov.au/HigherEducation/Quality/GuidelinesforwordUniversity/Pages/default.aspx> for further information.

5. What requirements apply to the provision of a course of study to overseas students studying in Australia?

An “overseas student” is defined as “a person (whether within or outside Australia) who holds a student visa”, subject to various exceptions set out in the *Education Services for Overseas Students Regulations 2001* at <http://www.comlaw.gov.au/Details/F2012C00430>.

Any provider interested in providing a course to overseas students or marketing its courses to overseas students is required to be registered under the *Education Services for Overseas Students Act 2000* (ESOS Act), in addition to registration required under any other Australian legislation. Separate registration is not required, however, where a course is provided by one entity under an arrangement with another registered entity.

Prospective providers seeking registration under the ESOS Act should contact TEQSA in cases where they are:

- a. required to be registered under the TEQSA Act
- b. offering or seeking to offer a Foundation Program; and/or
- c. offering or seeking to provide an ELICOS under an entry arrangement with a higher education provider.

Providers in these categories that wish to obtain registration under the ESOS Act, or add a course to their existing ESOS registration, can obtain more information from <http://teqsa.gov.au/for-providers/cricos>.

6. What should prospective overseas providers do if they do not fall within TEQSA’s remit under the ESOS Act?

Where a provider does not fall under one of the categories noted in Question 5 above, a provider seeking registration under the ESOS Act should contact the relevant bodies, as follows:

- a. for providers registered under the National Vocational Education and Training Regulator Act 2011, please contact the Australian Skills Quality Authority at www.asqa.gov.au.
- b. for all other providers, please contact the relevant Australian State or Territory government accrediting authority. Contact details can be found at <http://cricos.deewr.gov.au/Contacts/CRICOSContacts.aspx>.

7. What is the definition of an Australian resident under the ESOS Act?

Overseas providers should note that the ESOS Act requires that a provider is an Australian resident, defined for a company as ‘a company incorporated in Australia that carries on a business in Australia and has its central control in Australia’, or a Table C provider specified under the *Higher Education Support Act 2003* at <http://www.comlaw.gov.au/Series/C2004A01234>. Providers wishing to obtain more information about this requirement should contact the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education at <https://aei.gov.au/About-AEI/Contact-Us/Pages/ContactUs.aspx>.