



Standard 1: Marketing information and practices

National Code of Practice for Providers of Education and Training to Overseas Students 2018

Overview

Standard 1 includes direct reference to Australian Consumer Law. It sets out that registered providers must uphold the integrity and reputation of Australia's education industry by ensuring the marketing of their courses and services is not false or misleading.

Registered providers **must**:

- ensure that the marketing and promotion of its courses and education services is not false or misleading; and
- include their Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered name and registration number in all written and online materials.

Registered providers **must not**:

- provide false or misleading information in relation to course requirements when seeking to enter into a written agreement;
- commit to securing migration or education assessment outcomes for overseas students; and
- recruit students if it conflicts with its obligations under Standard 7 (Overseas Student Transfers).

Key Requirements

Marketing and promotion

When recruiting overseas students, registered providers must ensure that the marketing and promotion of their courses and education services is not false or misleading and is consistent with Australian Consumer Law.

The Australian Consumer Law is existing legislation administered by the Australian Competition and Consumer Commission. It is the registered provider's responsibility to comply with the Australian Consumer Law.

When seeking to enter into written agreements with overseas students, registered providers must not give false or misleading information on:

- any work-based training an overseas student is required to undertake as part of the course;
- prerequisites for entry to the course (including English language); or
- any other information relevant to the registered provider and/or its courses and the outcomes associated with those courses.

Registered providers must not promise overseas students any possible migration outcomes from undertaking any courses, or guarantee successful education assessment outcomes for the overseas or intending overseas student.

Written or online material

Registered providers must include their CRICOS registered name and registration number in all written or online material that is distributed or made publicly available.

This includes all material used to:

- provide, or offer to provide, a course to an overseas student;
- invite overseas students to undertake or apply for a course; or
- indicate the registered provider is able or willing to provide a course to overseas students.

Recruitment of international students in conflict with Standard 7

Registered providers must not actively recruit international students where this conflicts with their obligations under Standard 7 (Overseas student transfers).

Registered providers are actively recruiting international students when an agent or representative of a particular registered provider speaks or writes directly to an international student and promotes a registered provider or course as superior to and/or cheaper than the registered provider or course in which the international student is currently enrolled, with the intention of encouraging the international student to transfer from their current provider.

If a registered provider is approached by an international student who wishes to transfer between registered providers, the registered provider should take reasonable steps to check whether a student is enrolled with another provider before completing the enrolment.

'Reasonable steps' could include the registered provider asking the international student if they are currently enrolled with another provider, checking an international student's visa and using Provider Registration and International Student Management System (PRISMS). International students under the age of 18 will need permission from a parent or a legal guardian to change registered providers. The registered provider should issue a letter of offer to the international student, for them to obtain a release from the registered provider the international student is currently studying with.

Disclaimer

The Department of Education and Training provides general information and assistance to registered providers and overseas students on the National Code and the *Education Services for Overseas Students Act 2000*.

However, such information or assistance should not be relied on as legal advice or as a substitute for legal advice. Overseas students and education providers should seek independent legal advice as appropriate.

The National Code fact sheets are designed to give registered providers practical guidance in day to day operations. Registered providers should note that compliance will be measured against the requirements of the National Code, not against the fact sheets.