Australian Government
Department of Education

ESOS Supplementary Courses Fact Sheet

Overview

The *Education Services for Overseas Students (Exempt Courses) Instrument 2021* exempts specific courses from the definition of course under the *Education Services for Overseas Students Act 2000* (ESOS Act). These exemptions are developed through consultation with the sector and allow education providers to deliver certain courses to overseas students *without* registering them on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

This instrument came into effect on 29 June 2021. Following sector consultation, the Assistant Minister for International Education amended the Instrument in 2026 to specify additional courses that are exempt from registration under the ESOS Act:

- New units of competency specified in Schedule 1, Part 1:
  - BSBWHS211 – Contribute to the health and safety of self and others
  - SITXWHS005 – Participate in safe work practices
  - CHCPRT025 – Identify and report children and young people at risk
  - TLIF0025 – Follow work health and safety procedures
- New course specified in Schedule 1, Part 2:
  - 52863WA – Course in Management of Licensed Premises

Legislative instrument

Amendments made to the ESOS Act by the *Education Services for Overseas Students Amendment (Refunds of Charges and Other Measures) Act 2021* allow the Minister to make a legislative instrument that may include or exempt additional courses from the definition of course in the ESOS Act. In accordance with the ESOS Act, the Minister has exempted certain supplementary courses which lead to an Australian Qualifications Framework (AQF) qualification but for which the additional CRICOS requirements are not considered necessary. The instrument exempting these courses commenced on 29 June 2021, which means the exempted courses will not require CRICOS registration to be offered to international students from that date.

Consultation with the international education industry, international students and providers has confirmed support for the Minister to exempt courses that:

- students can attend in addition to their full-time main course of study, without jeopardising the attendance or progress of this course (which would breach visa requirements)
- pursue personal interests, while the student is studying to enhance the quality of the students' Australian experience, or
- may be required ahead of attending a workplace component approved as part of a substantive qualification or for employment consistent with their student visa requirements of up to 48 hours a fortnight.

These courses are typically short in duration and low cost, such as first aid, infection control, construction white cards, or responsible service of alcohol courses.

What is the purpose of this instrument?

The policy intent of this instrument is to allow overseas students easier access to a range of supplementary courses, such as hobby and recreational courses, and other short courses that may be required for employment while living in Australia. This reduces regulatory burden for providers, enriches student experiences while in Australia, decreases the risk of workplace exploitation and provides Australian businesses with a ready workforce to deliver critically important goods and services.

Courses required for employment purposes

Exempt courses may include short courses required for employment in industries, which students could reasonably undertake while meeting their student visa requirements.

Importantly, all courses made exempt through this instrument will still be required to comply with Australian domestic legislative and regulatory requirements. Overseas students will *not* be able to apply for student visas based on exempt courses alone.

Higher education providers *must also continue to register* on CRICOS any course which leads to an award/qualification including any of the following 'non-award' courses:

- an English Language Intensive Course for Overseas Students (ELICOS)
- a Foundation Program
- study abroad or student exchange
- a tertiary coursework and research preparatory course
- professional outcomes and placement courses.

Exempt courses

VET courses

Where a VET course only consists of one or more of the following units of competency, it is exempt from the definition of *course.* Providers are able to offer these courses to overseas students without registering them on CRICOS. The below list of courses, and any later version or superseding course, are specified in the instrument.

Code	**Course**
HLTAID009	Provide cardiopulmonary resuscitation
HLTAID010	Provide basic emergency life support
HLTAID011	Provide First Aid
HLTAID012	Provide First Aid in an education and care setting

HLTAID013	Provide First Aid in remote or isolated site
HLTAID014	Provide Advanced First Aid
HLTAID015	Provide advanced resuscitation and oxygen therapy
HLTAID016	Manage first aid services and resources
22556VIC	Course in the Management of Asthma Risks and Emergencies in the Workplace
22578VIC	Course in First Aid Management of Anaphylaxis
HLTINFCOV001	Comply with infection prevention and control policies and procedures
HLTINF001	Comply with infection prevention and control policies and procedures
BSBWHS332X	Apply infection prevention and control procedures to own work activities
SITHFAB002	Provide responsible service of alcohol
SITHGAM001	Provide responsible gambling services
SITXFSA001	Use hygienic practices for food safety
SITXFSA002	Participate in safe food handling practices
CPCCWHS1001	Prepare to work safely in the construction industry
SITHFAB005	Prepare and serve espresso coffee
HLTWHS005	Conduct manual tasks safely
TLILIC0003	Licence to operate a forklift
AHCCHM307	Prepare and apply chemicals to control pest, weeds and diseases
AHCCHM304	Transport and store chemicals
BSBWHS211	Contribute to the health and safety of others
SITXWHS005	Participate in safe work practices
CHCPRT025	Identify and report children and young people at risk
TLIF0025	Follow work health and safety procedures
52863WA	Course in Management of Licensed Premises

Higher education courses

The instrument also exempts some courses delivered by higher education providers which do not lead to a qualification recognised under the Australian Qualifications Framework (AQF), including hobby or recreational courses.

It enables higher education providers to deliver short recreational courses (non-AQF courses) in subjects such as creative arts, languages other than English, or music that are not part of, or do not lead to, an AQF qualification.

Providers *must not* deliver these courses with the intention to grant credit (whether as prior learning or otherwise) towards another course that leads to a qualification recognised under the AQF, regardless if it is delivered by the provider or a secondary provider.

Registered higher education providers must still register the following non-AQF courses:

- English Language Intensive Courses for Overseas Students (ELICOS)
- Foundation Programs
- study abroad or student exchange
- tertiary coursework and research preparatory courses, and
- professional outcomes and placement courses.

Professional outcomes and placement course means a course for which the requirements include practical work placements and professional skills study aimed at enabling work in a certain occupation or profession.



Study abroad or student exchange means a course provided under an arrangement where a student of an overseas institution undertakes study at an Australian higher education provider, where the study at the Australian higher education provider contributes to the requirements of a course of study being undertaken by the student with the overseas institution.

Tertiary coursework and research preparatory course means a short course which a student must pass as a condition of admission to a main course of study.

Frequently Asked Questions

I am an international student

What courses can I take?

Your principal course of study in Australia and any packaged courses for which you have been granted a student visa, *must be* CRICOS registered. All institutions and courses available to international students are listed on CRICOS at cricos.education.gov.au.

You can undertake supplementary courses offered by higher education and non-higher education providers that may be required for employment, or to develop a hobby or special interest to contribute and enrich your time in Australia. You can continue to enrol or participate in these types of courses, in addition to your main course of study.

The changes only affect providers' requirements, not the visa conditions attached to your student visa. The instrument allows some supplementary courses to be exempted from the requirement to be registered on CRICOS. These exemptions will make it easier for providers to offer you better and wider access to supplementary courses you may be interested in taking.

A list of exempt courses is available in the instrument and in this fact sheet. Education providers will also be able to provide you with advice about available courses.

How will I know if a course is exempt?

The list of exempt courses is listed in the instrument and in this fact sheet. The latest version of the factsheet is available on the Department of Education website. Education providers can also provide you with a list of the courses they deliver.

Where can I find a supplementary course near me?

Once you have identified the name or code of an exempt unit you wish to take, you can search for providers delivering this course on training.gov.au/.

Will ELICOS courses be exempted from CRICOS?

No, CRICOS requirements and compliance with the *ELICOS Standards 2018* will remain in place for ELICOS courses delivered to international students.

If a course is not registered on CRICOS, will this affect the quality of education provided in these supplementary courses?

All exempt courses will remain covered under the same quality assurance mechanisms that apply to other domestic courses, including regulation by the Australian Skills Quality Authority (ASQA) or Tertiary Education Quality and Standards Agency (TEQSA).



What protections do international students have when undertaking these courses?

The quality assurance protections in place for domestic delivery of exempt courses, with oversight from ASQA and TEQSA, still apply. Just like domestic students enrolled in these courses, international students will have remedies under Australian consumer law for their tuition fees or other matters covered by consumer protection law.

The Tuition Protection Service (TPS) protects the significant investment you make when you pay tuition fees and travel to Australia for your principal course. These exempt courses are supplementary to your main course of study and are generally short in duration and are not covered by the TPS.

The Minister also has the power (through a future legislative instrument) to reinstate courses under the ESOS Act or determine certain courses must be registered under the ESOS Act if the need arises.

Will the workplace component of an exempt course count towards my 48 hour per fortnight work limitation?

Courses listed in the instrument may also be a course required to attend a workplace component, embedded as part of a substantive qualification that has a CRICOS registration.

The Department of Home Affairs have advised that the workplace component requires you to undertake a supplementary course as a part of a substantive qualification under a CRICOS registration, the workplace component of the course will *not* count towards your 48 hours per fortnight limitation.

However, if you undertake an exempt course that includes a work component and is *supplementary* to your main course of study, the work component of that course *will* count towards your 48 hour per fortnight work limitation.

I am an education provider

I'm not a CRICOS registered provider, can I deliver these exempt courses to international students?

Yes, as these courses are exempt from the ESOS Act non-CRICOS registered providers can deliver them to overseas students if the provider can meet the domestic requirements for registration and delivery. For more information on your ongoing responsibilities, such as compliance with the *Standards for Registered Training Organisations (RTOs) 2015*, contact ASQA at https://www.asqa.gov.au/about/contact-us.

Will there be an opportunity to include additional courses for exemption in the future?

As student needs change, the Minister may consider amending the instrument to either add or remove courses from the definition of 'course' under the ESOS Act. The Department of Education (the department) will consult providers, industry and regulators when updating or making a new instrument. The list will be reviewed regularly and amended as needed.

What about the proposed 0.25 Equivalent Full-Time Student Load (EFTSL) cap for higher education courses?

Feedback from the sector during consultation indicated the proposed 0.25 EFTSL cap was unclear. In consultation with TEQSA and other stakeholders, the department decided not to proceed with the cap proposal.



The revised higher education model for exempting courses means higher education providers will only be able to offer non-award courses.

I'm a CRICOS-registered provider offering some of the units now exempt under this instrument. What does this mean for me?

You are no longer required to hold CRICOS registration for the supplementary courses exempted through this instrument (as listed in this fact sheet and in the instrument).

If you have registered courses which are now exempt, you should contact ASQA for more information.

I proposed units for exemption during the consultation process, but they have not been added to the instrument. Why?

During the review of the Instrument, sector stakeholders requested consideration of 30 courses for inclusion in the Instrument.

The department assessed each course proposed through the consultation process against the original policy intent to:

- allow students to take supplementary courses such as hobby courses, recreational courses and other short courses which may be required for employment while living in Australia, and
- ensure higher education providers continue to register any course which leads to an award/qualification on CRICOS and the following non-award courses:
  - an ELICOS
  - a Foundation Program
  - study abroad or student exchange
  - a tertiary coursework and research preparatory course
  - a professional outcomes and placement courses.

The Minister's decision not to exempt certain vocational education and training (VET) courses identified through consultation was based on one or all of the following reasons:

- supplementary courses were not an identified specific VET unit of competency
- courses did not attract broad support from the sector
- courses were not identified by the sector as being specifically required for employment purposes in industries international students usually work in while studying in Australia
- there is no clear evidence the course will enhance overseas students' employment prospects and/or experience
- several units (i.e. more than two or three) are required before a student is qualified to undertake employment in that field, or
- courses do not satisfy a risk assessment undertaken by the department, where it is deemed there may be a potential risk to a student's study load, visa integrity or it does not align with broader policy intent.

All other courses proposed for exemption during consultation with the sector, but not added to the instrument, may be considered for exemption by the department at a later date in response to emerging student needs, and if there is broad sector and/or industry support.

