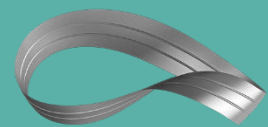

AUSTRALIA'S
INTERNATIONAL
EDUCATION AND
SKILLS STRATEGIC
FRAMEWORK -
DRAFT FOR
CONSULTATION

ISA SUBMISSION

14 June 2024



INDEPENDENT
SCHOOLS
AUSTRALIA

Acknowledgement of Country

Independent Schools Australia acknowledges the traditional custodians of country throughout Australia and recognises the continuing connection to land, waters and community. We pay respect to Elders past and present, and commit to the ongoing journey of reconciliation.



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1. ABOUT ISA

Independent Schools Australia (ISA) is the national peak body for Independent schooling in Australia. ISA represents the sector on national issues and engages with the Australian Government, national agencies, media, key stakeholders, and the wider Australian community.

Working with the eight state and territory Associations of Independent Schools (AISs), ISA represents 716,800 students, over 1,215 schools and a workforce of 122,000 people.

The Independent sector encompasses considerable diversity in size and location of schools, and the types of students enrolled. The latest available data shows that more than one in six Australian school students attends an Independent school. For secondary students, it is over one in five. Students at Independent schools reflect the full diversity of Australian society – including those who experience one or multiple forms of disadvantage.

Most families with children enrolled in non-government schools are middle-to-low-income earners, increasingly from culturally diverse backgrounds, and residing in outer-suburban and inner-suburban communities. Many of these families are currently facing economic stress and are making substantial sacrifices for their children's education.

Many Independent schools provide a religious or values-based education. Others promote a specific educational philosophy or interpretation of mainstream education. Some have been established by community groups seeking to meet particular needs or to reflect the religious values of a community. Independent Catholic schools are a significant part of the sector, accounting for eight per cent of the Independent sector's enrolments.

Most Independent schools are set up and governed independently on an individual school basis. However, some schools with common aims and educational philosophies are governed and administered as systems, for example, Lutheran schools. Systemic schools account for 20 per cent of schools in the sector.

Independent schools are long-established partners in Australia's education system, alongside government and Catholic schools. They make a valuable contribution to society and the learning and wellbeing of all children.

2. INTRODUCTION

ISA has prepared this submission as feedback for the Australian Government Department of Education's Draft for Consultation: *Australia's International Education and Skills Strategic Framework (the Framework)*¹.

ISA's major role is to bring the unique needs and contributions of Independent schools to the attention of the Australian Government and to represent the sector on national issues. ISA also represents the National Catholic Education Commission (NCEC) in matters relating to International Education.

¹ Homepage: [Draft International Education and Skills Strategic Framework - Department of Education, Australian Government](#), accessed 1 June, 2024.

ISA consulted with the state and territory Associations of Independent Schools (AISs) and the NCEC in preparing this submission.

3. EXECUTIVE SUMMARY

Australia's International Education and Skills Strategic Framework Draft for Consultation (the Framework or Draft Framework)² updates the Australian Strategy for International Education 2021-2030³ in some significant ways. There is an increased focus on 'Skills' (now included in the strategy title), and there has been a shift in the Government's approach - from working with the sector to achieve outcomes, to actively managing strategic outcomes.⁴ While other strategic objectives are retained, some receive less emphasis and arguably less support in the new Framework.

In this submission, ISA addresses the focus questions in the Draft Framework and comments more broadly on the implications of the Framework's objectives (p 3) and actions (p 7) for the non-government schools sector.

In doing this, ISA will reference legislative provisions of the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (the Bill)⁵, as the implementation of the Framework's actions are premised on significantly expanding the Government's regulatory reach to achieve the Framework's objectives and set future directions for the International Education and Skills sector.

- ISA submits that the scope and ambition of the Draft Framework should not be premised on significant expansion of regulatory powers in the *Education Services for Overseas Students Act 2000*⁶ (ESOS Act) to achieve strategic directions.
- ISA recommends that amendments to the ESOS Act that align with the Framework's Objective 1: *A Sector Built on Quality and Integrity* be introduced in stages rather than in one tranche; those most urgently needed to address integrity issues should be dealt with in the first instance, and those that serve broader strategic purposes introduced only after a period of comprehensive consultations with the International Education and Skills sector and not before January 2026 at the earliest.
- Objective 2 of the Draft Framework: *A managed system to deliver sustainable growth over time* sets new precedents for the International Education and Skills sector. ISA strongly recommends the exemption of the school sector from the provisions in the Bill that empower the Government to 'manage sustainable growth over time' and instead ISA seeks support for overseas student enrolments in the non-government school sector to return to pre-pandemic levels.

² [Draft International Education and Skills Strategic Framework - Department of Education, Australian Government](#) The Framework Draft for Consultation (DC) [PDF (613.58kb)], accessed 1 June 2024.

³ [Australian Strategy for International Education 2021-2030 - Department of Education, Australian Government](#) [PDF (3.77mb)], accessed 1 June 2024.

⁴ See *Australian Strategy for International Education 2021-2030*, Action 1.1 *Diversifying student cohorts and source countries*: "The government will work with the sector to identify the optimal make-up of international student cohorts and publish guidelines to inform sector decision-making." (p 23) and

Draft Framework DC: "To support its quality, integrity and long-term sustainability, the Australian Government is taking an active and engaged approach to the management of the sector." (p 4).

⁵ Homepage: [ParlInfo - Education Services for Overseas Students Amendment \(Quality and Integrity\) Bill 2024 \(aph.gov.au\)](#), accessed 30 May 2024.

⁶ [Federal Register of Legislation - Education Services for Overseas Students Act 2000](#), accessed 3 June 2024.

- ISA notes that the school sector (as well as other smaller sectors) lack visibility in the Draft Framework. ISA has included greater detail than requested in focus question responses for greater consideration of the sector in future Framework Drafts.
- In charting a way forward, it will be essential that there are formal, well-articulated structures for consultation, co-operation and communications between the Government, all International Education and Skills sectors and key stakeholders to avoid unintended consequences whilst undertaking such a rapid and ambitious re-set of a future direction for the sector.

4. OVERSEAS STUDENT ENROLMENTS IN NON-GOVERNMENT SCHOOLS

Non-government schools generally enrol relatively small numbers of overseas students compared to domestic students and often do so to achieve diversity in their student cohorts. Their focus in International Education programs is on their students and student outcomes, not on profits. They are generally considered to be low-risk providers.

While the non-government school sector has a large number of individual providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), the overall student numbers in the sector are small. The school sector enrolls two per cent of total overseas student enrolments⁷ with the non-government school sector enrolling less than one per cent of total overseas students.

In December 2023, there were 1,477 education providers registered on the CRICOS in Australia. Of these, 324, or almost 22 per cent, were “private”, or non-government, school providers.⁸ ISA estimates that there has been a 15 per cent reduction in the number of CRICOS registered non-government schools since mid-2020.

According to Year to Date (YTD) overseas student enrolment data for December 2023,⁹ non-government schools enrolled only 4,744 overseas students, compared with pre-COVID enrolments of 9,268 in December 2019 – a decline of 49 per cent. Government school enrolments declined by 31 per cent over this time.

The enrolment recovery rate of overseas students in non-government schools remains slow. Enrolments in March 2024 are 39 per cent lower than in March 2019. In government schools, recovery has been better, with enrolment figures in March 2024 16 per cent below 2019 levels.

Year to Date commencements for March 2024 show an overall increase of 10 per cent on 2019 numbers in government schools, but non-government schools continue to suffer an overall decline of 22 per cent compared with 2019.

5. POST-COVID RECOVERY

During the years of the pandemic, individual non-government schools took on exceptional amounts of additional work and responsibility for looking after overseas school-age students, many of whom were under 18 years. This included facilitating students’ return home when borders began closing, looking

⁷ <https://www.education.gov.au/international-education-data-and-research/international-student-monthly-summary-and-data-tables#toc-international-student-data-for-the-year-to-date-ytd-march-2024> accessed 13 June 2024

⁸ Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 Explanatory Memorandum (EM), [PDF], p 93.

⁹ From pivot tables available in Austrade’s registered user content at: [Download student data - Education Data and Insights | Austrade](#), accessed 30 May 2024.

after the wellbeing of young students who were not able to return home after borders closed, and providing online learning support to onshore and offshore students so their school studies were not completely disrupted at this critical time of their academic lives.

As noted above, enrolments in non-government schools are lower than in 2019 and there has been a 15 per cent decrease in the number of CRICOS registered non-government schools since mid-2020. Non-government schools, as a sector, carry a regulatory load that is disproportionate to the number of overseas students they enrol and the integrity risk they pose. If this load increases, the number of CRICOS registered non-government schools is likely to decrease further. This would mean fewer opportunities for overseas school-age students to learn about Australian culture and benefit from an Australian education and decreased diversity in Australian school cohorts and opportunities for Australian students to learn about other cultures.

6. AUSTRALIA'S INTERNATIONAL EDUCATION AND SKILLS STRATEGIC FRAMEWORK

6.1 Overview

The introduction to the draft Strategic framework states the following:

The new Framework will put Australia on the front foot to ensure the sustainability, quality and integrity of our world-class international education sector.

The Framework will set a path for government and the sector to work together so international education can continue to deliver benefits to our economy, communities and international students.

The Government intends to take an active role through the Framework in supporting three broad objectives:

- Objective 1: A Sector Built on Quality and Integrity
- Objective 2: A Managed System to Deliver Sustainable Growth Over Time
- Objective 3: Taking Australian Education and Training to the World

and sets out 'clear actions' for Australia's international education sector (p 7).

There is a concern in the International Education sector that the new strategic direction intended for the sector is as much driven by domestic political agendas as by genuine concerns around the integrity and quality of international education offerings.

This is disappointing for education sector peak bodies and institutions that believe that the focus of regulatory change should be on the integrity of the system to ensure the quality of student outcomes and choice of education offerings.

Unfortunately, if recent media coverage accurately reflects political sentiment, support for a politically inspired direction appears to have gained traction across the political spectrum. As noted in the Keynote address to the ITEC24 Higher Education Symposium given by Luke Sheehy, Universities Australia Chief Executive Officer, "both the Government and the Opposition are openly targeting international students in their bid to slash migration."¹⁰

6.2 Scope of the Framework

The Government's Draft Framework, released on Saturday 11 May, was followed by notice of the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (the Bill) on

¹⁰ <https://universitiesaustralia.edu.au/media-item/keynote-address-itec24-higher-education-symposium/>

Saturday 18 May. Submissions have been invited by 14 June and 1 July respectively. The Bill and the Draft Framework are interdependent pieces of work.

The Bill seeks to equip the Government with extraordinary powers to ‘support the quality, integrity and sustainable growth of the international education sector’¹¹ and to address ‘issues identified in the Rapid Review into the Exploitation of Australia’s Visa System (the Nixon Review) and the Government’s Migration Strategy.’

A range of Government-commissioned reviews and reports are referenced in the Draft Framework as having implications for International Education and informing the Framework’s actions and objectives. It appears the Government is using the many recommendations in these documents to justify charting a new course for the ‘International Education and Skills’ sector. The consequences of this shift are significant for all stakeholders.

The ESOS Act:

... provides rigorous protection for international students ... protects and enhances Australia’s reputation for quality education, provides tuition protection and supports the integrity of the student visa program.¹²

If all the Bill amendments are adopted, the ESOS Act, which was created to protect the interests of overseas students, runs the risk of becoming more self-serving in terms of national interests, and less student-centred.

Parts 1-6 of the Bill address quality and integrity concerns in the sector. However, ISA argues that the extraordinary regulatory powers proposed in Parts 7 and 8 of the Bill aim more to manage growth in the sector and serve national interests than address integrity concerns.

ISA shares concerns with other International Education peak bodies regarding the Government’s intentions to use legislation to proactively manage the sector, rather than rely on, or invest in enhancing, existing regulatory mechanisms.¹³

7. OBJECTIVES AND FOCUS QUESTIONS

In this submission, ISA will address the focus questions in the Draft Framework’s consultation paper and comment more broadly on the implications of the Draft Framework’s proposed objectives and actions for the non-government schools sector.

ISA notes the school sector has very little visibility in the Draft Framework¹⁴ (and in the Bill) and it is the view of ISA that while small in overall numbers, the school sector plays an important role in the International Education sector and should be assisted to grow, rather than be subject to additional regulatory and administrative burden.

7.1 Objective 1: A Sector Built on Quality and Integrity

This objective explores issues and strategic goals related to quality and integrity across six themes. ISA’s comments and observations on these themes, where relevant to the school sector, are below.

¹¹ The Bill EM, Outline, p 1.

¹² [Education Services for Overseas Students \(ESOS\) Framework - Department of Education, Australian Government](#), accessed 3 June 2024.

¹³ [Bills Digest 73, 2023-24 - Education Services for Overseas Students Amendment \(Quality and Integrity\) Bill 2024 \(aph.gov.au\)](#) [PDF], *Position of major interest groups*, pp 10-11, accessed 1 June 2024.

¹⁴ The school sector in Australia is referenced only four times in the Framework’s CD, including in a consultation question. In comparison, there are more than 60 references to a ‘university’ or ‘universities’.

7.1.1 Implementing integrity reforms (p 9)

The Departments of Home Affairs and Education have already implemented a number of integrity reforms, with further reforms proposed in the Bill's amendments.

With respect to reforms already implemented, ISA acknowledges the efforts made by authorities to recognise the low-risk nature of the school sector. This includes prioritising processing of applications for school student and student guardian visas in Ministerial Direction 107.¹⁵

ISA will comment in detail on measures to address integrity problems and on proposed reforms through amendments in Parts 1-6 of the Bill in ISA's Submission to the Senate Education and Employment Legislation Committee's Inquiry into the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 [Provisions].

ISA has concerns about lack of clarity and the provision for retrospective application in some areas of the Bill, and about potential increases in administrative burden and costs of implementation for non-government schools.

For example, the estimated costs for collecting and sharing agent commissions data in the Explanatory Memorandum Impact Statement in 3a: Provider alignment of internal reporting systems and 3b: Provider additional reporting preparation are '\$10,000 fixed cost assumed for systems and process change (per provider) for 1,542 providers in 2025' and '20 hours additional resourcing assumed at \$91 hourly rate for 1,542 providers in 2025' respectively.¹⁶

ISA acknowledges that school providers are exempt from provision 92A Automatic cancellation in the Bill if the provider does not provide a course in a 12-month period and that the Department is seeking feedback on whether sectors other than higher education and VET should be exempt from other provisions designed to manage growth.¹⁷

Schools have small numbers of students and a long history of domestic provision in addition to a rigorous reporting and accountability requirements and should be exempt from these provisions in the Bill.

Overall, ISA supports integrity changes where these make regulatory sense, but advocates for exemptions for the schools sector, where appropriate.

ISA notes that the Bill will enable changes to the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*¹⁸ (the National Code 2018), including to Standard 7 to ban agent commissions for onshore student transfers, and that the Government is still considering if further changes are needed to lengthen the six-month no-transfer period for students to 12 months.¹⁹

ISA looks forward to consultations on proposed changes to the National Code 2018 when these are drafted.

¹⁵ <https://immi.homeaffairs.gov.au/support-subsite/files/ministerial-direction-107.pdf>, accessed 1 June 2024.

¹⁶ EM IS, Appendix D, Table D5 Approach to measuring costs for 'Collecting and sharing agent commissions data' (Reform 3), p 171.

¹⁷ The Draft Framework DC, p 27, Objective 2 Question 4 *Should sectors other than higher education and vocational education and training, such as schools, ELICOS and non-award be included in approaches to manage the system for sustainable growth?*

¹⁸ [Federal Register of Legislation - National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), accessed 1 June 2024.

¹⁹ The Draft Framework, pp 10 and 9, respectively.

7.1.2 Integrity measures timeline (p 11)

While providing an overview of the various reviews leading to the development of the Framework, the timeline does not extend past 1 May 2024. ISA's comments in relation to the timeline for implementation are below at 7.2 *Focus Questions Objective 1*.

7.1.3 A sustainable and diverse sector (p 12)

ISA considers that management of the 'composition of the sector ... to deliver the skills Australia needs' is inappropriate for the school sector and advocates for the sector to be exempt.

With overseas student numbers yet to recover to pre-pandemic levels, many non-government schools are concerned about the longer-term sustainability of their current international programs. Decisions about diversity and capacity to cater for the needs and wellbeing of overseas students in schools are best made at the provider level and as part of school CRICOS registration processes.

7.1.4 Experienced and ethical providers (p 12)

ISA will separately submit feedback to the Senate Education and Employment Legislation Committee's Inquiry into provisions of the Bill on the retrospectivity of changes and problematic wording in proposed definitional changes for 'education agent' and 'education agent commission' in the ESOS Act. Overall, ISA does not anticipate non-government school providers will be overly impacted by changes to the 'fit and proper' test for providers.

7.1.5 Best interests of the student (p 13)

ISA notes the Draft Framework flags possible further requirements for the International Education and Training sector:

Actions of providers must reflect a commitment to the best interests of the student. This includes facilitating changes in their courses where appropriate and supporting students in their broader interactions with the Australian community, whether socially or through employment.

ISA submits that school sector providers make substantive contributions in these areas already. Schools offer extensive counselling and support services to **all** students to assist them to achieve their academic study goals. Students, and not profits, are the main focus of International Education programs in schools.

7.1.6 Enhanced monitoring (p 13)

ISA awaits with interest more information about:

whole of system data sharing activities and robust risk indicators [that] will enable the regulators to address integrity concerns [including] the development of evidence-based risk indicators for the international education sector to inform a robust whole-of-system risk architecture and to drive targeted compliance activity by education regulators.

The sector understands that the risk framework will be able to pull in data from a range of sources to target regulatory actions in each sector. This will be necessary as a whole-of-system approach still needs to recognise the different patterns of behaviour and regulatory arrangements of different groups of providers within the overall system.

ISA is also interested in understanding how a whole-of-system risk framework will be managed between the Department of Education, as the ESOS agency for schools, and the state and territory Designated State Authorities (DSAs).

As always in relation to legislative changes and enhanced regulatory powers, ISA advocates for transparency of methodology, consistency of application and regulatory actions to be proportionate to provider risk.

7.2 Focus Questions Objective 1

1. Are there further reforms governments should consider that will improve the quality and integrity of the sector?

In addition to changes already implemented, the Government is proposing to introduce far-reaching reforms for the International Education and Skills sector in one tranche in the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024. ISA is concerned that the introduction of such a wide-ranging reform agenda in such a short space time may have unforeseen negative impacts on the International Education and Skills sector.

ISA submits that further reforms in the Government's current agenda, including amendments to the ESOS Bill, be introduced in stages, with sufficient time for due consideration of implementation and unintended consequences at each step.

Currently, the Government intends to have almost all provisions in the Bill come into effect as soon as possible after enactment.

ISA requests consideration be given to staggering the introduction of integrity measures in Parts 1-6 of the Bill (that align with Objective 1: *A Sector Built on Quality and Integrity* in the Framework) to allow sufficient time for systems changes to be in place and for providers to prepare for changes.

Parts 7 and 8 of the Bill should not pre-emptively lay the legislative groundwork for the government to enact the goals of this yet-to-be-finalised Framework. These parts of the Bill require a great deal more consultation across the International Education and Skills sector, including how feasibly they might be implemented. The changes that serve broader strategic purposes should only be introduced after a period of comprehensive consultations with the International Education and Skills sector and not before January 2026 at the earliest.

2. What more can providers do to improve the integrity of the international education sector?

Independent and Catholic schools in receipt of government funding are already subject to high levels of regulation and accountability.²⁰

Non-government schools currently enrol less than one per cent of overseas students studying in Australia and are generally considered to be low-risk providers. There is little overall benefit to the International Education and Skills sector to be gained by imposing the additional administrative burden and costs of implementing proposed changes on the school sector. School resources would be much better utilised looking after student wellbeing and achieving successful student study outcomes than having to implement additional compliance requirements.

7.3 Objective 2: A Managed System to Deliver Sustainable Growth Over Time

Objective 2 explores issues and strategic goals related to delivering sustainable growth over time across ten themes.

ISA's comments and observations on these themes, where relevant to the school sector, are below.

7.3.1 Implementing a managed system to deliver sustainable growth over time (p 15)

ISA proposes this objective is not applicable to the school sector, and the school sector should be exempt from measures intended to manage growth in other sectors.

Managing enrolments in the schools sector would in any case be problematic. An overall cap in sector enrolments would not work in a sector where almost 70 per cent of overseas students are currently

²⁰ For more information on regulations and accountability for Independent Schools see: [AUTONOMY AND ACCOUNTABILITY – Independent Schools Australia \(isa.edu.au\)](https://isa.edu.au), accessed 1 June 2024.

enrolled with eight Government school providers and the remaining 30 percent are distributed across 324 CRICOS registered non-government schools Australia-wide.

Further, it will take some time to 'grow' enrolments in the non-government schools sector from current levels to pre-pandemic levels.

ISA is also concerned however that the broader implications and impacts of the introduction of enrolment limits at the provider level have not been addressed by Government. The ESOS Bill Explanatory Memorandum Impact Assessment does not address the impacts of enrolment caps.²¹ It focuses only on other targeted legislative changes to the ESOS Act such as reporting on education agent commissions.

7.3.2 Stewardship of the sector (p 17)

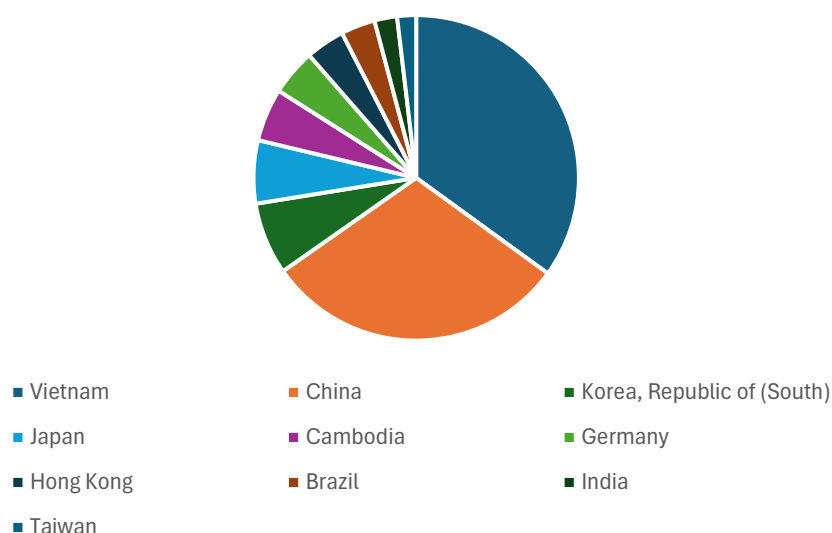
Please see ISA's comments under 'Stewardship' and Consultation, below.

7.3.3 Diversification (p 18)

Discussion in the Draft Framework makes very little mention of diversification in the school sector, (or in fact of the school sector as such).

The school sector would be one of the most diverse in terms of student source countries and geographic locations.²²

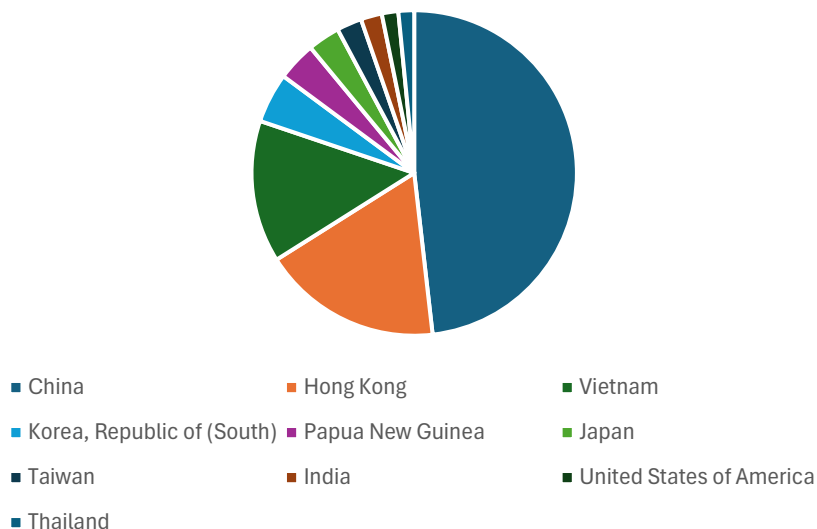
CHART 1: TOP TEN SOURCE COUNTRIES FOR GOVERNMENT SCHOOLS (YTD MARCH 2024)



²¹ The Bill EM, p87

²² See results of a search for Schools in the [International student study locations in Australia - Department of Education, Australian Government](#) Map of Australia.

CHART 2: TOP TEN SOURCE COUNTRIES FOR NON-GOVERNMENT SCHOOLS (YTD MARCH 2024)



In both government and non-government schools, the top ten source countries account for 87% of total overseas student enrolments.²³

7.3.4 Student experience (p 19)

Most of the factors contributing a positive and safe student experience are already requirements in the National Code 2018.

Schools have a very good track record of meeting and exceeding requirements in Standard 5 Younger overseas students and Standard 6 Overseas student support services of the National Code 2018.

Overseas students in mainstream schools have ample opportunities to engage with domestic students in and out of classrooms, and within the broader school community. There may be some limits on broader community engagement if students are under 18 years.

7.3.5 Graduates ready for work (p 20)

This does not apply to the school sector. However, some overseas students may have studied VET components as part of their Senior Secondary Certificate and may have participated in a work experience program whilst at school.

7.3.6 Promoting regional Australia (p 21)

CRICOS-registered school providers are located across regional Australia. Many participate in local and state and territory government promotional campaigns. They often collaborate with local universities or VET providers.²⁴

ISA supports government incentives for overseas students to study in regional areas, including in school level studies, and assistance for promotion abroad of study in regional destinations, including in schools.

²³ March 2024 Austrade EDI data.

²⁴ For more information about international education in regional schools pre-pandemic, see: [18-19 IPS International engagement in Australian regional schools - Department of Education, Australian Government](#) [PDF (4.46mb)], accessed 2 June 2024.

7.3.7 Meeting Australia's skills needs (p 22)

In the 2023-24 Student Visa Program year to 31 December 2023, 930 overseas students holding a school sector visa were granted a visa to study in the Higher Education sector and 252 overseas school students were granted a visa for the VET sector.²⁵

ISA suggests the Government might consider providing funding assistance for university scholarships if wishing to attract top-performing overseas school graduates into preferred courses.

ISA supports changes to the Migration Points test that might benefit overseas school students who have completed Senior Secondary studies in Australia and continued studies at a tertiary level in an Australian University.²⁶

7.3.8 Alumni engagement and researcher networks (p 23)

Overseas students graduating from Australian schools receive little consideration from the Government in the development of Australian Alumni networks, when promoting student achievements or when hosting Alumni events.

ISA advocates that opportunities to participate in government-funded activities that support Alumni engagement networks be extended, where appropriate, to school sector overseas student graduates.

7.3.9 Working with our region (p 25)

See below.

7.3.10 Domestic success and global influence (p 26)

The many ways the school sector creates connections and engages with our region are unrecognised in the Draft Strategy.²⁷ These include:

- Enrolment of overseas students from many different countries
- Enrolment of students on other visas who are dependants of adult overseas students and families in other migration streams
- Hosting study tours for groups of students and teachers from all around the world
- Hosting Secondary School Exchange students
- Participation in sister school relationships with other schools from around the world
- Participation in Asia Education Foundation (AEF) Bridge International School Partnerships in Asia and the Pacific
- Other outbound school excursions and cultural, curriculum- or sport-based travel abroad
- Student participation in international competitions, events and forums.

²⁵ [BR0097 Student and Temporary Graduate visa program Report \(homeaffairs.gov.au\)](#) section 7 Destinations, p 71, accessed 3 June 2024.

²⁶ <https://isa.edu.au/documents/isa-submission-in-response-to-the-department-of-home-affairs-review-of-the-points-test-discussion-paper/>

²⁷ While there is limited data available on the scope of international engagement in the school sector, the 2020 report: [Tribal Group/i-graduate report on Filling the Data Gap: International Engagement in the School Sector - Department of Education, Australian Government](#) provides valuable insights. Accessed 2 June 2024.

7.4 Focus Questions Objective 2

1. What factors should inform government's approach to allocating international student enrolments across sectors, providers, and locations in Australia?

ISA advocates for the school sector to be exempt from provisions in Parts 7 and 8 of the Bill for limits to enrolments of overseas students.

A provider's level of risk and capacity to deliver high-quality educational and support services for students should always be a key factor in determining an optimal number of overseas student enrolments in any context or location.

CRICOS registration attributes of all school sector providers are closely monitored by DSAs, and the existing registration and review processes for the sector enable concerns about registered capacity to be addressed at the provider level.

2. What considerations for government should inform the overall level of international students in Australia?

ISA advocates the school sector should be exempt from provisions for the Government to limit enrolments in Parts 7 and 8 of the Bill and views this question of greater relevance and importance for the Higher Education and VET sectors.

Only two per cent of overseas students are enrolled in the school sector. Less than one per cent are enrolled in non-government schools. State and territory government departments of education manage overseas student recruitment, enrolment and placement in Government schools in registered campus locations. Non-government schools are generally responsible for managing their own International Education programs.

Enrolment caps should not apply in small sectors such as the Schools, ELICOS and Non-award sectors. It will be impractical for the Government to micro-manage enrolments at the provider level in these sectors as this will produce inequitable outcomes for providers.

If setting broad parameters for growth in the International Education and Skills sector overall, the Government should factor in the pathways opportunities that Transnational Education (TNE) and small sectors provide to overseas students for further studies onshore.

3. How will this approach to managing the system affect individual providers?

ISA advocates the school sector be exempted from provisions for the Government to limit enrolments in Parts 7 and 8 of the Bill.

The Government should ensure good quality providers are not forced to close if adversely impacted by Government intervention in actively managing enrolments at a provider level. This could cause great harm to Australia's reputation and social licence.

As previously noted, non-government schools enrol fewer than one per cent of overseas students in Australia. Government intervention in managing overseas student numbers in non-government schools would serve no useful purpose and could significantly harm international programs in schools.

4. Should sectors other than higher education and vocational education and training, such as schools, ELICOS and non-award be included in approaches to manage the system for sustainable growth?

ISA advocates the school sector, as a low-risk sector, should be exempt from provisions for the Government to limit enrolments in Parts 7 and 8 of the Bill.

The Department should consider the exemption of other low-risk cohorts of students and providers from these provisions as well.²⁸

Current provisions for determining registered capacity should remain unchanged for the school sector.²⁹

It is difficult to see how micro-management of overseas student enrolments in small providers and pathways providers can positively contribute to meeting future skills needs and reducing integrity risk in the wider International Education and Skills sector.

ISA requests consideration be given to any limits on enrolment levels or courses in other sectors to account for the number of places available in tertiary institutions for overseas students completing Senior Secondary studies in Australian schools.

5. How should government determine which courses are best aligned to Australia's skills needs?

Determining Australia's broader skills needs is a complex question and requires extensive consultation with all sectors to determine skill shortages and areas of need.

6. How should government implement a link between the number of international students and an increased supply of student housing?

The Framework consultation paper acknowledges:

Schools, short courses, non-packaged short English courses, and non-award courses' enrolments are small, have manageable housing and infrastructure impacts and are substantially lower than in other areas of the sector. (p 16)

Accommodation options for overseas students enrolled in the school sector include living with a parent or nominated relative approved by the Department of Home Affairs, homestay and in a school boarding house.

Increased supply of student housing should not be a consideration for the school sector.

7. What transition arrangements would support the implementation of a new approach?

Given the interdependent relationship of the Draft Strategy with the Bill, ISA would anticipate implementation of a new approach would involve the same extensive consultation and communications processes as mapped in the Bill's Explanatory Memorandum Improving Integrity in the International Education Sector Policy Impact Statement, point 6.2.2 Implementation communication (pp 148-9).

7.5 Objective 3: Taking Australian Education and Training to the World

The discussion in the Draft Framework on Objective 3 is clearly focussed on tertiary sectors.

ISA will focus on the school sector in responses to the focus questions for this objective.

²⁸ ISA will provide additional feedback under Part 7-Enrolment limits in ISA's Submission to the Senate Education and Employment Legislation Committee's Inquiry into the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 [Provisions].

²⁹ For current provisions, see [Federal Register of Legislation - National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) 11.2.5 and 11.2.6, accessed 12 June.

7.6 Focus Questions Objective 3

1. What are the barriers to growth in offshore and transnational delivery of Australian education and training?

The school sector is not mentioned in the context of Transnational Education (TNE) in the Draft Framework, despite several state Departments of Education licencing the offshore delivery of Australian curriculum.

The 2021 International Education Association of Australia (IEAA) report *Australian School Curriculum Offshore: Opportunities for Growth*³⁰ explores licencing models, issues associated offshore delivery, scale of supply and demand and opportunities for growth.

Apart from Victoria, In all other states, licencing of schools offshore is directly undertaken by the state and territory departments of education. In these states, non-government schools do not have the same opportunities to deliver offshore as is possible in the Victorian School Partnership model.

The report makes two recommendations to enhance the success of TNE in the school sector:

Improve national coordination

The Commonwealth, states and territories should work together to develop consistent standards, processes and resources in relation to licencing, quality assurance, data collection and reporting, and to develop processes for cooperation between Curriculum Authorities.

and

Develop a national brand and a single source of truth

An outcome of the national approach outlined above should be to develop a single brand for Senior Secondary Certificates of Education that could be used to articulate the common features and strengths of the Australian curriculum to international audiences, including governments, schools and parents. This could be achieved either through a common branding of the existing certificates as 'Australian Certificates of Education' or the development of a single 'Australian Certificate of Education' that could be awarded to students in addition to their state or territory certificate. This recommendation needs to be urgently considered by the Australasian Curriculum, Assessment and Certification Authorities (ACACA) and the Ministerial Council of Education.

(p 9)

Both of these issues could be considered when looking at barriers to growth in TNE in the non-government schools sector.

2. Where can government direct effort to support transnational education?

ISA encourages the Government to provide support to the school sector to assist overcome identified barriers, and to expand Australia's offerings in TNE.

8. 'STEWARDSHIP' AND CONSULTATION

One of ISA's major roles as a sector peak body is to bring the unique needs and contributions of Independent schools to the attention of the Australian Government and to represent the sector on national issues. ISA also represents the National Catholic Education Commission (NCEC) in matters relating to International Education.

³⁰ Burgess, P & Ziguas, C. (2021), 'Australian School Curriculum Offshore: Opportunities for Growth.', International Education Association of Australia (IEAA). Retrieved from www.ieaa.org.au.

In representing over 20 per cent of the CRICOS registered providers in Australia that are non-government schools, ISA understands the importance and value of International Education to Australia and to the school sector.

ISA appreciates ongoing engagement with the Departments of Education and Home Affairs and other International Education peak bodies in key forums. These include the Education Visa Consultative Committee (EVCC) and the International Education Stakeholders Forum (IESF), which provide opportunities to consult on measures designed to safeguard the integrity and quality of this key services sector.

Most recently, engagement has focussed on informing policy considerations and implementation of recommendations for reforms flowing from a suite of reviews³¹ collectively intended to address issues in the sector post-pandemic.

This has included consultations focussed on the Department's Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 and the Draft Strategy, as well as with the Department of Home Affairs on Migration Strategy reforms in the Student Visa Program.

In this, ISA acknowledges the enormous amount of work Departmental staff have undertaken to deliver on the broad Government reform agendas in very short timeframes. ISA is concerned that time pressures have not allowed sufficient consideration to be given to the implementation of reforms. While the Government has indicated there will be ongoing consultation about how the sector will be managed into the future, there is considerable anxiety about longer-term negative impacts on the sector overall.

In going forward, the Framework proposes the 'Stewardship' of the sector 'should be underpinned by formal avenues for advice and decision-making' and identifies the Council for International Education (the Council)³² as a 'key vehicle for stewardship.'

The Council for International Education (the Council), comprising Commonwealth Ministers and sector experts, is a key vehicle for sector stewardship. It brings the international education and skills sector and student voice to the development of policy and implementation of innovative solutions to pressures. The Council is effectively positioned to advise the government, convey the views of the sector, and help inform policy and regulatory decision-making. (Draft Framework, p 17)

In charting a way forward, ISA submits that it will be essential that there are well-articulated structures for consultation, co-operation and communications with and between peak bodies, peak body members, overseas student representatives and other key stakeholders, Government Departments and any International Education Advisory bodies, to assist achieve good policy outcomes, and to avoid unintended consequences whilst undertaking such a rapid and ambitious re-set of a future direction for the sector.

9. CONCLUSION

In relation to the Draft Framework, ISA acknowledges the Government's intention to chart a new direction for the International Education and Skills Sector but notes that national interests appear to have become a defining strategic focus, and sectors other than Higher Education and VET have been given little consideration overall.

Concerning amendments to the ESOS Act that are needed to underpin the Strategy, ISA submits that measures needed to address the sector's most urgent integrity issues should be dealt with in the first

³¹ See: Draft Framework Integrity measures timeline, p 11 and Appendix A: Recent reviews and reforms with strategic implications for the international education and training sector, pp 38-41.

³² Homepage: [Council for International Education - Department of Education, Australian Government](#), accessed 1 June 2024.

instance, and those that serve broader strategic purposes introduced only after a period of comprehensive consultations with the sectors to determine what is appropriate to be included in the ESOS Act, and to understand what impacts on providers and other stakeholders and implementation of desirable changes will look like.

It is not clear to ISA how the Government envisages the Council for International Education will become a 'key vehicle for sector stewardship.' From ISA's perspective, there is a 'communication gap' between the sector peak bodies and the Expert Members of the Council and currently, there is no formal structure to facilitate further engagement. This situation requires review.

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