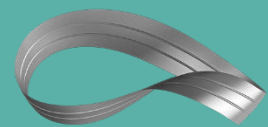

EDUCATION
SERVICES FOR
OVERSEAS
STUDENTS
AMENDMENT
(QUALITY AND
INTEGRITY) BILL 2024

ISA SUBMISSION

1 July 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.

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 Australian children.

The Independent school sector is diverse, and schools serve a wide range of communities. 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. These students include:

- high-needs students with disability attending special schools
- Aboriginal and Torres Strait Islander students attending remote 100 per cent Indigenous schools
- students living in regional, rural and remote locations
- highly disadvantaged and disengaged young people attending Independent special assistance schools.

Most families with children enrolled in Independent 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.

According to the most recent data, the majority of Independent schools charge annual fees of less than \$6,000, and there was a greater number of schools charging less than \$1,200 per year than those charging over \$20,000. Some Independent schools charge no fees at all. More than half of the sector's recurrent income comes from parents and families.

Many Independent schools provide a religious or values-based education. Others promote a specific educational philosophy or alternatively recognised curriculum. 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.

2. INTRODUCTION

ISA has prepared this submission for the Senate Education and Employment Legislation Committee's Inquiry into the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 [Provisions].

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.

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

The *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024* (the Bill) was released on Saturday 18 May, following the release of the Australian Government's *Draft International Education and Skills Strategic Framework* (the Draft Framework) on Saturday 11 May 2024.

The documents are interdependent and appear to be a conflation of regulatory reforms related to integrity concerns, and regulatory powers enabling the Australian Government to actively manage provider activities and overseas student study outcomes to serve Australia's longer-term strategic interests.

In this submission, ISA will refer to both the Bill and the Draft Framework and will advocate for regulatory exemptions for the school sector from provisions in the Bill, where fitting, and for the Government to reconsider the appropriateness of combining regulatory reform of education services with strategic intent in legislation.

3. EXECUTIVE SUMMARY

The *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024* (the Bill)¹ proposes to give the Minister and the Australian Government Department of Education (the Department) wide-reaching powers to amend the Education Services for Overseas Students Act 2000 (ESOS Act)². When in effect, these powers will allow the Minister and the Department to exert immediate control over activities deemed to be of concern in the International Education and Training sector, and to proactively manage the sector to achieve longer-term objectives articulated in the Australian Government's *Draft International Education and Skills Strategic Framework* (the Draft Framework).³

It is important for the Senate Education and Employment Legislation Committee (the Committee) to understand how these changes, along with the administrative burden and costs associated with their implementation, can impact the non-government school sector, comprising individual Independent and Catholic schools, which make up around 22 per cent of all CRICOS registered providers, but collectively enrol less than one per cent of overseas students.

¹ Homepage: [ParlInfo - Education Services for Overseas Students Amendment \(Quality and Integrity\) Bill 2024 \(aph.gov.au\)](https://aph.gov.au/ParlInfo/education-services-for-overseas-students-amendment-quality-and-integrity-bill-2024) (the Bill) Text of Bill First reading [PDF], accessed 30 May 2024.

² [Federal Register of Legislation - Education Services for Overseas Students Act 2000](https://www.federalregister.gov/legislation/education-services-for-overseas-students-act-2000) (ESOS Act), accessed 30 May 2024.

³ Homepage: [Draft International Education and Skills Strategic Framework - Department of Education, Australian Government](https://www.education.gov.au/draft-international-education-and-skills-strategic-framework) (the Framework or the Draft Framework), accessed 30 May 2024.

In this submission, ISA supports integrity-related changes where these make regulatory sense and align with the original purposes of the ESOS Act, and are proportionate to the risk posed in each sector.

ISA supports the prioritisation of measures in the Bill required to strengthen integrity in the International Education and Training sector but recommends that the powers the Department is seeking for strategic purposes, viz., to take 'an active and engaged approach to the management of the sector'⁴ in the longer term, should be further considered, and not be pre-emptively embedded in the ESOS Act.

The school sector, which includes non-government schools, is low-risk. ISA advocates, to the extent that is possible, that the school sector should be made exempt from changes to regulatory frameworks that are primarily intended for other sectors.

The strategic goals of governments may change, and far-reaching powers such as these cannot be applied in a one-size-fits-all approach. There needs to be a sufficient period of consultation with industry and other stakeholders to determine the relevance and impact of any new strategic directions for the different education sectors and the best means, legislative or otherwise, to achieve these for each sector.

To date, there have been no significant consultations on the powers proposed in the Bill that enable far tighter government control of the composition of the international education sector and there has been no assessment of the long-term impact of the exercise of these powers.

ISA is concerned that changes in the Australian Government's strategic and policy directions if entrenched in the ESOS Act, may change perceptions of Australia being a study destination that welcomes and provides protections to overseas students to being a country that seeks to recruit overseas students to serve our national interests.

The announcement on 1 July 2024 of the doubling of the student visa application fee from \$710 to \$1600 also adds to perceptions that overseas students are being recruited to serve national interests. While the rhetoric is that the increase "reflects the increasing value of education in Australia and reflects the Albanese Government's commitment to restoring integrity in the international education sector"⁵, it is also clear that the fees are seen as the way to fund domestic reforms such as "making HECS fairer, paid prac and expanding FEE-Free Uni Ready courses."⁶

Recommendations

A summary of ISA's recommendations for the Committee's consideration of the Bill's amendments is below.

Overarching recommendations

- Regulatory actions enabled by the Bill's amendments should be proportionate to the risk posed in each International Education and Training sector, costs and the administrative burden associated with changes should be minimised, and adequate time allowed for measures that are enacted to be communicated and implemented.

⁴ [Draft International Education and Skills Strategic Framework - Department of Education, Australian Government](#) The Framework Draft for Consultation (DC) [PDF (613.58kb)], p. 4, accessed 1 June 2024.

⁵ [Fee increase for international students part of July 1 migration reforms \(homeaffairs.gov.au\)](#), accessed 1 July 2024

⁶ [Fee increase for international students part of July 1 migration reforms \(homeaffairs.gov.au\)](#), accessed 1 July 2024

- There must be a sufficient period of time allowed for adjustment to and implementation of changes as well as a comprehensive communications campaign to explain the coming changes to all key stakeholders.
- Amendments to the ESOS Act should 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 that align with the Government's plan to take 'an active and engaged approach to the management of the sector' be introduced only after a period of comprehensive consultations with the International Education and Skills sector and not before January 2026 at the earliest.
- There should be sunset clauses inserted in the Bill to enable a timely review of the efficacy and impacts of the Bill.

Changes to the 'fit and proper' provider test

- Reporting changes to ownership required by amendments to the ESOS Act should not be applied retrospectively where there is also a limited timeframe for compliance,
- Regulators should be adequately prepared and funded to perform their functions in assessing 'fit and proper' requirements prior to legislation commencement dates.

Reporting of agent commissions, costs and transparency

- Regulatory costs and the administrative burden of implementing systems and other changes should be proportionate to provider size and risk.
- To avoid unintended consequences, there should be clear guidelines around information that must be entered into PRISMS, and an explanation about how this information will be used. The Department should be prepared to allow some flexibility in PRISMS reporting requirements to account for sectoral differences.
- Reporting requirements for small, low-risk providers such as schools should be minimised wherever possible and should not be applied retrospectively to further reduce this impost.
- Processes and methodology for determining regulatory actions to remedy provider and course risk related to payment of commissions should be transparent, but a provider's right to maintain 'commercial-in-confidence' business relationships should also be respected.

Changes to ESOS Act definitions: 'education agent' and 'education agent commission'

- If the definition of 'education agent' is not intended to apply to any entity that receives payment from a provider in relation to dealing with an overseas student in some way, the wording of the definition should be changed.
- There should be clear and transparent guidance to providers and regulators about what kinds of entities and what kind of activities are, and are not, captured by definitions of 'education agent' and 'education agent commission' in the ESOS Act.

Pausing applications from new international education providers and of new courses

- Any changes to the ESOS Act that will allow a delay in the processing of new provider registration applications should only be triggered by very serious concerns about the integrity of a potential provider and only in clearly prescribed circumstances.
- Low-risk providers such as established schools should be exempt from amendments to suspend or manage registration applications, if not in a provision in the ESOS Act, then immediately after it comes into effect in a Legislative Instrument made for this purpose.
- All providers should have the right to seek review of regulatory decisions regarding suspension and management of registration applications.

Requirement to deliver courses to domestic students for 24 months

- The school sector should be exempt from the requirement to first deliver a course to domestic students for 24 months as Designated State Authorities (DSAs) can impose conditions on CRICOS registration applications if there are concerns that a school sector provider is not sufficiently prepared to deliver a course to overseas students. Imposing this requirement on all schools wishing to become CRICOS registered would only serve to inhibit growth in the sector.

Enrolment limits and cancellation of courses

- ISA believes that taking 'an active and engaged approach to the management of the sector' via legislative change should be reconsidered. An extensive economic impact assessment of enabling the government to limit enrolments and cancel courses at sector or provider level is essential to inform comprehensive consultations with the International Education and Training sector.
- Any basis for limiting enrolments, taking action to suspend or cancel courses, or to suspend enrolment of new students, should focus on integrity concerns about 'serious misconduct'.
- Cancellation of courses on the grounds that they 'provide limited value to Australia's current, emerging and future skills and training needs and priorities' is regulatory over-reach and does not have a natural home in the ESOS Act.
- Measures in the Bill that are needed to address immediate concerns about integrity should be prioritised and any further changes that strengthen the primary purpose of the ESOS Act – quality assuring Education Services for Overseas Students – should be implemented in a timely manner, after January 2026 at the earliest.
- If parts 7 and 8 of the Bill do pass into legislation, the Minister should use available powers to make school sector courses and providers exempt from total enrolment limits and cancellation of courses, as there is little to no benefit to anyone in using government resources to actively manage a sector that enrolls less than two per cent of overseas students.
- If limits on enrolments or courses are imposed in other sectors, consideration should be given to the number of places available in tertiary institutions that will be needed for overseas students completing Senior Secondary studies in Australian schools, and in secondary school Transnational Education (TNE) programs delivered by Australian providers offshore.

4. THE ESOS FRAMEWORK AND CRICOS REGISTERED NON-GOVERNMENT SCHOOLS

According to the Department of Education's webpage for the Education Services for Overseas Students (ESOS) framework:

Australia provides rigorous protection for international students through the Education Services for Overseas Students Act 2000 (ESOS Act) and related legislation, which protects and enhances Australia's reputation for quality education, provides tuition protection and supports the integrity of the student visa program.⁷

In order to enrol overseas students to study in Australia on a student visa, education institutions must be registered under the ESOS Act and listed on the Department of Education's Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)⁸.

⁷ [Education Services for Overseas Students \(ESOS\) Framework - Department of Education, Australian Government](#), accessed 30 May 2024.

⁸ See <https://cricos.education.gov.au/>.

As of 30 June 2020, there were 391 CRICOS registered school providers (government and non-government)⁹. Eight of these are government school providers (i.e., the state and territory departments of education).

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.¹⁰

There has thus been a 15 per cent reduction in the number of CRICOS registered non-government schools since mid-2020.

ISA understands that the administrative burden and regulatory costs of maintaining CRICOS registration is the main reason schools cease CRICOS registration and discontinue enrolment of overseas students with 500 subclass visas.

5. 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. In 2023, the average number of overseas students in an Independent school was 13 students. Their focus in International Education programs is on their students and student outcomes and they are generally considered to be low-risk providers.

The school sector accounts for two per cent of total overseas student enrolments¹¹ with the non-government school sector enrolling less than one per cent of all overseas students.

According to Year to Date (YTD) overseas student enrolment data for December 2023, 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, from 16,194 overseas students in December 2019 to 11,098 in December 2023.

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.

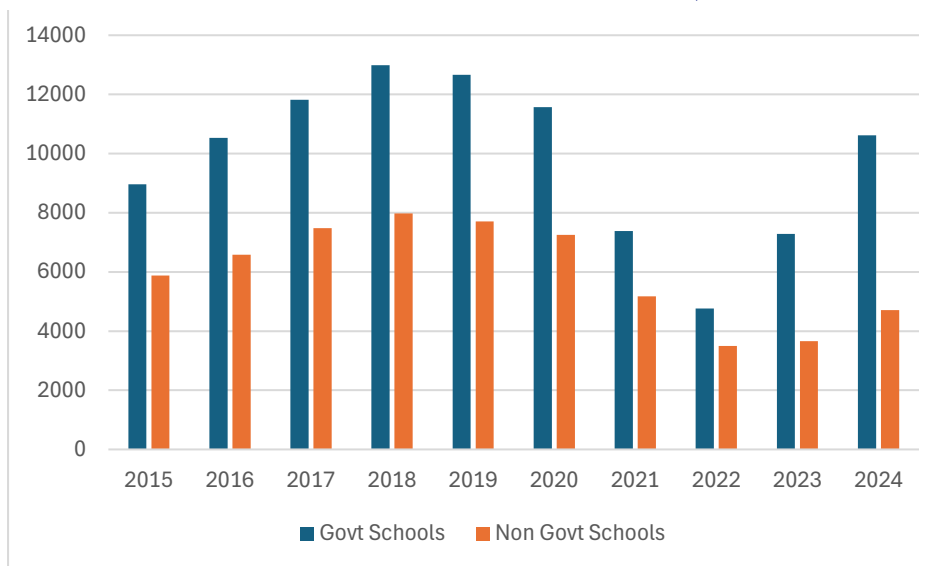
Year-to-date commencements for March 2024 show an overall increase of 10 per cent on 2019 numbers in government schools, but non-government schools continue to suffer an overall decline of 22 per cent in commencements compared with 2019.

⁹ [ESOS Agency for Schools Regulatory Performance Framework Annual Report 2019-20 - Department of Education, Australian Government](#) [PDF (889.98kb)], p.7, accessed 27 May 2024.

¹⁰ Homepage: [ParlInfo - Education Services for Overseas Students Amendment \(Quality and Integrity\) Bill 2024 \(aph.gov.au\)](#) Explanatory Memorandum (EM), [PDF], p. 93, accessed 30 May 2024.

¹¹ <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

CHART 1: SCHOOLS SECTOR OVERSEAS STUDENT ENROLMENTS (YTD MARCH 2015-2024)¹²



Independent schools are individually responsible for meeting all regulatory and compliance requirements to remain registered and operational in their respective jurisdictions. Some Independent schools operate within a systemic, or centralised, administrative structure as do the Catholic school systems, Non-government school systems are also required to meet similar regulatory and compliance requirements. As non-government schools receive government funding for domestic students, they are subject to high levels of regulation and accountability.¹³

6. POST-COVID RECOVERY

As noted above, overseas student enrolments in non-government schools were severely impacted by COVID-19 and have yet to recover to 2019 levels.

During 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 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.

Now in 2024, overseas student enrolments in non-government schools are almost 40 per cent fewer than in 2019, and there has been a 15 per cent decrease in the number of CRICOS registered non-government schools since mid-2020.

ISA expects that with the slow post-COVID recovery, the consequent loss of experienced staff from international programs, the turbulence created by recent regulatory changes and the prospect of more to come, non-government schools with only small numbers of overseas students will continue to surrender CRICOS registration. That is unless schools are exempt from measures that appear to be intended to enable greater regulatory control of courses and providers in higher-risk sectors,

¹² March 2024 Austrade EDI data.

¹³ For more information on regulations and accountability for Independent Schools please see: [AUTONOMY AND ACCOUNTABILITY – Independent Schools Australia \(isa.edu.au\)](https://isa.edu.au), accessed 30 May 2024.

And while the Draft Framework flags exemptions for schools, ELICOS and other low-risk parts of the international education sector, the exemptions are not detailed anywhere in the Bill.

7. EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (QUALITY AND INTEGRITY) BILL 2024

The *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024* seeks to equip the Government with extraordinary powers to ‘support the quality, integrity and sustainable growth [emphasis added] of the international education sector’ 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*’. (EM, Outline p.1)

The amendments in the Bill that relate to quality and integrity are dealt with in Schedule 1 Amendments, Parts 1-6. These are explained in greater depth in the Improving Integrity in the International Education Sector Policy Impact Statement (IS) attached to the Bill’s Explanatory Memorandum (EM).

The management of sustainable growth in the international education sector is dealt with in Schedule 1 Amendments, Parts 7 and 8, and explained to a limited extent in the Bill’s EM. However, there does not appear to be a comprehensive impact assessment made of these parts of the Bill.

The genesis of some parts of the Bill appears to be Recommendation 14 of the Joint Standing Committee on Foreign Affairs, Defence and Trade report ‘*Quality and Integrity - the Quest for Sustainable Growth: Interim Report into International Education*’:

The Committee recommends the Government take firm action to address persistent and deep-seated integrity issues in the private Vocational Education and Training (VET) sector, understanding this will be a difficult and long-term reform program.

Recommended actions in this report for problematic parts of VET sector included:

- ... increase vetting of new providers including a fit and proper person test to operate a VET provider
- a pause for at least 12 months by Australian Skills Quality Authority (ASQA) in processing new provider applications for Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered VET providers ...
- requiring new providers seeking CRICOS registration to have operated and delivered to domestic students for at least 12 months
- suspension of recruitment of international students to CRICOS VET courses identified with persistent quality and integrity issues and/or of limited value to Australia’s critical skills needs, such as management and leadership courses
- automatic suspension of new international student intake for providers under serious regulatory investigation
- cancellation of a provider’s CRICOS registration if no training is delivered for a period of 12 months or more.¹⁴

Since the release of this report, measures to address integrity concerns around providers and courses in parts of one sector seem to have morphed into Bill amendments that apply to all sectors and into a

¹⁴ [Inquiry into Australia’s tourism and international education sectors – Parliament of Australia \(aph.gov.au\)](#), [PDF] Recommendation 14.5.239: xxii, accessed 30 May 2024.

policy pivot requiring Government 'Stewardship of the sector' to manage sustainable growth and align the sector with Australia's national interests (Draft Framework DC, p.17).

ISA views provisions in Parts 7 and 8 of the Bill as pre-emptively laying the legislative groundwork for the government to enact the goals of the yet-to-be-finalised Draft Framework. Presumably, the focus of ongoing consultations for the Framework will be on the implementation of provisions in this yet-to-be-finalised Bill.

8. QUALITY AND INTEGRITY MEASURES

In the Bill's EM IS, the Department identifies four key integrity problems (p. 98) in the International Education sector and proposes that these be addressed by seven legislative reform measures. The seven reforms are discussed within a cost and benefit analysis (CBA) framework (p. 121).

This submission provides the sector's perspective on the integrity problems the Department seeks to remedy and the impacts of the proposed reform measures on non-government schools.

ISA will comment separately on the impacts of Schedule 1 Amendments in Parts 7 and 8 of the Bill.

Problem 1: Provider and agent collusion

Reform 1: amend the 'fit and proper' provider test under the ESOS Act to require ESOS agencies to consider cross-ownership of businesses between education providers and their agents to disrupt and deter collusive behaviour aimed to exploit students for profit.

ISA supports this reform with qualifications. ISA is concerned that retrospectively applying changes to definitions in the ESOS Act at the same time as requiring providers to report any changes of ownership captured by the amendments within 10 business days may become confusing, impractical and administratively onerous.

Additionally, the reason for pausing 'the assessment of applications of registrations from new international education providers and of new courses for existing providers for a period of up to 12 months' (Reform 4) should not be to allow regulators time to prepare for changes to the 'fit and proper' provider test.

More consideration needs to be given to the appropriate staging of regulatory changes and reforms so that they are manageable, implementable and do not create an unfair impost for high-quality, low-risk providers. Further, regulators should be adequately prepared and funded to perform their functions prior to the commencement of legislation.

Problem 2: Lack of transparency of agent performance data

Reform 2: expand access for providers to all education agent performance data, not just to those agents they have an existing relationship with.

ISA supports this reform in principle, providing implementation does not significantly add to the administrative burden and costs for schools, and the international education and training sectors are adequately consulted about the publication of data. Please see further comments on costs, below.

Problem 3: Lack of data on agent commissions

Reform 3: require education providers to report through the Provider Registration and International Student Management System (PRISMS) information on agent commission fees they have paid to an education agent.

ISA has several concerns about the proposed reporting on agent commission fees which are outlined below.

Reporting commissions in PRISMS

The following are identified as possible red flags for ESOS agencies concerning reporting of agent commissions (IS p.156):

- providers reporting no commission paid against a significantly high number of CoEs, when compared to all providers in the same sector [emphasis added]
- lower than expected commissions (e.g. under \$100)
- unusual patterns in commission payment data.

Sectoral differences must be considered for the proposed reporting requirements so that non-government schools are not unintentionally red-flagged as non-compliant in some situations.

State and territory government school systems have one CRICOS provider registration and centrally administered PRISMS access and enrolment databases. Recruitment of students and agent management is also undertaken by dedicated teams in the state and territory Departments of Education. Non-government schools usually undertake these activities on an individual school basis, and less commonly, at a systemic level.

Not all schools engage agents for student recruitment. Agents sometimes contact schools on behalf of parents to lodge an enrolment application. This is a more likely scenario in non-government schools than in government schools, where education agents are engaged for student recruitment to a much greater extent.

If a non-government school is required to enter details of an agent into PRISMS because an agent has interacted with an enrolment, but the school does not engage or remunerate the agent, then there should be no adverse consequences for non-reporting of a commission, or for only partially reporting agent details in this situation.

Non-government schools should not be compared with government schools or providers in other sectors where there are clear sectoral differences in recruitment practices and systems management.

To avoid unintended consequences, there should be clear guidelines around information that must be entered into PRISMS and an explanation about how this information will be used. The Department of Education should be prepared to allow some flexibility in reporting requirements, if necessary, to account for sectoral differences.

Changes to definitions

ISA is concerned about the potential for confusion and unintended consequences in interpreting parts of proposed definitions in *6BA Meaning of an education agent* and *6BB Meaning of education agent commission*.

6BA Meaning of education agent

An education agent is an entity (whether within or outside Australia) that:

- (a) *engages in any one or more of the following activities in relation to a provider:*
 - (i) *the recruitment of overseas students, or intending overseas students;*
 - (ii) *providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;*
 - (iii) *otherwise dealing with overseas students, or intending overseas students;*

and

- (b) *is not a permanent full time or part time officer or employee of the provider.*

6BB Meaning of education agent commission

Education agent commission means any consideration or benefit, whether monetary or non monetary, that:

- (a) *is or will be given, by, or on behalf of, a provider to an education agent, or an associate of the education agent; and*
- (b) *is in connection with:*

- (i) *the recruitment of an overseas student or an intending overseas student; or*
- (ii) *any other activity in relation to an overseas student or an intending overseas student mentioned in paragraph (a) of the definition of education agent in section 6BA.*

Note: Examples of such consideration or benefits include fees, charges, commissions, bonuses, performance payments, gifts, discounted or free services, rewards and incentives.

In 6BA(a)(iii) 'otherwise dealing with overseas students, or intending overseas students', it is not at all clear whether 'otherwise dealing' might refer to any activities of any entity, or whether this is intended to refer to any other activities of an entity referred to in 6BA(a)(i) and (ii) of the definition of 'education agent'.

Clarification of 6BA(a)(iii) is also important for the interpretation of the meaning of 'education agent commission' in 6BB(b)(ii):

any other activity [emphasis added] *in relation to an overseas student or an intending overseas student mentioned in paragraph (a) of the definition of education agent in section 6BA.*

By including the wording 'engages in any one or more of the following activities in relation to a provider' in 6BA (a) of the definition of 'education agent', this suggests an entity that is 'otherwise dealing with overseas students' to deliver a service or benefit that supports or otherwise enhances the experience of a student might be included. For example, an education provider might engage an 'entity' to provide additional tuition support, pay for entry to a local tourist attraction or, in the case of a boarding school provider with welfare responsibilities for students under 18 years, arrange and approve alternative accommodation during the time a school boarding house is closed over a vacation period.

Also, by exempting only 'permanent' full-time or part-time officers or employees of the provider from the definition of 'education agent' under 6BA(b), the proposed legislation ignores the sometimes impermanent nature of employment in the international education industry, particularly in current times. Does this mean a staff member of a provider employed on a casual or seasonal basis to recruit or counsel overseas students, or manage study tour programs might be considered an 'education agent'?

In a recruitment context, under 6BA (a)(i), and 6BB, even Austrade could be seen as an entity that receives a fee-for-service from CRICOS registered providers that attend education fairs and events organised and promoted by Austrade for the purpose of recruiting overseas students.

If the definition of 'education agent' is not intended to apply to entities such as these, the wording of the definition should be changed.

Further, to avoid confusion and unintended consequences of this provision, all employees on a provider's payroll should be exempt from this definition, regardless of employment status.

In any case, there should be clear and transparent guidance to providers and regulators about what kinds of entities and what kind of activities are, and are not, captured by these changes to definitions in the ESOS Act.

Costs

ISA is concerned that the increase in administrative burden and costs for implementing changes may well outweigh any actual benefits for small providers such as non-government schools.

ISA notes that calculations used for assessing costs¹⁵:

... represent the highest cost estimate, and in practice, costs could be expected to be lower where the Minister for Education varies the implementation of legislative power [added emphasis] (p. 120)

¹⁵ EM IS, Question 4. What is the likely net benefit of each option? p. 120.

Estimated costs for collecting and sharing agent commissions data in the EM IS in 3a: Provider alignment of internal reporting systems and 3b: Provider additional reporting preparation is '\$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

Firstly, in relation to these estimates, ISA (and schools) would be alarmed if CRICOS registered non-government schools with small numbers of overseas students were exposed to additional costs of this scale to implement system changes for proportionally little benefit.

Secondly, the formula for estimating additional resourcing for data requirements¹⁷ viz., an 'assumed' one hour per student admission processing and five hours per agent search and due diligence, significantly underestimates the actual time spent on admissions and agent management by staff in non-government schools. The expected 10 per cent increase in time-saving benefits does not stack up in a CBA for these schools.

ISA understands from the Department's explanation of how data requirements will be implemented that changes to PRISMS may still be under development and that the Department will engage with providers on the changes, but notes, on the other hand, it is anticipated that:

*Providers will need to change their practices to engage with the agency dashboard, to view agent data and take this into account when recruiting new agents.*¹⁸

What is clear from the CBA provided in the EM IS, is that there may be a significant cost to providers.

Legislation should not result in a significant increase in costs and administrative burden where there is little to no risk. Reporting requirements and costs for small, low-risk providers such as schools, should be minimised and reporting requirements should not be applied retrospectively to further reduce this impost.

Benefits and risks

The draft legislation seeks to use the definitional changes to the Act and ability to require more detailed reporting of agent commissions to solve the problem of onshore transfers via further, yet-to-be-revealed changes to the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code 2018),¹⁹ and to provide regulators with a greater suite of tools with which to investigate providers.

The argument put forward for this is that these changes will benefit all providers in the longer term by giving providers data about agent performance to assist with due diligence, and these reforms will eventually provide a return on investment.

What is not explored in the EM is the risk of unauthorised use of this data being used to drive commission increases and disrupt existing provider-agent relationships.

Even with the details provided in EM IS 6.2.4 *Implementation risks and mitigations*, how system changes will impact individual school providers, the level of reporting detail required and how the data entered will be protected from unscrupulous and unauthorised use, are all unclear.

It will be important that low-risk providers in any sector are not unduly penalised by the perceived need to urgently target "dodgy" providers.

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

¹⁷ EM IS, Appendix D Table D2: Approach to measuring benefits, p. 166.

¹⁸ EM IS 6.2.1 Implementation of data requirements, p. 148.

¹⁹ [Federal Register of Legislation - National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (the National Code 2018), accessed 13 June 2024.

The regulatory costs and administrative burden of implementing systems and other changes must be proportionate to provider size and risk.

Transparency

ISA understands that when commissions are paid to education agents by schools, they make up a comparatively lower percentage than in other sectors and believes this information should remain commercial in confidence.

In the interests of transparency, ISA agrees that it is reasonable for a student to know if their provider is paying a commission to an education agent, but not for details of commission payments to be made public.

International Education peak bodies are also seeking transparency about the ways the Australian Government plans to collect and use data to 'further inform policy to address any issues identified due to commission related behaviour and support action by the ESOS agencies'.²⁰

Transparency about how data will be used as a basis for taking regulatory action will be an important factor in establishing and maintaining trust between the Australian Government and the International Education and Training sector.

While recognising the need for transparency in processes and methodology for determining regulatory actions to remedy provider and course risk related to payment of commissions, ISA notes the need for processes to respect providers' right to maintain 'commercial-in-confidence' business relationships.

Problem 4: Limited ability to identify, deter and disrupt unscrupulous actors

Reform 4: pause the assessment of applications of registrations from new international education providers and of new courses from existing providers for a period of up to 12 months.

With regard to pausing registration of new providers and courses for up to 12 months, ISA notes that Point 79 in the Bill's EM states:

*It is intended that the Minister will only exercise this power in limited circumstances, for example, where the Minister has concerns relating to the integrity or sustainability of the international education sector. This will help protect overseas students by ensuring that, where there are significant concerns associated with all, or a specified class of, registration applications, the Minister can direct the ESOS agencies to pause the processing of these applications, while allowing other applications to continue as appropriate, in order to undertake further investigation.*²¹

However, there is nothing in the proposed amendments to clarify that the broad-ranging powers under *Part 3—Management of provider applications* are intended to be used only in limited circumstances.

Part 6, Division 1—Conditions, suspension and cancellation Subdivision A—Sanctions for non-compliance etc. of the ESOS Act already enables an ESOS agency to impose conditions on an existing registered provider and their courses if the agency believes there are reasonable grounds that the provider is not complying with the ESOS Act, National Code 2018, ELICOS or Foundation Program Standards, or a condition of registration.

ISA advocates that any changes to the ESOS Act that will allow a delay in the processing of new provider registration applications should only be triggered by very serious concerns about the integrity of a potential provider and only in clearly prescribed circumstances.

As noted above, in the interests of fairness to low-risk providers, reasons for pausing 'the assessment of applications of registrations from new international education providers and of new courses for

²⁰ EM IS, Problem 3 Agent Commissions, p. 145.

²¹ EM, p. 31.

existing providers for a period of up to 12 months' should not include allowing regulators time to prepare for changes to the 'fit and proper' provider test.

ISA also notes that 14C (8), 14D (8), 14E (6) and 14F (6) in *Division 5—Suspension of applications for registration, Part 3—Management of provider applications* in the Bill exclude Section 42 (disallowance) of the Legislation Act 2003 from applying to a legislative instrument made under prescribed subsections. ISA advocates that all providers should have the right to seek review of regulatory decisions.

Because school providers are also regulated by state and territory registration authorities, there is a two-step registration process wherein the Designated State Authority (DSA) for a school provider first issues a 'DSA assessment certificate' that states the provider is compliant with ESOS and National Code 2018 requirements, including being 'fit and proper' for registration, and then issues a 'DSA recommendation certificate' to the Australian Government Department of Education – the ESOS agency for schools – to make recommendations about registration of the provider, its courses and locations.

The courses and locations that schools seek to have registered for delivery to overseas students are, with the addition of ELICOS in a small number of cases, the same as those for which they are approved in their respective jurisdictions to deliver school-level courses to domestic students.

The heavy lifting for CRICOS registration of non-government schools is done by the state and territory regulatory authorities (DSAs). Given the number of new registrations each authority might expect to process each year is very small, there is no justification or overall benefit to the International Education and Training sector for pausing the assessment of applications of registrations from new school providers or new courses for a period of up to 12 months.

Schools are already highly regulated, accountable and low-risk education providers before they apply for CRICOS registration and should not be subject to uncertainty if proposed legislative changes are not intended for them.

Established schools should be exempt from this amendment, if not in this provision in the ESOS Act, then immediately after it comes into effect by a Legislative Instrument made for this purpose.

Reform 5: require providers applying to deliver courses to overseas students to first deliver courses to domestic students for a period of 24 months.

In the school sector, all school-level courses, i.e., subjects and curriculum offerings, assessment and qualifications, must be approved by state and territory studies authorities, and all non-government schools must be accredited or otherwise approved in their respective jurisdictions to operate as a school.

While most schools primarily deliver courses to domestic students, a very small number deliver school-level courses to overseas students only. These are more likely to be multi-sector providers, which may or may not also deliver courses to domestic students in other sectors.

As explained above, there is a two-step process for CRICOS registration of schools and school courses – firstly to gain approval from the school's DSA, and then from the Department of Education as the ESOS agency for schools.

The number of school sector applications for CRICOS registration received by the DSAs and the ESOS agency for schools each year is historically very small.

Because schools and school courses must all be accredited or approved by statutory authorities or departments of education at the state and territory level, the focus of DSA approval for CRICOS registration is on provider quality and capacity to deliver any courses under the provider scope.

In other words, in the school sector, course-related risk is not a consideration, and provisions to deal with provider risk already exist in the two-step CRICOS registration process. DSAs should be able to assess CRICOS registration applications on merit, regardless of the composition of the student cohort.

ISA advocates that provision be made for the school sector to be generally exempt from this amendment to allow for growth in the sector. DSAs will still be able to impose a condition or pause on

registration if there is a concern that a provider is not sufficiently prepared to deliver a school course to overseas students.

ISA notes that this reform should also not affect established schools that seek to add year levels to school provider scope.

Reform 6: automatically cancel the registration of providers who have not delivered training to overseas students for a consecutive 12-month period.

ISA notes that approved school sector providers are already exempt from provisions proposed under *Part 5—Automatic cancellation of registration*.

Reform 7: strengthen provisions to suspend the enrolment of new overseas students, including automatically where appropriate, by providers under serious regulatory investigation

ISA accepts the justification made in points 186 and 190 of the Bill's EM (relating to the insertion of new subsection 7A(2AA) into the Act) for expanding the remit of regulatory authorities to suspend providers for serious offences under the ESOS Act subsection 7A Deciding whether a provider or registered provider is fit and proper to be registered etc.

However, the power to automatically suspend enrolment of new overseas students appears to be enabled by subsection 96C (3) in the new *Division 1AB—Automatic suspension and cancellation of courses in Part 6 of the Act*. Under 96B, the Minister can create a legislative instrument for these purposes, if satisfied that:

- (a) *there are or have been systemic issues in relation to the standard of delivery of the courses included in the class; or*
- (b) *the courses included in the class provide limited value to Australia's current, emerging and future skills and training needs and priorities; or*
- (c) *it is in the public interest to do so.*²²

While the provisions certainly include 'serious offences' captured by the proposed subsection 7A(2AA), they are also very broad.

ISA advocates any basis for taking action to suspend or cancel courses, or to suspend enrolments of new students, should focus on integrity concerns about 'serious misconduct' only. The ESOS Act should not be used to lay the groundwork for future policy directions and domestic skills needs as articulated in the Australian Government's Draft Strategy.

9. CONTROL OF ENROLMENT LIMITS AND CANCELLATION OF COURSES

Parts 7 and 8 of the Bill appear to have evolved as an Australian Government response to a range of issues raised in the many recent reviews of International Education.²³

As noted above, these amendments lay the legislative groundwork for the Australian Government to achieve *Objective 2: A Managed System to Deliver Sustainable Growth Over Time* in its yet-to-be-finalised Draft Framework.

The introduction of a draft Bill before the Department's consultations with the International Education and Training sector on the proposed Strategic Framework were completed is highly unusual and has

²² The Bill, Division 1AB Automatic suspension and cancellation of courses specified by the Minister, 96B Minister may make instrument specifying courses.

²³ See also [ISA Submission – Australia's International Education and Skills Strategic Framework – Draft for Consultation – Independent Schools Australia](#).

created significant difficulties for the international education sector for the provision of input and feedback to both processes simultaneously.

It is ISA's view that taking 'an active and engaged approach to the management of the sector' via legislative change should be reconsidered. An extensive economic impact assessment of enabling the government to limit enrolments and cancel courses at the sector or provider level is essential. Comprehensive consultations with the International Education and Skills sector informed by a diligently undertaken impact assessment may deliver other means of achieving desired policy outcomes.

Part 7—Enrolment limits

ISA has already described the scope and nature of engagement of non-government schools in International Education programs. Apart from some ELICOS courses, schools offer the same courses to domestic school students as they do to overseas students.

Currently, the enrolment capacity of overseas students in a school is assessed by the relevant Designated State Authority (DSA). This assessment takes into account the staff, facilities, and resources a school can provide to enrol a maximum number of overseas students that the school itself nominates. If a DSA has concerns about this number, it can require a different limit as a condition for issuing a Certificate of recommendation for a school's CRICOS registration or re-registration application.

It would be highly improbable, not to say impractical, for the Australian Government Minister of Education to wish to limit the types of courses or numbers of overseas students that individual schools around Australia can enrol in a course. Decisions about overseas enrolment levels in schools are best made at a more local level.

In outlining the legislative amendments needed to achieve Objective 2 of the Draft Framework consultation paper, the Department states:

These powers will enable Government to implement a managed system to deliver sustainable growth over time, in consultation with the sector. This approach will apply across higher education and VET. (p. 15)

and that:

As a further part of this consultation, Government will consider settings for postgraduate research enrolments, schools, short courses, non-packaged short English courses, and non-award courses, and the appropriateness of excluding these from new settings to manage growth. (p. 16)

Question 4 for sector consultation in the Draft Framework consultation document is:

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? (p. 27)

The proposed Bill gives the Minister powers to make courses or providers exempt from total enrolment limits under a legislative instrument or courses under a notice (in subsections 26B(4)–(12) and 26C(4)–(9) respectively).

ISA submits that there is little to no benefit to anyone in using government resources to actively manage a sector that enrolls less than two per cent of overseas students and that the sector should be exempt from amendments proposed in Part 7 – Enrolment limits at the outset, or immediately after it comes into effect by a Legislative Instrument made for this purpose.

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, and in secondary school Transnational Education (TNE) programs delivered by Australian providers offshore.

Overall, ISA also shares the concerns of other International Education and Training peak bodies about the extension of regulatory powers to impose limits on enrolments of overseas students.²⁴

These concerns are amplified by the lack of consideration given to the impacts of limiting enrolments in the sector in the Bill's Explanatory Memorandum and Improving Integrity in the International Education Sector Policy Impact Statement.

Part 8—Automatic cancellation of specified courses

The Bill aims to provide the Minister with the power to suspend or cancel courses under *Division 1AB—Automatic suspension and cancellation of courses specified by the Minister*.

As noted above, 96B(1) can be applied if the Minister is satisfied that there are or have been systemic issues in the standard of delivery of courses, if courses provide limited value to Australia's current, emerging and future skills and training needs and priorities, or suspension or cancellation of courses is in the public interest.

Point 314 of the Bill's EM states:

The Minister's power will be exercised [in Part 8] in circumstances where there are providers who deliver courses that do not result in quality education outcomes for students and there are inherent issues with the quality of the course delivery. For example, systemic issues may be identified by the completion rates of overseas students in these courses and the number of transfers to and from the course. (p. 78)

ISA supports regulatory action being taken to resolve issues related to integrity, as provided for in 96B(1)(a) of the Bill. A public interest criterion may also be relevant, and ISA would support this if used to address issues of integrity and quality.

However, ISA submits that cancellation of courses on the grounds that they 'provide limited value to Australia's current, emerging and future skills and training needs and priorities' do not have a natural home in the ESOS Act. ISA regards this as regulatory over-reach.

It would be impractical and inappropriate for the school sector to be included in this provision, and ISA advocates that school sector courses be exempt from this provision.

Implementation of provisions of the Bill

There is a great deal of concern in the International Education and Training sector around the potentially negative impacts of introducing sweeping new requirements at the start of 2025 when recruitment and other decisions have already been made by providers before the end of 2024.

While the proposed commencement date of 1 July 2024 will no longer be possible, there will still be the need for a significant period of time 'to allow the international education sector to understand the new legislative requirements and to implement systems changes if required'.²⁵

ISA shares the concerns of other International Education peak bodies that if the period allowed for adjustment to and implementation of changes is not sufficient, and if not preceded by a comprehensive communications campaign to explain the coming changes to all key stakeholders, there will be significant uncertainty, not only within the sector but internationally. This in turn may damage Australia's reputation as a reliable and trustworthy education destination.

²⁴ The concern of 'major interest groups' about setting caps on international students has been widely documented, for example, in [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, and in 5 June 2024 [KEYNOTE ADDRESS – ITEC24 HIGHER EDUCATION SYMPOSIUM – Universities Australia](#).

²⁵ The Bill, EM IS, p150.

ISA recommends that amendments to the ESOS Act 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 that align with the Government's plan to take 'an active and engaged approach to the management of the sector'²⁶ be introduced only after a period of comprehensive consultations with the International Education and Skills sector and not before January 2026 at the earliest.

It is also ISA's view that the Bill should include sunset clauses on key sections to enable a review of the efficacy and impacts of the Bill on providers, students and the international education sector as a whole.

10. CONCLUSION

Overseas student enrolments in non-government schools have been severely impacted by COVID and they have yet to recover to 2019 levels. The number of CRICOS-registered non-government schools is declining. Already schools have lost valuable staff experienced in the management of international programs because of the downturn in overseas student numbers.

ISA appreciates the actions taken to date by the Australian Government Departments of Education and Home Affairs to minimise the impact of regulatory reforms on the school sector. Discussions with these Departments indicate the bulk of the legislative reforms are not targeting the school sector.

At this point in time, the sector neither needs nor deserves the additional costs and administrative burden that inevitably accompany any significant changes in the regulatory environment. Instead, ISA seeks support for overseas student enrolments in the non-government school sector to return to pre-pandemic levels.

ISA advocates, where possible, that the school sector, which includes non-government schools, is either exempt from amendments that are not proportionate to the risk posed in the sector or made exempt in a Legislative Instrument as soon as possible after the Bill is enacted.

From a broader perspective, ISA shares the concerns of other International Education peak bodies and individual providers that the proposed changes to the ESOS Act will significantly damage the sector and will result in provider closures, both 'good' and 'bad' providers, and will also damage Australia's international reputation as a preferred education destination.

11. RECOMMENDATIONS

A summary of ISA's recommendations for the Committee's consideration of the Bill's amendments is below. ISA's concerns about the impacts of the Bill's amendments on non-government schools are further documented in ISA's submission on the Draft Framework.²⁷

Overarching recommendations

- Regulatory actions enabled by the Bill's amendments should be proportionate to the risk posed in each International Education and Training sector, costs and the administrative burden associated with changes should be minimised, and adequate time allowed for measures that are enacted to be communicated and implemented.
- There must be a sufficient period of time allowed for adjustment to and implementation of changes as well as a comprehensive communications campaign to explain the coming changes to all key stakeholders.

²⁶ The Framework DC, p. 4.

²⁷ See [ISA Submission – Australia's International Education and Skills Strategic Framework – Draft for Consultation – Independent Schools Australia](#).

- Amendments to the ESOS Act should 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 that align with the Government's plan to take 'an active and engaged approach to the management of the sector' be introduced only after a period of comprehensive consultations with the International Education and Skills sector and not before January 2026 at the earliest.
- There should be sunset clauses inserted in the Bill to enable a timely review of the efficacy and impacts of the Bill.

Changes to the 'fit and proper' provider test

- Reporting changes to ownership required by amendments to the ESOS Act should not be applied retrospectively where there is also a limited timeframe for compliance,
- Regulators should be adequately prepared and funded to perform their functions in assessing 'fit and proper' requirements prior to legislation commencement dates.

Reporting of agent commissions, costs and transparency

- Regulatory costs and the administrative burden of implementing systems and other changes should be proportionate to provider size and risk.
- To avoid unintended consequences, there should be clear guidelines around information that must be entered into PRISMS, and an explanation about how this information will be used. The Department should be prepared to allow some flexibility in PRISMS reporting requirements to account for sectoral differences.
- Reporting requirements for small, low-risk providers such as schools should be minimised wherever possible and should not be applied retrospectively to further reduce this impost.
- Processes and methodology for determining regulatory actions to remedy provider and course risk related to payment of commissions should be transparent, but a provider's right to maintain 'commercial-in-confidence' business relationships should also be respected.

Changes to ESOS Act definitions: 'education agent' and 'education agent commission'

- If the definition of 'education agent' is not intended to apply to any entity that receives payment from a provider in relation to dealing with an overseas student in some way, the wording of the definition should be changed.
- There should be clear and transparent guidance to providers and regulators about what kinds of entities and what kind of activities are, and are not, captured by definitions of 'education agent' and 'education agent commission' in the ESOS Act.

Pausing applications from new international education providers and of new courses

- Any changes to the ESOS Act that will allow a delay in the processing of new provider registration applications should only be triggered by very serious concerns about the integrity of a potential provider and only in clearly prescribed circumstances.
- Low-risk providers such as established schools should be exempt from amendments to suspend or manage registration applications, if not in a provision in the ESOS Act, then immediately after it comes into effect in a Legislative Instrument made for this purpose.
- All providers should have the right to seek review of regulatory decisions regarding suspension and management of registration applications.

Requirement to deliver courses to domestic students for 24 months

- The school sector should be exempt from the requirement to first deliver a course to domestic students for 24 months as Designated State Authorities (DSAs) can impose conditions on CRICOS registration applications if there are concerns that a school sector provider is not sufficiently prepared to deliver a course to overseas students. Imposing this requirement on all schools wishing to become CRICOS registered would only serve to inhibit growth in the sector.

Enrolment limits and cancellation of courses

- ISA believes that taking ‘an active and engaged approach to the management of the sector’ via legislative change should be reconsidered. An extensive economic impact assessment of enabling the government to limit enrolments and cancel courses at the sector or provider level is essential to inform comprehensive consultations with the International Education and Training sector.
- Any basis for limiting enrolments, taking action to suspend or cancel courses, or to suspend enrolment of new students, should focus on integrity concerns about ‘serious misconduct’.
- Cancellation of courses on the grounds that they ‘provide limited value to Australia’s current, emerging and future skills and training needs and priorities’ is regulatory over-reach and does not have a natural home in the ESOS Act.
- Measures in the Bill that are needed to address immediate concerns about integrity should be prioritised and any further changes that strengthen the primary purpose of the ESOS Act – quality assuring Education Services for Overseas Students – should be implemented in a timely manner, after January 2026 at the earliest.
- If parts 7 and 8 of the Bill do pass into legislation, the Minister should use available powers to make school sector courses and providers exempt from total enrolment limits and cancellation of courses, as there is little to no benefit to anyone in using government resources to actively manage a sector that enrolls less than two per cent of overseas students.
- If limits on enrolments or courses are imposed in other sectors, consideration should be given to the number of places available in tertiary institutions that will be needed for overseas students completing Senior Secondary studies in Australian schools, and in secondary school Transnational Education (TNE) programs delivered by Australian providers offshore.

ISA would be happy to discuss our submission or be involved in further consultation.

Contact

Caroline Miller

Director, Policy and Research

caroline.miller@isa.edu.au