

Senate Committee: Joint Standing Committee on Migration

QUESTION ON NOTICE
Efficacy of current regulation of Australian migration agents 2018–2019

22 August 2018

Department of Education and Training

Mr Jason Wood MP asked on 22 August 2018, Proof Hansard page 6

Question

So what do we do? We've got a joint Parliamentary committee. Both government and opposition are concerned about these students overseas getting advice. Is there something which can give us comfort or a recommendation?

Answer

The Australian Government is keen to see students provided with high-quality advice to help guide their decision to study in Australia. Education agents play a valuable role in this regard, when appropriately engaged by education providers.

The *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) establish education providers as responsible for managing the actions of their agents. Under the National Code, providers must:

- have a written agreement with each education agent who formally represents their education services
- ensure their agents have appropriate knowledge and understanding of Australia's international education system, including the Agent's Code of Ethics (ACE)
- ensure their agents act ethically, honestly, and in the best interests of overseas students
- ensure the marketing and promotion of their courses and education services, including through an education agent, is not false or misleading, and is consistent with Australian Consumer Law, and
- not accept students from an education agent if it knows or reasonably suspects the education agent to be providing migration advice, unless that education agent is authorised to do so under the *Migration Act 1958*.

In addition, the ESOS Act requires education providers to list on their websites the agents with whom they work in each country, so students can identify agents who are authorised by the provider to represent it.

The Department of Education and Training seeks to improve the activities of agents by exchanging data and intelligence with the national regulators – the Australian Skills Quality Authority (ASQA), the Tertiary Education Quality Standards Agency (TEQSA), and with the Overseas Students Ombudsman – to enhance collaborative regulatory activities, and increase the transparency of agent quality and performance.

Where issues concerning inappropriate behaviour by agents have been raised with the department, the department works with the regulators to ensure compliance with the National Code, and ensure students' best interests are protected.

Since late 2017, the department has made more detailed reporting available to providers so they can better understand the performance of their agents. Further information on these reports, including plans for future reports, was outlined in the department's submission to the

Joint Standing Committee. Increasing transparency is a powerful tool to ensure agents provide a high-quality service to both students and providers.

Moving forward, the department intends to publish a list of education agents and their performance data, once data quality issues are resolved and following consultation with agents and providers. The list will identify education agents who perform well in recruiting students who are granted a visa, comply with their visa conditions, make good academic progress and go on to complete their studies in Australia. In making such information publically available, the department will continue to encourage both providers and students to work with high-performing agents.

Where data analysis suggests an education agent has poor performance outcomes in terms of visa grants and student completions, the department will work with regulators and providers to focus transparency efforts on those agents, in order to guide providers and students towards higher-quality agents.

The department is working across government to foster improved self-regulation by education agents. The department, Austrade, the Department of Home Affairs and the national regulators is facilitating joint discussions with the provider of the Education Agent Training Course, PIER Online, the new education agent peak body, the International Student Education Agents Association, and Education New Zealand. The group will work together to develop a data-sharing platform and other levers to encourage and reward best practice. This data-sharing platform will enhance self-regulation of the education agent sector by publishing information on agent training, on integrity and performance expectations and by providing information resources to support agents.

This work will complement efforts by providers and agents to ensure students receive high quality advice, and make the best possible decisions about their study in Australia.