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26 April 2012

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dennett,



I write to you in relation to the Senate Standing Committee on Legal and Constitutional Affairs *Inquiry into the Migration Legislation Amendment (Student Visas) Bill 2012*.

Business SA is South Australia's leading business membership organisation, representing thousands of businesses through direct membership and affiliated industry associations. We represent businesses across all industry sectors, ranging in size from micro-business to multi-national companies. Business SA advocates on behalf of business to propose legislative, regulatory and policy reforms and programs for sustainable economic growth in South Australia.

Business SA is a strong supporter of migration, including the teaching and training of international students at Australian universities and other education institutions. International students provide many benefits for Australia, such as export earnings, higher retail spending and tourism spending, which generates jobs and many remain in Australia to work following their education.

The *Migration Legislation Amendment (Student Visas) Bill 2012* is designed to end the practice of automatically cancelling a student's visa when a student has breached visa condition 8202, that is they have not achieved satisfactory course attendance or course progress. Instead, the student's visa will be considered for cancellation under the existing discretionary visa cancellation framework in the Migration Act.

This change is supported by Business SA and the amendments to the *Migration Act 1958* and *Education Services for Overseas Students Act 2000* in the *Migration Legislation Amendment (Student Visas) Bill 2012* are appropriate.

Business SA believes that all steps should be made to encourage international students to achieve satisfactory course attendance or course progress before visas are cancelled. There may be problems that can be resolved through forms of assistance, such as counselling, that would result in students continuing their studies and no longer be in breach of visa condition 8202.

It should also be noted that recent changes to student visa requirements make it less likely that non-genuine students will be granted a student visa and both the number and proportion of international students breaching visa condition 8202 is likely to fall. This will assist education providers in terms of certainty of fee income.

Should you require any further information or have any questions, please contact Director of Policy, Business SA on

Yours sincerely

Peter Vaughan

Chief Executive Officer