



Business Council of Australia

26 September 2024

**Senate Standing Committee on Education and Employment**

Inquiry into the Education Services for Overseas Students Amendment  
(Quality and Integrity) Bill 2024

Via online submission

Dear Committee,

Thank you for the opportunity to provide a second submission to the Senate Inquiry on the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (the Bill).

As stated in our previous submission, at our appearance before the Inquiry on 9 August 2024, and in public comments, the BCA is opposed to the introduction of international student enrolment caps as it will not lead to sustainable growth management of the tertiary sector. It will undermine the economic value of international education and the revenue contribution it makes to domestic student education, the research sector and the broader Australian economy.

This comes at a time when the application of Ministerial Direction 107, combined with other changes to student visa policies, have resulted in many universities and private providers experiencing significant international student visa rejections. Regional universities have been notably impacted by the Department of Home Affairs' efforts to tackle high student numbers.

While we strongly oppose the hard caps and believe Part 7 and Part 8 of the Bill should be removed, we propose amendments that will allow a reduction in student numbers in the short term, while facilitating providers' ability to adhere to enrolment caps and continue to support Australia's reputation as leading tertiary education sector:

- Amend the Bill to remove course level caps.
- Amend the breach provisions in the Bill to ensure they are proportional and are in line with education provider administration processes. This includes a two-strike warning system (rather than an immediate and automatic suspension), allowing for a provider's right of reply to ensure due process, and a five per cent buffer before CRICOS registration suspension.
  - This is critical to account for the inherent uncertainty in student enrolment processes – particularly as the Government has now allowed for exclusions from the cap, which will further complicate international student enrolment reporting and Departmental data collection.
- A Sunset Clause for a period of two years should be introduced.

- A Sunset Clause better reflects the short-term requirements for Ministerial intervention into the international education market, rather than the proposed additions of Section 1 of Part 7 that would see an independent review of the impact of international student enrolment limits on net overseas migration, to be produced in the first half of 2026.

We appreciate your consideration of these matters and welcome further consultation on this important issue.

Yours sincerely

**Bran Black**  
**Chief Executive**  
Business Council of Australia