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The Chair
Senate Education and Employment Legislation Committee
Parliament House
Canberra ACT 2600

Dear Chair,

Re: Submission on the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (Provisions)

CQUniversity Australia is pleased to provide feedback on the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (Provisions). While it is understood that the Bill aims to enhance the quality and integrity of education services for overseas students, there are several sections that raise concern and require further clarification or amendment. These are outlined below.

Section 6BA – Meaning of an education agent

An education agent is an entity (whether within or outside 17 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.*

In its current form, CQUniversity recommends removing Section 6BA (ii) and (iii) as these provisions could inadvertently include staff at onshore institutions with articulation agreements. These staff members often provide essential information, advice, or assistance to overseas students and including them under this provision could inadvertently encompass organisations - such as Study NSW -categorising their membership subscriptions as 'commission' under the proposed definition in Section 6BB.

We recommend removal of items (ii) and (iii) of this section to avoid this unintended consequence and to ensure clarity and fairness in the application of the legislation.

Section 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.*

CQUniversity recommends removing the term 'non-monetary' from the definition under Section 6BB, as commission typically relates to financial remuneration. Universities frequently give non-monetary gifts to education agents during cultural events such as Chinese New Year, Diwali, or Christmas. Restricting and policing such gestures could complicate valuable cultural exchanges. Therefore, we suggest removing the term 'non-monetary' to maintain the intended focus on financial transactions.

Additionally, the Act does not clearly stipulate whether the restriction on onshore agent commissions applies to students transferring during their studies or those wishing to continue their studies after graduating from their most recent qualification, such as moving from a Diploma to a Bachelor's degree. Clarification on this point is necessary to ensure the consistent and fair application of the Act's provisions.

Part 7 – Enrolment Limits

Part 7 of the Bill grants unprecedented powers to a single Minister regarding the provision of international education at individual providers. This concentration of authority around an individual poses a risk to establishing robust, consistently applicable policy settings at the outset to ensure the future stability and certainty of the sector.

Division 1AA – 96 – 1 - Automatic period of suspension for exceeding total enrolment limit

If a registered provider fails to comply with section 26D in relation to a year, the registration of the provider is suspended for all courses (other than courses that are exempt from the provider's total enrolment limit under subsection 26B(4) or 26C(4)) for all locations in respect of the year by force of this subsection.

The automatic period of suspension under this section poses significant challenges due to uncertainties surrounding visa decisions for new commencements and the progression of continuing students. Delays in visa approvals could prevent students from graduating on time, leading to an unexpected backlog of continuing students. Conversely, higher-than-expected visa approval rates could result in an unanticipated influx of new commencements. Institutions should be afforded a period to realign with their allocated enrolment limits, applicable at both course and institutional levels. Further clarification is also needed on how Transnational Education students, who articulate for one or two years onshore, will be managed in relation to these enrolment limits.

In conclusion, while the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (Provisions) strives to uphold high standards, the identified sections require further consideration to ensure they do not inadvertently disrupt the provision of quality education services to overseas students. I appreciate your attention to these matters and am available to provide further insights or clarification as needed.

Thank you for considering this submission.

Yours sincerely,

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