



Australian Government  
Department of Employment  
and Workplace Relations

# Senate Inquiry into the Education Legislation Amendment (Integrity and Other Measures) Bill 2025

Submission from the Department of  
Employment and Workplace Relations to the  
Senate Education and Employment  
Legislation Committee

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## Introduction

1. The Department of Employment and Workplace Relations (the department) welcomes the opportunity to make a submission to the Senate Education and Employment Legislation Committee on the *Education Legislation Amendment (Integrity and Other Measures) Bill 2025* (the Bill) which, amongst other things, amends the *Education Services for Overseas Students Act 2000* (ESOS Act). The department's submission deals only with these amendments, with a particular focus on the vocational education and training (VET) sector. DEWR supports the amendments to the legislation.
2. The ESOS Act has played a long-standing role in supporting the regulation of education services for overseas students; in turn providing these students with access to a high-quality, safe Australian education system. Rigorous protections for international students are set out in the ESOS Act and related legislation, with a focus on: protecting and enhancing Australia's reputation for quality education; supporting the integrity of the student visa program; and protections and assistance in the event a student's education provider defaults (the Tuition Protection Service).
3. The Australian Government is committed to supporting the quality, integrity and long-term sustainability of the international education sector. This commitment recognises the value of high-quality international education to enhancing Australia's workforce, economy and social fabric; strengthening Australia's reputation with key international partners; and supporting domestic and international skills needs.
4. The release of the *Rapid Review into the Exploitation of Australia's Visa System* (Nixon Review) and the *Review of the Migration System* (Migration Review) brought urgent attention to integrity issues in international education. Further, the 2023 interim report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, entitled *Quality and integrity – the quest for sustainable growth: Interim report into international education* (Interim Report) demonstrated quality and integrity issues in international education.

5. Amendments to the ESOS Act directly respond to issues identified in the Nixon and Migration Reviews and are also informed by the Interim Report and feedback received from the sector on measures introduced in last year's Education Services for Overseas Students (Quality and Integrity) Bill 2024.
6. The Government has progressed a range of initiatives in the VET sector that strengthen the quality, integrity and long-term sustainability of the international education sector. These include:
  - Responding to findings of the Nixon Review and addressing risks posed by non-genuine or unscrupulous providers;
  - Investing and growing capability and resourcing for the Australian Skills Quality Authority (ASQA) to support decisive action to prevent non-genuine or unscrupulous providers circumventing regulatory requirements;
  - Introduction of a range of quality reforms in the *National Vocational Education and Training Regulator Act 2011* (NVETR Act) that tighten the regulatory requirements on prospective and established providers to ensure they are committed to quality VET outcomes; and
  - Agreement with State and Territory Skills Ministers for new standards for Registered Training Organisations (RTOs) that strengthen the focus on quality outcomes for learners and employers and provide greater clarity for RTOs.
7. The proposed amendments to the ESOS Act complement and augment these initiatives, and support the objective of strengthening the quality, integrity and sustainability of the international education sector in Australia.
8. These amendments seek to lift quality and integrity through a focus on delivering the best outcomes for students and meeting Australia's current and future skills needs. Quality and integrity are critical for protecting the social license of the international education sector, and for Australia to remain a skills partner of choice for students, industry and governments, including with our key international partners.

## 1 A sector built on quality and integrity

9. Following the Nixon and Migration Reviews, the Government set out a vision for the migration system through its *Migration Strategy*. These reforms included strengthening regulation of Australia's international education sector to disrupt and deter those who seek to exploit international students and undermine Australia's international education system for purposes other than study.
10. Parts 1 to 7 of the Bill complement legislative amendments to the NVETR Act that were implemented following the release of the *Migration Strategy*. These were aimed at strengthening regulatory levers, taking a consistent regulatory approach to support integrity across the education system.
11. The NVETR amendments that complement the proposed amendments to the ESOS Act include:
  - empowering the Minister for Skills and Training (with the agreement of state and territory Skills Ministers) to determine that the National VET Regulator need not, or must not, accept or process new applications for new RTO registrations;
  - preventing RTOs from expanding their course offerings if they have been operating for less than 2 years;
  - empowering the regulator to prioritise applications for RTO registration;
  - an automatic lapse of registration where an RTO has been dormant for 12 consecutive months;
  - expansion of offence and civil penalty provisions to cover a broader range of false or misleading representations by RTOs about their operations; and
  - increased maximum penalties for breaches of relevant offences or civil penalties under the NVETR Act.
12. In addition, in collaboration with states and territories, the Government has worked to strengthen the fit and proper person requirements to better scrutinise those in management and operational positions in RTOs.
13. Provisions within the Bill that focus on quality and integrity include:

- Part 1 - establishes a new requirement for ESOS agencies to consider when determining whether a provider is fit and proper to be registered. This requires ESOS agencies to take into consideration any ownership or control between providers and education agents, and the extent of that ownership.
- Part 2 - expands the ability of the Secretary of the Department of Education, or an ESOS agency, to give information about education agents to registered providers for the purposes of protecting and enhancing Australia's reputation for quality education and training services for accepted students.
- Part 3 - enables the Minister for Education, by legislative instrument, to suspend the making and/or processing of initial applications for the registration of providers and applications for the registration of new courses by registered providers for a specified period. The period specified must not be more than 12 months.
- Part 4 - changes registration requirements, with education providers seeking registration required to demonstrate their ability to deliver effectively first to domestic students, by providing one or more courses for consecutive study periods totalling at least 2 years in Australia to students other than overseas students.
- Part 5 - introduces a new provision specifying that a provider's registration is automatically cancelled if they have not provided a course at a location to an overseas student in a period of 12 consecutive months beginning on or after 1 January 2025.
- Part 6 - introduces a new requirement for ESOS agencies to consider when determining whether a provider is fit and proper to be registered. ESOS agencies must take into consideration whether a provider or related person of the provider is being investigated for a specified offence.
- Part 7 - automatically suspends and cancels a class or classes of courses, that have systemic quality and integrity issues and have limited value to Australia's skills needs or where it is in the public interest to do so.
- Part 8 - enables ESOS agencies to implement a temporary stay of a decision, where a provider applies for an internal review of a reviewable decision under

the ESOS Act. This Part also extends the timeframe within which ESOS agencies must make a decision in relation to an internal review from 90 to 120 days.

### 3 Other Government actions

#### **Additional support for the Australian Skills Quality Authority**

14. ASQA is the national VET regulator responsible for regulating approximately 90 per cent of Australian VET providers. ASQA transitioned to a full cost recovery agency from 1 July 2022.
15. Since the Nixon Review and the Government's *Migration Strategy* were released, the Government has moved to strengthen ASQA's regulatory scope and activities with stronger fit and proper person requirements, a new integrity unit, digital and data systems to identify and respond to potentially illegal activity in the sector, and a confidential VET tip-off line for reports of serious non-compliance and illegal activity.
16. These changes provide ASQA with increased powers to scrutinise those who are in the business of managing or operating RTOs.
17. These measures continue to be supplemented by ASQA's ongoing performance assessment, monitoring and compliance activities. This includes working alongside providers to build their capacity and uplift the practices for assuring providers' own delivery and continuous improvement of quality training.

#### **Improved Standards for Registered Training Organisations**

18. Amendments to the ESOS Act complement revised Standards for Registered Training Organisations (the Standards) which took effect from 1 July 2025. The Standards apply to all RTO's registered by ASQA.
19. The new Standards strengthen the focus on quality outcomes for learners and employers, provide greater clarity for RTOs, and allow for more flexibility and

innovation in training delivery. The new Standards better reflect the diversity of the VET sector, being fit for purpose across different RTO settings.

20. The Standards set out the requirements that an organisation must meet to be an RTO and deliver nationally recognised training. They are part of the VET Quality Framework, which also includes the:

- Fit and Proper Persons Requirements;
- Financial Viability Requirements;
- Data Provision Requirements;
- Australian Qualifications Framework.

## **4 Impacts**

21. The department continues to consult with other relevant agencies and sector representatives on all ESOS Act integrity measures to ensure appropriate and effective VET sector implementation and to reduce the likelihood of unintended consequences.

## **5 Summary statement**

22. The department recognises the critical role international education plays in the Australian economic and social landscape, and the importance of a sustainable VET sector into the future.

23. The ESOS Act amendments contained in the Bill are an integral part of the reform of the international education sector, strengthening quality and integrity at a time when Australia continues to face persistent skills shortages. Timely and responsive adjustments ensure that high-quality Australian based learning and training continues to be delivered, fostering, and maintaining the strong people-to-people links that education and learning generate across our region and securing the sector's social license into the future.