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Senate Education and Employment Legislation Committee

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

By email: eec.sen@aph.gov.au

Dear Committee

**Submission to the inquiry into the Education Legislation Amendment (Integrity and Other Measures)
Bill 2025**

The Education Legislation Amendment (Integrity and Other Measures) Bill 2025 (the Bill) proposes to amend several Acts of Parliament that govern the higher education sector. Universities Australia supports the overall intent of the measures that relate to universities, including proposed amendments to strengthen the quality and integrity of the international education sector and improve equity and access in higher education for First Nations peoples.

We believe Parts 1, 7, 9 and 10 will strengthen Australia's higher education sector which, in turn, will benefit our nation more broadly. That said, we believe there are aspects of the Bill that should be changed to avoid unintended consequences. Our submission outlines where and how we think the proposed legislation can be updated and strengthened to better serve universities and the nation.

We strongly support the government's move to remove caps on Commonwealth Supported Places for First Nations medical students. This is an important reform that will change the lives of First Nations students, their families and communities, as well as strengthening our health system. It will mean that every First Nations person who secures a place to study medicine at university will be supported to do so, hopefully supporting growth in the number of Aboriginal and Torres Strait Islander students pursuing this line of study.

As a further step to what the government has proposed, we recommend that these additional places be matched with investment in culturally safe supports and clinical placement capacity. Without guaranteed access to placements and culturally safe learning environments, additional enrolments risk not translating into completions. Strengthening clinical placement pathways, particularly in regional and remote settings, will ensure demand-driven places deliver more First Nations doctors and improved health outcomes for communities.

With regard to international education, this sector is a great Australian success story. With bipartisan support and encouragement, Australia has grown to become a destination of choice for students from more than 140 countries. These students make significant economic, cultural and social contributions to the nation. In a nutshell, international education:



- contributes \$52 billion to the economy each year
- supports around 250,000 jobs
- generates most of the international tourism spend in Australia
- helps Australia meet its skills needs, including in areas of shortage
- makes Australia friends, and
- plays a crucial role in boosting Australia's soft power.

UA supports the intent of the Bill to strengthen the integrity of Australia's international education system to protect Australia's global standing as a provider of quality higher education, underpinned by trust and reputation. Integrity is fundamental to ensuring that the international education sector continues to deliver value for students, universities and our country – socially, culturally and economically.

Most of the quality and integrity measures that appear in the Bill are consistent with measures the government attempted to pass in the last term of Parliament through the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024. The feedback and recommendations we provided last year¹ have largely been reflected in the new Bill, however we wish to draw the Committee's attention to some aspects which we believe need further work. The following sections of the Bill have the potential to undermine the intent of the legislation and create unnecessary concern for providers:

- Schedule 1, Part 1, 6BA and 6BB which define the meaning of an education agent and an education commission.
- Schedule 1, Part 7, Division 1AB which outlines the available to the Minister to cancel courses provided by some institutions.
- Schedule 1, Part 9, which introduces new TEQSA authorisation processes for offshore course delivery.

We ask the Committee to consider the following recommendations which are outlined in further detail at **Attachment A**:

- Consider a definition of an education agent that captures only those receiving commission for the direct recruitment of students on behalf of Australian institutions would provide greater certainty to universities and ensure that compliance activities are proportionate.
- That key terms used under clause 96b be clearly defined – including 'systemic issues', 'limited value' and 'public interest' to maintain transparency and future proof the legislation.
- That the exemption accorded to Table A providers be extended to include all not-for-profit Table B providers.

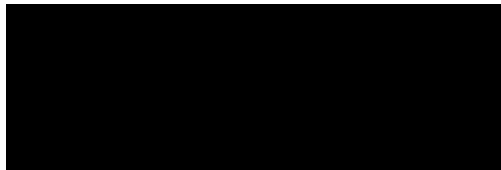
¹ [UA's submission to the Senate inquiry into the Education Services for Overseas Students Amendment \(Quality and Integrity\) Bill 2024](#)



- Consider whether the amendments to the TEQSA Act create parallel processes or duplicate information already held by the regulator.

We are grateful for the opportunity to provide feedback to support the Committee's scrutinisation of the Bill. This is an important process to amend and improve the legislation to avoid unintended consequences. If we can be of any further assistance, please don't hesitate to email [REDACTED] or call [REDACTED].

Yours sincerely



Luke Sheehy
Chief Executive Officer



EDUCATION LEGISLATION AMENDMENT (INTEGRITY AND OTHER MEASURES) BILL 2025

Universities Australia (UA) supports the Government's intention to ensure that Australia's international education sector is supported by a robust mechanism that upholds the quality and the integrity of the sector. Since its introduction, the *Education Services for Overseas Students Act 2000* (ESOS Act) has remained largely fit-for-purpose, supporting students in the university sector, providing valuable guidance and protections for university providers and underpinning Australia's global competitiveness as a top-tier international education destination.

| EDUCATION AGENTS – Schedule 1 Part 1 | | |
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| Proposed amendments | Issues | Recommendations |
| <p>Section 6BA – Meaning of education agent broadened</p> <p><i>This new definition of 'education agent' provides an activity-based approach to persons or entities considered to be education agents. It does not define an agent based on their relationship to a provider, as many agents do not have formal agreements or relationships with specific providers</i></p> | <p>As drafted, the definition of 'education agent' could be taken to include individuals and organisations that support international student recruitment but are not involved in recruiting or representing students. For example, online admissions and payment platforms, and offshore staff employed through local third-party arrangements could be caught up in this definition, leading to significant challenges for institutions and their day-to-day operations.</p> <p>Without such a tightening of the definition of 'education agent', institutions will face significant impacts on their partners, admissions software systems and payment systems. Examples of the potential impact on universities include:</p> <p>Companies producing digital or hard copy brochures for domestic and international students</p> | <p>UA recommends a definition that captures only those receiving commission for the direct recruitment of students on behalf of an Australian institution. Such a definition would provide greater certainty to universities and ensure that compliance activities are proportionate. The Committee may wish to consider the British Council³ definition as an alternative.</p> <p>The Committee may wish to consider the following caveat to the existing definition.</p> <p><i>"Education agent does not refer to Provider staff (permanent full-time, contract or part-time officer, employee of the provider) nor to an education institution with whom an Australian</i></p> |

³ [National Code of Ethical Practice for UK Education Agents 2021](#)



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| | <p>and those involved with producing institution-wide marketing content would be defined as an ‘education agent’.</p> <p>Admission systems used by many Australian universities such as StudyLink² or Tertiary Admissions Centres would be defined as an ‘education agent’. Universities using this or similar systems would likely breach the future commission ban. Institutions would not be able to receive applications or accept payment from students seeking to transfer including for compassionate reasons.</p> <p>TEQSA notified third party providers including pathways providers may be caught within the definition, leading to potential significant financial ramifications for a vital part of the sector.</p> <p>Institutions will need to publish and maintain a list of ‘actual’ education agents who can help students and a list of non-agents that will fall under the legal definition of ‘education agent’. This would contribute to increased confusion for students.</p> | <p><i>provider has an agreement for the provision of education (that is teaching activities), third party providers that promote provider teaching, learning and research activities”.</i></p> |
| AUTOMATIC CANCELLATION OF SPECIFIED COURSES – Schedule 1, Part 7, Division 1AB | | |
| Proposed amendments | Issues | Recommendations |
| 96B - Minister may make instrument specifying courses | We recognise the policy intent underpinning this approach and acknowledge the recognition of Table A providers as being low risk in terms of integrity | UA recommends that the key terms used under clause 96b – including ‘systemic issues’, ‘limited value’ and ‘public interest’ |

² <https://www.flywire.com/industries/education/solution/studylink>



| <p><i>Part 7 of Schedule 1 to the Bill amends the ESOS Act to provide for the automatic suspension and cancellation of courses that are specified by the Minister in a legislative instrument. This amendment provides the Minister with the authority to specify courses that are deemed to have systemic issues in relation to the standard of delivery of the course, or that provide limited value to Australia’s skills and training needs and priorities, or if it is in the public interest that certain courses are suspended and cancelled.</i></p> | <p>and not requiring the same level of oversight as other providers.</p> <p>However, the current drafting provides no clear thresholds, procedural safeguards, or avenues for review. These powers are not only extraordinary in scope but align awkwardly with the existing robust regulatory framework administered by TEQSA.</p> <p>As drafted this section of the Bill may result in differential treatment for providers with comparable governance settings, quality assurance frameworks and demonstrated compliance records. This is of particular relevance for Bond University. While a Table B provider, Bond is a self-accrediting, not-for-profit institution subject to the same TEQSA standards, registration processes, and quality assurance mechanisms as its Table A counterparts.</p> | <p>be clearly defined to maintain transparency and future proof the legislation. future proof the legislation and to maintain transparency.</p> <p>A risk-based approach to course cancellation exemptions would help reinforce the principle of proportional regulation, and support clarity and confidence in the system.</p> <p>That the exemption accorded to Table A providers under Schedule 1, Part 7 of the Bill (specifically Sections 96C, 96D, and 96E of the proposed Division 1AB) be extended to include:</p> <ul style="list-style-type: none"> • all not-for profit Table B providers; or • all TEQSA-registered universities; or • all self-accrediting institutions. |
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| TEQSA AUTHORISATION OF OFFSHORE COURSE DELIVERY – Schedule 1, Part 9 | | |
| Proposed amendments | Issues | Recommendations |
| <p>Part 9 with particular reference to Division 2 – Conditions of Authorisation.</p> <p><i>Part 9 of Schedule 1 amends the TEQSA Act to support greater regulatory oversight of the delivery of providers’ offshore education courses.</i></p> | <p>While universities are well-placed to comply with the new requirements, they already operate within comprehensive quality assurance frameworks and provide detailed information to TEQSA across a range of regulatory processes.</p> | <p>UA broadly supports the introduction of additional safeguards for offshore delivery by new offshore providers. However, we encourage the Committee to ensure the amendments do not overlap with concurrent processes and contribute to</p> |



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| <i>Division 2 of Part 9, provides for the conditions that are imposed on a provider's authorisation, including any additional conditions TEQSA may impose.</i> | Many of the expectations for offshore delivery align with existing institutional governance practices and reporting channels. | regulatory burden for established, quality offshore providers. |
| DEMAND-DRIVEN PLACES FOR FIRST NATIONS MEDICAL STUDENTS – Schedule 1, Part 10 | | |
| Proposed amendments | Issues | Recommendations |
| <p>Part 10: Demand-driven places for First Nations medical students.</p> <p><i>Part 10 of Schedule 1 to the Bill makes amendments to HESA to provide more funding to Table A providers for First Nations students, by expanding the definition of 'demand driven higher education courses' to allow those providers to receive uncapped funding for courses of study in medicine undertaken by First Nations students.</i></p> | Without guaranteed access to placements and culturally safe learning environments, additional enrolments risk not translating into completions. | <p>UA supports Part 10 of the Bill and recommends that these places be matched with investment in culturally safe supports and clinical placement capacity. Strengthening clinical placement pathways, particularly in regional and remote settings, will ensure demand-driven places deliver more First Nations doctors and improved health outcomes for communities</p> |