



**Senate Education and Employment Legislation Committee hearing
Inquiry into the Education Services for Overseas Students Amendment (Quality and
Integrity) Bill 2024 [Provisions]
26 August 2024**

Tracy Harris, Opening Statement

I've worked in the international education sector for over 30 years, in the public service and for education providers, and I support an international education sector that has quality and integrity at its core. However, I do not support Part 7 and 8 of this Bill.

With the Minister last week signalling his intention to push forward with enrolment caps, I would like to use my opening statement to provide two warnings.

The first warning is of the perverse consequences that may occur through imposing enrolment caps, as providers will be forced to, or incentivised to, take action to maximise their allocations.

International education is a complex and nuanced sector, and the following are just some examples of how I see caps playing out.

Successive governments have called for greater diversification of the international student population, but caps could work against this. Providers will play percentages, focussing on countries with high visa grant rates, at the expense of diversification.

With caps being cumulative annually, providers will be incentivised to load their enrolments at the start of the academic year. This will also impact diversification as there are certain source countries that traditionally commence in the second half of the year due to their own academic calendar, and these students will miss out if caps are exhausted.

Providers may also turn away from short term exchange or study abroad students, who traditionally come from Europe and America, for full degree students. Or they might walk away from long-term institutional and government partnerships, impacting bilateral relationships.

Having led a pathways college, I also know from experience that pathway students don't always progress in line with their study plan, leading to delays in starting their degree. If a university has kept a place under their cap for a student who is delayed, they may look less favourably on these pathway arrangements in future. This not only impacts pathway providers, it also impacts a whole cohort of students.

Carve outs and exemptions have been proposed, including by me in my submission. But I've become increasingly concerned that all this will do is lead to an even more complex, unmanageable system.

My second warning is that this legislation fails to adequately consider how enrolment caps will be implemented by providers, especially considering the harsh penalties involved if exceeded.

I believe that managing caps through confirmation of enrolments (CoEs) simply won't work.

On the first day of hearings, the Department of Home Affairs said it would be up to education providers to determine how they allocate their caps. That's only true to the extent that providers decide who is issued a CoE. The decision to grant or refuse a student visa is still in the hands of Home Affairs.

CoEs issued by providers will remain allocated against their cap until a visa decision is made.

My concern is that people are conflating enrolment caps with guaranteed visa grants.

Even if the government revokes Ministerial Direction 107 as flagged, there will still be a visa application process, and providers don't know in advance which visas will be approved or refused.

This means that providers will issue CoEs for students who never arrive, being unable to accept more students, leaving unfilled places under their cap.

There isn't time in this statement to discuss other problems with this approach such as headcount versus load or the poor track record of government systems.

Instead, what I will conclude with is this, none of this investment in managing caps will contribute to improving the student experience, or the quality and integrity of the international education sector in Australia.

I welcome the opportunity to expand on these or any other issues with the Committee.

Thank you.