



International Education Association of Australia

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

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Introduction

The International Education Association of Australia (IEAA) appreciates the opportunity to provide a submission to the Senate Committee on this important legislation. With over 4,000 academic and international education professional members, our Association represents all sectors within the international education ecosystem including public universities, English Language Colleges, independent higher education and vocational institutes and government and independent schools. A number of quality education agents also have membership of IEAA.

On the specifics of the Bill before the Committee, IEAA welcomes its focus on integrity issues rather than the previous enrolment caps and numerical control mechanisms.

Response to the Bill

Part 1 - Education Agents and Commissions

6BA Meaning of Education Agent

Our Association submits that this definition is still overly broad and, in the absence of tighter definitions and published guidelines, legitimate current arrangements (e.g. subcontracted marketing services where the agent has no role in enrolment decision making, partnerships with education businesses) could be unintentionally captured. This could increase the compliance burden and legal risks for quality providers.

Examples of the implications of a definition that is too broad could include:-

- Education providers that are in partnership with universities are not agents even though the partnership arrangement may give universities access to a third party's agent network (such third party providers are not currently deemed to be agents but under this broad definition they might be caught up).
- Long established companies such as StudyLink provide a portal that prospective students access to explore courses at Australian universities. If StudyLink were included, within the proposed broader definition, then our universities will likely breach future commission ban rulings as it is not possible to prevent transfer students from applying to the university and under contractual terms, StudyLink receives a small fee per application lodged.

For the above reason, our Association maintains that Recommendation One of our original submission to your Committee on the Bill in 2024 is still valid. This suggested that the definition of an agent be adapted from the National Code of 2018 or alternatively provide an exemption schedule which includes government agencies, providers' offshore TNE partners, contracted marketing agencies, etc.

Part 2 - Information Sharing and Commission Reporting

Education providers will require practical guidelines and time to adapt to the proposed new reporting system.

For this reason, IEAA recommends introducing a 12-month transition period and standardised data templates (to be developed by the Department of Education in consultation with peak bodies and providers) to prevent duplication and minimise administrative costs. This suggestion is in accord with IEAA's 2024 submission to your Committee when, in our concluding remarks, we emphasised the need to reduce administrative burden and ensure PRISMS system interoperability. Ideally, this would result in a single integrated reporting mechanism to streamline requirements across ESOS, PRISMS, TEQSA, ASQA and Dept of Home Affairs systems.

Part 3 - Management of Provider Application and Ministerial Powers

Our Association's submission to the Senate Committee in 2024 posed a strong argument for procedural fairness and mandatory consultation. We still maintain that this will be essential to maintain confidence in the objectivity of the Government's quality control processes with our sector. To this end, IEAA recommends amending the phrase, "the Minister may consult TEQSA/ASQA" to "the Minister must/will consult TEQSA/ASQA".

We also maintain that there will be a need for student protection and teach out provisions when course approvals are suspended or cancelled.

Parts 4 and 5 - Registration Requirements, Domestic Delivery and Automatic Cancellation of Registration

As per our 2024 submission to the Senate Committee, IEAA reiterates its concern that the two year requirement to teach domestic students prior to being able to achieve CRICOS registration (to teach international students) disadvantages innovative and specialist providers attempting to gain market entry. The fact that zero tuition public TAFE courses for domestic students is now embedded in Government policy, also significantly reduces the ability of any new non-government provider being able to first attract domestic students. We further maintain that a hibernation period of up to 24 months instead of course cancellation after 12 months of non-delivery (upon application by the provider) would be more equitable for quality providers business models and sustainability.

For the above reasons, IEAA recommends that the Government publishes criteria and guidance for the exercise of these discretionary powers to ensure transparency and consistency of decision making across both ASQA and TEQSA.

Part 9 - TEQSA Offshore Authorisation

This new power, which has been inserted into the 2025 Bill, is supported by our Association provided it does not penalise existing Australian education providers' partnership arrangements/contracts with their offshore partners. IEAA further recommends:

- Nine months is too long a period for TEQSA to decide (and potentially 18 months if it decides to extend). This delay will negatively impact on the ability of education providers to be responsive to opportunities and to be innovative. It will also potentially discourage offshore partners if they think that there will be a further 9 month hold-up on top of how long it already takes to establish a new TNE agreement. A 3- to 6-month period is recommended as more appropriate.
- Any fee to apply for authorisation (see 44B(2)(c)) must not be prohibitive.
- Co-design of TEQSA's implementation framework with providers and peak bodies
- Avoidance of duplication with DFAT or any existing offshore quality processes
- A phased implementation timeline that allows for some providers who are mid-way through contract signing with offshore partners to not be unnecessarily caught up, delayed or burdened by this new measure suddenly being enforced