

## **Senate Standing Committees on Education and Employment**

### ***Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 [Provisions]***

#### **QUESTION ON NOTICE**

**Date of hearing: 02 October 2024**

**Outcome: Australian Skills Quality Authority (ASQA)**

**Department of Employment and Workplace Relations Question No. IQ24-000053**

Senator Tony Sheldon on 02 October 2024, Proof Hansard page 66

#### ***ASQA | 2 October 2024 | Student numbers at Providers under review***

##### **Question**

CHAIR: This may be a figure you have to take on notice, if you're able to find it for us. You may be able to give us some insight. With regard to the number of providers under extra scrutiny, I think of the number of individual students that are with those providers. You said there were how many providers?

Ms Rice: All of those site visits generated further regulatory activity for 92 providers.

CHAIR: Of the 92 providers, would you be able to give us the total number of students that are engaged as students within those operations? The number of tip-offs that you consider to be of a serious nature—I appreciate there are still actions being investigated, but could you see if you can do the same thing with the 162? How many students are there in operations that are actively under investigation? To me, that's an indicative figure—I appreciate they're still being investigated—of those that have been found so far that might be at risk.

Ms Rice: I can certainly take that on notice and see what we can provide to you.

##### **Answer**

##### **Australian Skills Quality Authority (ASQA) has provided the following response.**

ASQA's Integrity Unit is currently investigating the operations of around 125 education providers delivering to overseas students. Our concerns relate to providers who do not appear to demonstrate a genuine commitment and capability to deliver quality training and assessment and allegedly engage in a range of concerning behaviours including fraudulent, illicit or unethical activities.

As at 3 October 2024, the total number of Confirmation of Enrolments (CoEs) for students reported in the Provider Registration and International Students Management System (PRISMS) for these 125 providers is approximately 56,500.

ASQA also has performance assessment and/or compliance activities underway for approximately 64 providers delivering to overseas students. These activities are part of the usual performance and quality focus of the regulator and typically, these providers demonstrate a genuine commitment to delivering quality training and assessment even if they may be falling short in meeting their obligations in some areas and require an uplift in their capability. We use a range of regulatory tools to support these providers to return to compliance, wherever possible, and to continuously improve quality VET outcomes for students.

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**QUESTION ON NOTICE**

**Date of hearing: 02 October 2024**

**Outcome: Australian Skills Quality Authority (ASQA)**

**Department of Employment and Workplace Relations Question No. IQ24-000059**

Senator Sarah Henderson provided in writing.

***ASQA | 2 October 2024 | Written | Providers Financial Viability Considerations***

**Question**

We have heard at every public hearing that numerous private higher education and VET providers are concerned about their financial viability as a result of the proposed student cap allocation they have received. How will TESQA and ASQA, as applicable, deal with providers facing financial difficulty including potential insolvency as a result of this bill?

**Answer**

**The Australian Skills Quality Authority (ASQA) has provided the following response.**

As a condition of registration, all providers must ensure that they are financially viable in the context of their operating environment at all times. This to ensure an acceptable level of risk and business continuity for students.

ASQA requires providers to demonstrate their financial viability through submission of a financial viability risk assessment which is based on the likelihood of business continuity and the provider's capacity to achieve quality outcomes, as outlined in the *National Vocational Education and Training Regulator (Financial Viability Risk Assessment Requirements) Instrument 2021*. ASQA considers this against the potential for adverse consequences for students and makes a judgement about whether the level of risk is acceptable, unacceptable, or requires additional controls.

ASQA has established processes for supporting providers facing closure, liquidation or withdrawal to meet their obligations. This includes assisting with student displacement and transfers to alternative providers, sourcing student records (for both international and domestic students) and, where applicable, liaising with the Tuition Protection Scheme.

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**QUESTION ON NOTICE**

**Date of hearing: 02 October 2024**

**Outcome: Australian Skills Quality Authority (ASQA)**

**Department of Employment and Workplace Relations Question No. IQ24-000060**

Senator Sarah Henderson provided in writing.

***ASQA | 2 October 2024 | Written | Appeal Mechanisms to Support Providers***

**Question**

Have you considered internally or with the Department of Education appeal mechanisms or transition arrangements to support providers which are facing financial viability compliance concerns as a result of this bill and, if so, please provide details and copies of any relevant correspondence.

**Answer**

**The Australian Skills Quality Authority has provided the following response.**

The consideration of administrative review, appeal or transition mechanisms relevant to the *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024* is a matter for the Department of Education.

For information about ASQA's processes relevant to providers facing financial viability concerns, please refer to IQ24-000059.

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**QUESTION ON NOTICE**

**Date of hearing: 02 October 2024**

**Outcome: Australian Skills Quality Authority (ASQA)**

**Department of Employment and Workplace Relations Question No. IQ24-000061**

Senator Sarah Henderson provided in writing.

***ASQA | 2 October 2024 | Written | Provider Concerns and Student Cap Variation***

**Question**

Coalition senators have sought information about each provider which has raised concerns about its proposed student cap including copies of the relevant correspondence. For each such impacted provider, please advise the individual student cap which is either proposed to be varied or has been varied including for:

- the pilot training sector;
- pathways colleges;
- providers which are delivering courses to support skills shortages;
- universities; and
- providers who have given evidence before the Employment and Education

Legislation Committee (committee).

We reiterate that in order to assess the bill and its ramifications, this information is critically important.

**Answer**

**The Australian Skills Quality Authority has provided the following response**

The Department of Employment and Workplace Relations will respond to this question.