

Opening Statement — Senate Education and Employment Legislation Committee

**Concerning The:
Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024**

**Wednesday, 2 October 2024
Parliament House, Canberra**

Good morning Chair and members

The Bill before us is presented as an international education reform Bill, but make no mistake — this is fundamentally a migration Bill masquerading as an education Bill.

Its origins lie not in any genuine attempt to improve our education system but in the Australian Government's mishandling of migration policy.

When the Australian Government, with much fanfare, cleared a backlog of nearly one million visa applications, there seemed to be a wilful lack of understanding of what would follow. These weren't just numbers being processed; they represented real people coming to Australia.

It is astonishing that this wasn't anticipated at that time and that the Australian Government now seems surprised that when granted a visa, these people came to Australia.

Now, more than two years down the track, we are charged with trying to untangle ourselves from this fiasco with a messy legislative solution. Rather than addressing the root causes of the problem in migration policy, we are examining this Bill, which uses education as a scapegoat for shortcomings in migration.

Let me be clear. The legacy of this Bill, if passed, will not be to improve or enhance education offerings to international students; instead it will tarnish Australia's reputation as a welcoming destination for international students.

This Bill is a blunt instrument being used to solve a problem that requires a nuanced, thoughtful approach. It will harm our international education system that's one of the key drivers of Australia's economy. The damage designed in this Bill will take years to repair.

More importantly, this Bill will exacerbate and accelerate job losses in the education sector.

Jobs lost not abstract statistics for Australians; they are ordinary working Australians whose livelihoods are dedicated to supporting international students. We are talking about thousands of

Independent Tertiary Education Council Australia Limited
ABN 63 054 953 758

Street Address: Level 7 – 10 Hobart Place, Canberra, ACT, 2600
Postal Address: GPO Box 450, Canberra, ACT, 2601

t: 1300 421 017 f: 1300 421 018

e: ceo@iteca.edu.au

www.iteca.edu.au

jobs. These are jobs held by people who provide critical services to international students, from program delivery, to administrative services to student welfare.

These are the people who will lose their jobs, and this Bill offers no pathway of hope for them.

What is truly alarming is the approach this Bill takes to the allocation of student numbers for independent RTOs. It is nonsensical, and it is irrational. So much so that rather than embracing transparency, it was developed in secret.

In a decision driven by ideology rather than logic, public TAFE colleges appear to be shielded from the reduction in international student commencements. This is despite the fact that the official data shows that independent RTOs consistently outperform public TAFE across a range of student satisfaction metrics. Yet despite this, the ideology behind the Bill appears to be one driven by making non-government training providers and their employees suffer.

And here's where it gets particularly strange. Some independent skills training and higher education providers with a proven track record of delivering high-quality outcomes for students are allocated just three or four students under this Bill. At the same time, however, while a provider with no history of delivery for the past one to four years in some cases might receive an allocation of thirty.

This is not just unfair; it's bizarre and illogical. It is also potentially inconsistent with other Parts of the Bill.

How can we claim to be supporting quality education when we are actively undermining the providers who are doing the best job? The result will be even more small businesses in the education sector collapsing, and the job losses will continue.

Small businesses, particularly independent skills training and higher education providers, are the backbone of Australia's education and training sector, and yet this Bill seems intent on cutting them off at the knees and leaving by the roadside.

Significant technical problems with this Bill also need to be addressed. The proposed measures in Part 1 of the ESOS Amendment Bill have raised red flags across the education sector. There are concerns about duplication and regulatory overreach, both of which could damage legitimate businesses. It's hard to see how these amendments would benefit students, providers, or the sector as a whole. Instead, they introduce more layers of bureaucracy, adding unnecessary burdens that will harm, not help, Australia's education system.

Perhaps most concerning are the ministerial powers introduced by Part 3 of this Bill. These powers are drawn directly from similar amendments made to the *National Vocational Education and Training Regulator Act 2011* earlier this year, and they represent a significant overreach by the Government.

The Minister will have sweeping powers over the international education sector, which raises serious concerns about the balance of power and the potential for these powers to be misused. That these powers have been proposed without accompanying guardrails in terms of the context of

how they might be used and in the absence of any oversight or Parliamentary scrutiny, is simply alarming.

But it is perhaps Part 5 of the Bill that holds the most startling proposed measures in this Bill. The proposal to introduce the mandatory automatic cancellations of all courses at all locations where they are registered for a provider that does not deliver a single registered course at one location with a period of twelve consecutive months is, frankly absurd. If enacted as currently drafted, this will mean that most public universities and most public TAFEs as well as a substantial number of independent providers will have their registration for CRICOS delivery automatically cancelled from midnight on 31 December 2024. There is no capacity for oversight or intervention by the relevant regulator; the cancellation is automatic for all providers other than schools. The Department has suggested that this isn't the case; however, the language in the Bill is straight-forward.

The rationale for this seems to be preventing providers from using their registration for non-genuine purposes. But we already have provisions in place for this ESOS Agencies are already empowered to suspend and cancel courses under the ESOS Act as well as domestic frameworks.

So why introduce this blunt, automatic cancellation mechanism? It appears to be a poorly drafted and ill-considered mechanism to deliver an ideologically-based outcome that will have far-reaching unintended consequences.

Rather than improving the quality of education and strengthening our reputation as a global destination for international students, this Bill threatens to undermine both. It is a hasty, ill-conceived response to a vaguely articulated problem that is the responsibility of another Government portfolio. The consequences of this proposed course of action will be felt across the sector for years to come.

ITECA urges the Australian Government to take a step back and consider the real impact of this Bill.

It will tarnish Australia's reputation as a destination for international students, it will damage our strategic partnerships, it will lead to the loss of thousands of jobs, and it will disproportionately hurt small businesses. There are technical flaws in the Bill that are likely to damage businesses and quality education providers, and the sweeping ministerial powers and automatic course cancellations represent an extraordinary overreach that will create more problems than they solve.

We need a migration policy that works, not a migration Bill disguised as an education Bill. Thank you for your time, and I welcome your questions.

Ends.

Delivered By:

Troy Williams – ITECA Chief Executive

Check Against Delivery

ITECA Ref: N4.8.10 – 1 October 2024