



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**EDUCATION SERVICES FOR OVERSEAS  
STUDENTS AMENDMENT (RE-  
REGISTRATION OF PROVIDERS  
AND OTHER MEASURES) BILL 2009**

**Second Reading**

**SPEECH**

**Wednesday, 19 August 2009**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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# SPEECH

**Date** Wednesday, 19 August 2009  
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**Questioner**  
**Speaker** Gillard, Julia, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Ms GILLARD** (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (9.26 am)—I move:

That this bill be now read a second time.

Much has been said about the international education sector in Australia over recent months. Nearly half a million students come to study every year. They live here, work here and pay taxes. They contribute to our multicultural society while they gain skills and knowledge to take home.

Many in this place—I note the member for Boothby is here and he certainly did this—have joined me in condemning the recent appalling acts of violence against some students. Many too share my concern about the industry, growing so rapidly with insufficient checks and balances, unfortunately attracting a small number of unscrupulous operators for whom the provision of quality education is not their first motivation.

Recently I announced that Bruce Baird, the former Liberal member for Cook, a person I think respected on both sides of the House, would head up a review of the Education Services for Overseas Students Act 2000. I look forward to working with Bruce on this major piece of work.

Today I am introducing the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009, which makes adjustments to the operation of the Education Services for Overseas Students Act 2000.

The changes to this will require the re-registration of all institutions currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students.

Further, it clarifies the application of various provisions and introduces processes that will increase the accountability of international education and training services providers under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. The bill will also seek to make international education providers' use of education agents more transparent and accountable.

The national code is a set of nationally consistent standards that govern the protection of overseas students and the delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students. Only courses through providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students can be offered to international students studying in Australia on a student visa.

The national code is established under the Education Services for Overseas Students Act 2000. To become registered on the Commonwealth Register of Institutions and Courses for Overseas Students a provider must demonstrate that it complies with the requirements of the national code. In recommending a provider for registration, the state or territory designated authority must also be satisfied that the provider is fit and proper to be registered.

Reregistration of all providers is intended to restore confidence in the quality of the Australian international education sector and to strengthen the registration process by reducing the number of high-risk providers currently in or seeking entry into the sector. To this end, two new registration criteria are introduced in this bill. These are that the provider must have the principal purpose of providing education and that the provider has demonstrated capacity to provide education of a satisfactory standard.

We want to ensure that educational institutions providing courses for international students can be assured that their courses are the highest possible quality. We want our international visitors who come here to study to know that the government is looking after their interests.

The state governments have already started rapid audits of providers, and these will be extended so that all providers work-ing with international students will need to show they have the best interests of students at heart—not simply a profit motive.

We know that most providers are doing the right thing but we need to weed out the shonky operators. We will take advice from the Baird review, but this reregistration provision is the first important step in the process of cleaning up an industry that has grown too fast, too soon.

The message to providers is: if you are not providing your students with a quality education in a safe environment, clean up your act or risk being shut down.

The national code is a legislative instrument. Breaches of the national code by providers can result in enforcement action under the act. This includes conditions on registration, suspension or cancellation of registration.

The bill will require a registered provider to maintain a list of all of the persons whether within or outside Australia who rep-resent or act on behalf of the provider in dealing with overseas students or intending overseas students. The registered provider will be required to publish the list of those agents either on its website or in any manner prescribed by the regulations. The bill will also provide for regulations to be made deal-ing with providers' agents. These regulations will be developed with a view to providing further protections for overseas students through such measures as only allowing pro-viders to deal with agents who have under-taken prescribed training and to only select agents that are registered in their home coun-tries if such requirements exist in those coun-tries. The regulations may also prescribe a requirement on providers to host a website that would allow students to make anony-mous comments about their experience with agents. These requirements are currently be-ing considered and will be finalised through consultation with key stakeholders.

The bill will also strengthen the efficacy of suspensions imposed on a provider's registration on the Commonwealth Register of Institutions and Courses for Overseas Students and reduce the risk of unreasonable financial detriment to a provider arising from a suspension. The bill will provide flexibility by giving the minister the discretion to enable a provider to solicit or accept money for a course from an overseas student or an intending overseas student for part or all of the period of a suspension. This flexibility will allow the minister to adjust the sanction in a manner commensurate with the level of the breach and also have regard to the individual circumstances in each case.

In addition, the bill will facilitate the na-tional alignment of the regulatory actions taken by the Commonwealth, state and terri-tory education authorities relating to the de-livery of courses to overseas students. The bill will permit conditions imposed by a state or territory designated authority to be recog-nised and adopted by the Commonwealth at the time of effecting the registration of the provider on the Commonwealth Register of Institutions and Courses for Overseas Stu-dents or at any time after registration. The bill will also provide a discretionary capacity to modify the duration or circumstances in which any condition imposed is to apply.

The bill will also lessen the financial and regulatory burden on providers who may simply be changing their legal entity for the purpose of improving business operations in circumstances where the delivery of courses and outcomes for international students will not be affected.

The bill will also enable the regulations to prescribe the criteria to be applied in consid-ering whether a particular course is a suitable alternative to the obligation otherwise im-posed on a registered provider to refund monies paid by a student.

Once this bill is passed by the parliament, hopefully in a timely way to ensure these measures can commence quickly, the cooperation of the states and territories along with the providers and many other stakeholders of the industry will be required. I would like to take this opportunity to thank those groups for their willingness already displayed to address the current concerns and I look forward to working with them in strengthening our international education sector. These amendments improve the protections already in place for both students and the industry.

I commend the bill to the House.

Debate (on motion by **Dr Southcott**) adjourned.