



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

Monday, 19 October 2009

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner
Speaker Gillard, Julia, MP

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Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (6.11 pm)—in reply—I would like to thank all the members who have spoken on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. The Australian government is deeply committed to ensuring international students who choose to study in Australia receive a high-quality education. The Education Services for Overseas Students Act 2000 gives legislative force to this commitment.

As we all know, much has been said in recent months about the quality of our international education sector. With this in mind, the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 makes changes to the act to strengthen its operation. The changes to the act are part of a range of measures the government is working through. Importantly, the full review of the legislation currently being conducted by the Hon. Bruce Baird and the work of COAG in developing with the states and territories a national international-students strategy are still ongoing.

I welcome very much the bipartisan approach of those opposite and the shadow minister at the table to the issues that have surfaced recently in the international education sector. I note that the amendments proposed by the shadow minister are well intended and I believe we have been working well with him in good faith to ensure the spirit of the amendments is addressed.

The amendments that will be made to the act by the current legislation will require a re-registration of all providers. This measure is designed to bolster confidence in the quality of the international education sector by reducing the numbers of high-risk providers currently in or seeking entry into the sector. To ensure this, the changes will introduce two additional and tighter registration criteria. These are that the provider's principal purpose is the provision of education and that the provider has demonstrated the capacity to provide education of a satisfactory standard. We know, and I am sure the shadow minister would agree with this, that most of our education providers are delivering quality education. Unfortunately, they are being tarnished by some shonky providers. The re-registration process will allow the providers who are re-registered to make a genuine claim to quality.

I am aware that when we move to consideration in detail the shadow minister will propose an amendment for an additional provision that the state designated authorities use a risk management approach when considering whether to recommend a provider for re-registration. This was also the approach agreed by all responsible state and territory ministers at the first meeting of the Ministerial Council for Tertiary Education and Employment held in September. My department is working closely with the state and territory regulators through the Joint Committee on International Education to finalise a nationally consistent framework for implementation according to agreed criteria of risk. I have also asked my state and territory colleagues to look at assessing all high-risk providers for re-registration as a priority before 30 June 2010. So I think in terms of policy intent we can see that we are all coming from the same page.

The amendment that introduces a requirement for providers to maintain a list of all persons, whether within or outside Australia, who represent them or act on their behalf is designed to ensure that current and intending overseas students have access to accurate information—that is, the legislation before the parliament is strengthening provisions in relation to education agents. Unfortunately, some education agents, many of whom operate from other countries, are not within our jurisdiction and consequently the regulatory tools for those education agents do not lie within the hands of this government or this nation. However, we want to ensure that international education providers in Australia engage agents who are behaving ethically. These measures will introduce transparency in the engagement of agents by education providers and assist in improving accountability in the use of agents. The registered provider will be required to publish a list of their agents either on their website or in any manner prescribed by the regulations.

The shadow minister has proposed that education providers use only education agents who have completed an education agents training course and are members of a professional body for education agents if one is specified in the regulations. I am happy to support the intent of this proposal and I suggest that these requirements be put into regulations. There are two main reasons for this. Firstly, I have already given an undertaking to consult with stakeholders on regulatory changes regarding agents. Secondly, as agent training and professional associations are still developing, the regulations will allow greater flexibility for making adjustments to the policy over time.

This bill is also going to clarify a number of matters. It introduces processes that will increase the accountability of international education and training providers under the national code of practice. For example, the new provision allowing conditions imposed by states and territories on education providers to be recognised by the Commonwealth will help to stop the situation where providers operate at overcapacity. The shadow minister has suggested a further amendment requiring the fund manager to provide a written report following a provider default. This report would outline the number of students placed in a suitable alternative course and/or claims on the assurance fund. This measure will increase accountability for actions taken under the fund and provide an early alert to government of any pressures on the ESOS consumer protection mechanisms. For these reasons the government will amend the legislation to include this provision. However, after discussion with the shadow minister, we have agreed that 60 days is a more realistic time frame for reporting. I thank the shadow minister for his cooperation in that regard.

Given that this legislation builds on the government's work on a range of measures to ensure a quality international education sector for the many students who come to Australia each year, I look forward to this piece of legislation being given a speedy passage through the Senate. There has been good cooperation on this legislation to date and I look forward to that good cooperation continuing.

Question agreed to.

Bill read a second time.