



# Protecting Australia's international education

## *Education Legislation Amendment (Provider Integrity and Other Measures) Act 2017*

*The Education Legislation Amendment (Provider Integrity and Other Measures) Act 2017* protects the quality of Australia's international education and acts in the students' best interests.

This legislation amended the *Education Services for Overseas Students Act 2000* (ESOS Act) to ensure all education providers registered to teach international students act honestly and with integrity, whether they are applying to be registered for the first time, or are already registered.

The changes also help international students and education providers choose and work with high quality education agents.

### **Setting a high bar for providers applying for registration**

All education providers applying to teach international students need to be fit and proper. The Minister for Education is able to set extra criteria that a provider must meet to be considered fit and proper. The Minister is able to do this by making a legislative instrument, rather than having to change the ESOS Act directly.

This means the Government can respond more quickly when it needs to raise the bar for entry into international education and stop providers with poor practices from becoming registered to teach international students.

### **Looking closely at providers who are already operating**

It is important that providers already operating in international education remain fit and proper to teach students. Changes to the ESOS Act mean providers must tell the international education regulators, known as the ESOS agencies, when 'notifiable events' happen.

Notifiable events which providers must report to their ESOS agency include:

- Any event which significantly affects the provider's ability to comply with the ESOS Act.
- Any prospective changes to the ownership of the provider or prospective or actual change to a related person of the provider.

- Where the provider finds out a related person of the provider has recently been found guilty of a serious crime.
- Where the provider finds out a related person of the provider was delivering any government program or service, including with government funding, and had regulatory action taken against them.

A 'related person' of a provider includes any associate, employee, agent or officer who represents the provider's business of delivering courses.

Keeping ESOS agencies informed about these notifiable events helps regulators to look closely at providers who are already operating in the sector and make sure they are fit and proper to be registered.

## **Strengthening information sharing across Government**

The Government can provide information obtained or received under the ESOS Act to enforcement bodies to assist with their enforcement related activities. Enforcement bodies include State or Territory authorities or other agencies that are responsible for administering or performing a function under a law that enforces a penalty, sanction or prescribed law. Enforcement related activities include the prevention, detection, investigation, prosecution or punishment of breaches of a law that enforces a penalty or sanction.

This means that the department or ESOS agencies can share information with bodies such as the Fair Work Ombudsman, without the need for the Ombudsman to formally request that information, if the information is necessary for enforcement related activities.

These measures allow the Government to continue to provide students with a positive study experience by quickly identifying and responding to poor practices occurring in the international education sector.

## **Helping students and education providers choose high quality education agents**

The Government is continuing to help international students and education providers choose high quality education agents. The Government can share information about education agents' performance with education providers. The Government can also share information with providers or publish information regarding the functions of education agents to promote compliance with the ESOS legislative framework or student visa conditions.

The department has a [separate factsheet detailing steps for providers to access agent data](#).

This has enhanced the transparency of education agents, helping providers make better decisions about which agents they work with. Students can make better decisions about study in Australia by working with quality agents.

## **Ensuring fairness in paying the late payment penalties**

Providers who are late in paying the Annual Registration Charge, Entry to Market Charge or Tuition Protection Service (TPS) Levy receive written notices when their payments are late, and must make

the original payment within seven days of the notice. If they do not pay, providers will be automatically suspended. The invoice for late penalty payments will be issued once the provider pays the original amount.

This means that providers have 30 days to pay the late payment penalty, which reflects the Government's current money collection practices.

## More information

The [\*Education Legislation Amendment \(Provider Integrity and Other Measures\) Act 2017\*](#) is available in full on the Federal Register of Legislation.

