



Changes to ESOS agencies' processes for internal reviews

Amendments to the *Education Services for Overseas Students Act 2000* (the ESOS Act) will provide ESOS agencies with a longer period to review decisions and the ability to stay the enforcement of the original decision while an internal review is underway.

This change will enhance the capacity of ESOS agencies to reconsider decisions and strengthen procedural fairness for providers seeking internal review of decisions.

This fact sheet is intended as a plain language guide to the changes and should not be relied upon as legal advice. Where there is doubt, please refer to the [ESOS Act](#).

What is changing?

This change extends the timeframe for internal review decisions to be made from 90 to 120 days. It also adds an interim stay provision that allows ESOS agencies to stay their original decision while an internal review is underway.

The amendments will apply to applications for internal review made on or after the date of commencement. They will also apply to applications for internal review made before commencement but where a decision on the application has not yet been made.

Why the change?

This change aligns the ESOS Act with changes that were made to the *National Vocational Education and Training Regulator Act 2011* in March 2024 on the internal review of decisions. The changes strengthen procedural fairness for providers.

The changes enhance ESOS agencies' capacity to undertake a thorough assessment of the evidence on which the original decision was made, along with any additional evidence the applicant may submit.

An ESOS agency is not required to implement a stay. ESOS agencies will be able to decide to allow providers to operate as they did prior to the decision being made, until a specified day or the review is finished, including with any conditions.