



New course suspension and cancellation powers

Amendments to the *Education Services for Overseas Students Act 2000* (the ESOS Act) enable the automatic suspension and cancellation of courses delivered to overseas students that are specified by the Minister for Education (Minister) in a legislative instrument.

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?

The ESOS Act has been amended to enable the Minister, through a legislative instrument, to specify certain classes of courses that will have their registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) automatically suspended and cancelled if the Minister is satisfied on reasonable grounds that:

- there are or have been systemic problems in relation to the standard of delivery of the courses
- the courses provide limited value to Australia's current, emerging and future skills and training needs and priorities
- it is in the public interest to do so.

The Minister may specify a class of courses in an instrument by reference to any matter, including but not limited to:

- the kind of course
- the kind of provider
- the location of the course, or
- any other circumstance in relation to the course.

Table A providers (as defined under the *Higher Education Support Act 2003*) are exempt from this measure, meaning they will not be affected by a suspension or cancellation instrument.

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After 30 days from the commencement of a legislative instrument, if a provider does not have any student who is enrolled in and has commenced the specified course, the course's registration will be automatically cancelled for all locations.

If a registered provider has students who are enrolled in and have commenced a course specified in an instrument, 30 days after commencement of the instrument, the registration for the course will be *suspended*. This means that no new students will be permitted to enrol in or commence the course, but those currently studying will be permitted to continue. Once these students have completed or withdrawn from the course, the provider's registration for the specified course will be automatically cancelled for all locations.

When a course's registration is cancelled, the provider of the course must immediately cease offering the course at all locations. All confirmations of enrolment (CoEs) the provider has issued to accepted students for future commencement in that course are also cancelled.

If all courses that a provider is registered to deliver at its locations are cancelled, the provider is no longer a registered provider under the ESOS Act. To seek registration (i.e. for other courses), the provider must re-apply for provider registration under section 9 of the ESOS Act.

Providers cannot apply to register or re-register a course that is covered by a legislative instrument while the instrument is still in force. If and when the instrument expires, is repealed or is amended to no longer specify that class of courses, providers can apply to register or re-register the courses.

Example of course suspension and cancellation: On 6 July 2026 the Minister makes an instrument including Course A in a class of courses that will have its CRICOS **registration cancelled** due to systemic issues in relation to the standard of delivery. The legislative instrument is registered on the Federal Register of Legislation on 7 July 2026 and takes effects from the day after registration, that is on 8 July 2026.

Provider A currently has students enrolled to begin Course A on 6 August 2026, 29 days from commencement of the legislative instrument.

As students are enrolled to begin the course within 30 days of the instrument commencing, Provider A's CRICOS registration to deliver Course A is **suspended**. Students enrolled to begin the course on 6 August 2026 will be able to commence and complete Course A; however, no new students will be able to be enrolled in or begin Course A on or after 7 August 2026. Once these students have completed or withdrawn from the course, Provider A's CRICOS registration to deliver Course A will be **automatically cancelled** if the instrument is still in effect.

Provider B has no students currently studying Course A. The next students are due to commence on 1 September 2026. Provider B's CRICOS registration to deliver Course A is **automatically cancelled** as of 8 July 2026.

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Why the change?

This change will strengthen the integrity and quality of the international education sector in Australia and support quality delivery of education to overseas students. The changes will help remove courses where there is a demonstrated poor or low quality of delivery or where the courses are being used to subvert student visa conditions. For example, courses being used to facilitate non-genuine students to stay and work in Australia or extend a student visa stay beyond what would be considered reasonable course progression. This will also include consideration of those courses that are of limited value to Australia's skills needs or identified as not in the public interest.

Frequently asked questions

What matters must the Minister consider when making a legislative instrument?

The Minister must consider a range of matters in deciding whether to make a legislative instrument:

- provider breaches or sanctions
- completion rates of students who study those courses
- number of student transfers from or to those courses
- locations where providers provide those courses.

The Minister may also consider any other relevant matter.

Who will the Minister consult when making a legislative instrument?

The Minister must consult with the following persons or entities prior to making a legislative instrument:

- Tertiary Education Quality and Standards Agency (TEQSA), if a course included in the class of courses specified in the instrument is provided by a provider that is regulated by TEQSA;
- Australian Skills Quality Authority (ASQA), if a course included in the class of courses specified in the instrument is provided by a provider that is regulated by the ASQA;
- the Secretary of the Department of Education;
- any other persons or entities specified in a legislative instrument made by the Minister.

The Minister may make a separate legislative instrument specifying the other people or entities he must consult with and the circumstances in which he must consult them before making a legislative instrument to cancel a class of courses. This allows for further targeted consultation dependent on the course being considered for cancellation.

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If the specified courses include vocational education and training (VET) courses, the Minister must also obtain the written agreement of the Minister for Skills and Training before making the legislative instrument.

What is meant by courses that 'raise public interest concerns'?

Courses that raise public interest concerns, for the purposes of this measure, include courses that are evidently exploitative or that have serious integrity issues. For example, courses that are regularly used by students to subvert immigration and education systems may be considered by the Minister as raising public interest concerns. Similarly, courses used to exploit students, such as those used by providers to traffic students into work, may also be considered by the Minister as public interest concerns. Such courses threaten the safety of students and the integrity, quality and reputation of Australia's international education sector.

Can a provider seek merits review if its registration for the specified courses is suspended or cancelled?

No. As the automatic suspension and cancellation of a provider's registration for the specified courses does not constitute an exercise of administrative power, internal and external merits review is not available.