

Ref: N4.13.4 – 3 September 2024

Hon. Tony Burke MP
Minister for Immigration
Parliament of Australia
PO Pox 6022 – House of Representatives
CANBERRA ACT 2602

Dear Minister

RE: Regulation Of International Student Agents – Recommendations

The Independent Tertiary Education Council Australia (ITECA) is the peak body representing independent skills training, higher education, and international education providers. ITECA writes about a pressing issue that affects the integrity of Australia's international education sector, which is the lack of regulation and supervision of international student agents.

International student agents play a pivotal role in recruiting international students to Australia. Yet, the current regulatory framework does not provide any oversight to address their influence and potential for misuse adequately. Given the significance of the international education market to Australia's economy and global reputation, the Australian Government must take steps to ensure the highest standards of quality and integrity within the international education system.

It is estimated that approximately 75 per cent of international students rely on the assistance of education agents, many of whom operate overseas, to research educational opportunities and enrol in English language, skills training and higher education programs. Education agents are also critical in providing assistance to international students applying for visas to study in Australia.

While these agents are recognised for their important role in facilitating the recruitment process, it is concerning that they currently operate with no oversight from Australian regulators and that any monitoring is left purely to be undertaken via a written agreement required between a student agent and the relevant education provider. While this system works well in most cases, this is due to the positive nature of the relationship and good intent of both parties, and it might be viewed as more good fortune than good policy design. The lack – or absence – of regulatory supervision creates vulnerabilities that can lead to exploitation, fraud, and a deterioration of the overall quality and reputation of Australia's international education system. These were issues highlighted in the *2023 Rapid Review into the Exploitation of Australia's Visa System* by Ms Christine Nixon AO APM (the Nixon Review).

To improve the quality and integrity of the international education sector, ITECA proposes that the Office of the Migration Agents Registration Authority (OMARA) should be designated as the responsible body for registering and regulating international student agents. OMARA's existing infrastructure and expertise in regulating migration agents make it a suitable and efficient choice for this role, mainly as it is not uncommon for education agents to offer services as migration agents. Utilising an established agency like OMARA would avoid creating a new regulatory body, thus reducing administrative costs and ensuring a swift implementation of necessary oversight mechanisms.

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In the context of the current Senate Inquiry by the Senate Standing Committee on Education and Employment, ITECA tabled priority amendments to the *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (Cth)* including ones that would provide greater clarity regarding education agents. Consistent with the recommendation of the Nixon Review, this would enable a register of education agents to be developed based on a clear set of established principles. OMARA could most effectively and efficiently oversee such a register.

International student agents, for most intents and purposes, perform actions similar to those of migration agents whom OMARA currently regulates. They advise international students on visa options, assist with application processes, and guide students through complex legal and bureaucratic landscapes. Given these similarities, it is logical and sensible for OMARA to extend its remit to include international student agents. This approach was highlighted as a path forward for progress in the sector in the Nixon Review to prevent exploitation within the system.

The legal framework governing education delivery to international students in Australia, including the obligations of registered education providers and enforcement arrangements, is established under the *Education Services for Overseas Students Act 2000 (Cth)*. In light of this, it would be prudent to amend the *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (Cth)*, currently before Parliament, as outlined by ITECA previously, to include provisions for the regulation of international student agents by OMARA.

Such an amendment would strengthen the Bill's objective of enhancing the quality and integrity of Australia's international education system.

Under this proposed enhanced regulatory framework, OMARA could also be tasked with communicating these requirements for education agents to the migration advice industry associations and to prospective applicants within the migration and international education system more broadly.

A key aspect of ITECA's proposal is introducing a positive obligation for registered international student agents to ensure their clients are fully informed about their rights under Australian workplace laws and how to report instances of exploitation. This obligation should be clearly outlined in a code of conduct, and OMARA would be able to use its Continuing Professional Development (CPD) framework to educate agents in partnership with Australian professional associations on this critical responsibility. To support this, a visible and proactive compliance focus will be essential to ensure that agents are adhering to these standards.

In line with the recommendations of the Nixon Review, the requirement to register with OMARA should be extended to international student agents operating offshore. This may involve amending the legislative framework under the *Migration Act 1958 (Cth)*, or could potentially be achieved through amendments to education provider requirements under the ESOS Act. Either way, the critical point will be the importance of continuing collaboration between the Education and Home Affairs portfolios to implement these changes. OMARA would also need to develop a robust strategy to manage the anticipated increase in registrations and the ongoing regulation of these agents.

Recent law enforcement investigations, such as Operation Inglenook, have exposed the troubling reality that non-genuine education providers are colluding with disreputable agents to facilitate visa outcomes for non-genuine students as well as in respect of students who are then, in some instances, exploited in into criminal activities. While some international students may be complicit in these schemes, the majority are vulnerable individuals who are misled by agents providing false advice about courses, providers, and living or working conditions in Australia. As proposed, the regulation of these agents would significantly mitigate these risks and strengthen the integrity of the international education system.

The importance of a high-quality international education system with quality and integrity at its core and throughout all its elements cannot be overstated for ITECA Members. Diminishing these elements hurts the businesses of ITECA members and the students they are working so hard to support every day. This is why ITECA will continue to state that there is no place for non-genuine providers or other participants in the international education system.

At the same time, poorly considered and inadequately constructed legislative measures damage businesses to the extent that it makes continued support for those same students significantly more difficult, and the continued employment of many Australians who have worked to deliver quality training to those students is more difficult.

The recommendations put forward by ITECA with regards to registering international student agents under OMARA ensure that Australia remains a preferred destination for international students while also safeguarding the reputation and integrity of our education system. It is a logical extension of existing frameworks but also a necessary step to protect the quality and integrity of Australia's international education system.

ITECA looks forward to discussing this matter with you. Please have your team contact my office via email at _____ or by telephone at 1300 421 017 to arrange a meeting.

Yours faithfully

Troy Williams FIML MAICD
Chief Executive