



Committee Secretary  
Senate Standing Legislation Committee on  
Education, Employment and Workplace Relations  
Parliament House  
CANBERRA ACT 2600

## EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION AND OTHER MEASURES) BILL 2009

Submission by **ENGLISH AUSTRALIA**

### Introduction

English Australia (EA) supports six of the seven specific amendments to the Bill under reference as outlined below in Section 1. English Australia has significant reservations in relation to the amendment requiring public listing of agents as detailed in Section 2 of this submission. English Australia would welcome the opportunity to appear before the Committee at a public hearing, if required.

### Section 1: ESOS Amendment (Re-registration and Other Measures) Bill 2009

**(a)** Re-registration of all institutions currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) by 31 December 2010.

EA member colleges are required to meet the standards set by the National ELT Accreditation Scheme (NEAS). One of the requirements is an annual accreditation check so re-registration should not be an undue burden for EA member colleges. It is believed that English language training is the only international education sector in Australia which has this annual requirement.

**(b)** Two new registration requirements:

- that the principal purpose of the provider is to provide education, and;
- that the provider has demonstrated capacity to provide education of a satisfactory standard.

EA supports these new requirements in principle and is seeking clarification from the Department of Education, Employment and Workplace Relations (DEEWR) on how these criteria will be determined and demonstrated.

**(c)** New requirement to list the names of education agents which represent providers and promote their services.

See Section 2 below.

**(d)** Discretionary removal of the prohibition on education providers collecting monies from studying students when a course has been suspended.

EA supports this amendment which will facilitate the ongoing provision of courses with the minimum of disruption to students.

**(e)** Conditions imposed by State and Territory governments on education providers to be recognised by the Commonwealth.

EA supports this amendment which aims to streamline the ability of governments to share information and address provider compliance breaches more effectively.

**(f)** Exemptions from provider default refund requirements for providers changing their legal entity.

EA supports this amendment which aims to lessen the financial and regulatory burden on providers.

**(g)** Clarification of the definition of 'suitable alternative course'.

EA supports this amendment which aims to provide greater clarity in relation to where students can be placed by Tuition Assurance Schemes.

## Section 2: Education Agents

English Australia commends the Government for its expeditious and comprehensive response to the current crisis in international education. The level of activity and speed of execution both by the Government and the Parliament compare favourably to previous efforts.

A positive aspect of the response has been its multi-layered approach including:

- two Senate Committee inquiries;
- Prime Ministerial and Ministerial involvement, and;
- a legislative and policy review.

In this context EA urges the Committee to take into account that education agents, particularly in the English language sector, play a vital role in providing advice to students considering study in Australia and are valued partners. EA is concerned that the requirement for public listing of agents has the potential to fracture long-standing and important business relationships.

This will be to the detriment of both individual providers and Australia as a whole. Institutions risk losing business partners and Australia risks losing students to competitor nations.

English Australia members represent a diverse range of provider types and profiles, and their students range from short course 'language travel' students to long-stay students preparing for further education in the English language medium. The English language sector straddles both education and tourism and many 'language travel' students receive their advice from travel agents rather than education agents. This diversity leads to a complex range of relationships between providers and agents. English Australia would value the opportunity to undertake more comprehensive consultations with English language providers to ensure that there are no unintended consequences to any proposals relating to agent activity.

EA is concerned about this amendment firstly because the English language sector is particularly dependent on education agents for recruitment, promotion and information, and secondly because it is not the sector which, in the Minister's words "has grown too fast, too soon", and hence is the target of these amendments.

The 160,000 students who came to learn English in Australia in 2008 came from more than 150 different countries. EA member colleges include significant numbers of both public and private sector institutions and both are equally dependent on agents as a primary source of information for potential students and their families.

Hence over 70% of English language students in Australia are advised by agents. To get through the application and visa processes, students and their families with limited language skills need the services of an agent. This explains why colleges devote considerable resources to developing their agent relationships.

In recognition of the important role played by agents, English Australia in 2002 developed a Best Practice Guide for its member colleges on working with agents. English Australia, as a language industry association, also works closely with agent associations in key source countries through the organisations called GAELA (the Global Alliance of Education & Language Associations) [www.gaela.org](http://www.gaela.org), and FELCA (the Federation of Education & Language Consultants Association) [www.felca.org](http://www.felca.org). These organisations focus on sharing good practice in order to maintain and raise the standards of operations across both the delivery of language training services and the services provided to students by agents. EA's Executive Director is the Chair of GAELA for a four year term and is currently in London for the annual meeting of the two organisations.

EA appreciates that agents are one of the three acknowledged areas in international education that need careful 'risk management'; the others being providers and students. Hence it is recognised that provider management of agents and the information and services agents provide to students should be reviewed and considered as part of the current process.

As EA raised in its submission to the Student Welfare Inquiry in relation to agents:

- there is considerable scope to improve provider management of agents under the existing ESOS framework by more timely and effective enforcement activity, and;
- DIAC and DEEWR could be more forthcoming with the information they already hold on agents who are the cause of concern.

A copy of this submission is attached, as EA included a comprehensive section on the question of education agents (p15 – p17).

In her Second Reading speech on this Bill, the Minister foreshadowed further regulation in relation to agents. EA urges the Committee to recommend such action as would allow the public listing of agents to be delayed and considered as part of a total package of agent measures. In this way appropriate consideration could be given to the competing claims of the need for transparency as opposed to the potential damage to English language providers.

An alternative approach would be for the Committee to recommend that the issue of agents and their regulation be a matter to be considered by the Review of the ESOS Act to be headed up by the Hon Bruce Baird.

EA members recognise that they must contribute to repairing the damage to Australia's international education reputation although the English language sector has not been responsible for the current crisis. However in relation to public listing of agents, EA believes that the implications have not been given due consideration, that the potential defection of agents to the providers of other countries could cause unnecessary damage and better ways could be found to address the current issues that are confronting the industry in Australia.

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*[submission authorised by the Council of English Australia]*