

**Submission to the Inquiry into the provisions of the Education Services for
Overseas Students Amendment (Quality and Integrity) Bill 2024**

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Foreword

Sydney University Postgraduate Representative Association (SUPRA) is the representative organisation for postgraduate students at the University of Sydney. Established in 1970, SUPRA's constituency has grown to include 28,431 enrolled postgraduate students in 2023, of which 56% were international students. The 2023 total enrolment of international students at the University of Sydney was 31,429 or 45% of the total student enrolment at our oldest university (University of Sydney Annual Report 2023). SUPRA has for over 50 years represented postgraduate student interests, and has provided professional casework and legal services to international postgraduate students, gaining valuable experience and insight into the aspirations and issues international students face.

Introduction and summary

SUPRA supports the government's aims to improve the quality, integrity, and sustainable growth of the international education sector. This submission complements previous submissions to the Review of the Points Test and to the draft International Education and Skills Strategies Framework and focuses on the regulation of education agents and the provision of high-quality education to students.

Overall, SUPRA is concerned with the speed at which these changes are being proposed, the limited consultation with students, in particular international students, and the lack of consideration for how these changes will impact international students, student experience and the higher education system more broadly.

The summary of SUPRA's submission is below. We:

- Support increased oversight of agents, and providers' relationship with agents, including around commissions.
- Recommend an increase in access to information for students on agent commission and agent registration, increased monitoring of agent activities, the prevention of ongoing engagement of agents with students, and the ability for students to lodge complaints about unscrupulous agents.
- Do not support Ministerial powers to cap overall student numbers, or student enrolments with a provider, or student enrolments in a course, provided that the provider is genuine.
- Support an increase in attention to student housing needs.
- Recommend working with states to increase student housing stock and increase student housing rights, especially in Purpose Built Student Accommodation.
- Recommend further consultation with student organisations and international student leaders.

Discussion and key recommendations

Agents

Students are concerned with the behaviour of offshore education agents and the lack of oversight of these agents by either education providers or the government. Problematic

behaviours of agents can result in future and current international students being taken advantage of and can compromise Australia's higher education system.

For years, students accessing SUPRA have expressed concerns with the need to use agents, and the actions of agents. This includes:

- Students feeling locked into using agents to apply for courses in Australia because it is seen as the only way to be successfully admitted to a university in Australia, especially a Go8 university.
- Students feeling that they must use agents to apply for courses in Australia because there are no other resources to guide them through an application process.
- Agents submitting falsified documentation on behalf of students, without students' knowledge, to enhance students' applications. As well as agents preventing students from reviewing their final application submission.
- Agents taking advantage of the trust built during the application process to push students and their families into paying the agent or an affiliated company for further services while the student is attending university. This is often promoted as study help with similar services provided by the university for no cost. This can cost students thousands of dollars and is usually presented by the agent or affiliated company receiving a guaranteed outcome, for example passing a unit. This guarantee cannot be assured. SUPRA holds concerns over the integrity and professionalism of such services but we have no ability to raise complaints or request investigations into education agent conduct, either offshore or in Australia.

With regards to the proposed changes:

1. SUPRA supports the proposed amendment to require providers to give agent information, including commission amounts, to the Secretary of the Department of Education and expanding the ability of the Secretary to give information to registered providers about agents.
2. SUPRA supports a revised definition of education agent commission to allow the Minister of Education to make complementary amendments to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 to ban commissions from being paid by providers to education agents for onshore student transfers.
3. SUPRA supports proposed amendments to enable providers to have better access to education agent information to assist them with making informed decisions about the education agents they want to engage with their prospective overseas students.

We recommend that:

1. Agents and providers be required to inform students that legitimate agents are paid a commission by the education provider. This would allow students to check on the agents' relationship with the provider, and put pressure on agents to reduce fees charged to students (on top of the commissions they already receive).

2. Students are provided with a straightforward accessible means to check the validity of an education agent.
3. Resources and powers of offshore education counsellors and the Australian Trade Commission are increased for the purposes of increasing monitoring and engagement with offshore registered agents, to ensure that students are not exposed to unscrupulous agent practices.
4. Agents are prevented from ongoing engagement with students after they have been issued with an eCoE. This would prevent the provision of unqualified and inappropriate commercial services (academic, candidature or migration advice) to students by agents.
5. A feedback or complaints pathway is developed such that students are able to provide information about poor agent conduct and to receive proper redress.

Ministerial powers and the politics of the higher education landscape

Several of the changes proposed to Ministerial powers are of concern to SUPRA. Specifically, SUPRA does not support the ability for the Minister to cap student enrolments overall, at the provider or at the course level, or to determine international student enrolments based on Australia's future skills needs. We believe these changes mark an inappropriate reduction in the autonomy of legitimate education providers, and that this is government overreach.

Further, SUPRA believes that these changes mark a concerning shift in the perception of, and approach to, international students in Australia. Attempting to limit and control international student enrolments to shape migration and the skill make up of Australia is misguided. Higher education and migration are separate spheres, and must remain separate. There are already mechanisms in place to ensure the mix of skills entering Australia through migration is appropriate. If changes are needed to this make-up, this should be altered through changes to migration legislation, not education legislation. SUPRA believes that the government's approach to higher education should centre students, student experience, and education as a life changing pursuit, and should see education as a means to shape Australia's migration practices.

With regards to the proposed changes:

1. SUPRA supports the proposed amendments enabling the automatic suspension and cancellation of courses that are identified by the Minister as having systemic issues in relation to the standard of delivery of the course. Limits must be placed on the Minister's powers to suspend or cancel only non-genuine, poor quality, or courses harmful to students. SUPRA does not support Australia's future skills needs as reason to suspend or cancel a course of study.

2. SUPRA does not support a government cap on student enrolments. This cap is an inappropriate level of government control over higher education in Australia. This may also lead to international students being charged higher tuition fees, which are already excessive. The reduction in student enrolments will also lead to a significant reduction in funding for higher degree research, and in student support services and student-led advocacy funded through the Student Services and Amenities Fees (SSAF).
3. SUPRA does not support the proposed amendment to give the Minister of Education power to set limits on the maximum number of overseas students that may be enrolled with a legitimate provider for a year, or the number of students enrolled in individual courses, or classes of courses, with the legitimate provider. The ability for a provider to ensure quality education to enrolled students, and to limit those numbers to ensure that quality, should reside with that provider. It is not clear that the Minister will be able to set limits in ways that are just or sufficiently dynamic to accommodate for Australia's fast paced international education sector.
4. SUPRA does not support the government's use of Australia's future skill needs as a way to determine international student course numbers. Creating legislation based on the premise that international students only study in Australia for post-study work or permanent migration is risky. International students studying in Australia for these reasons are not trends we have seen at SUPRA, despite our high international student involvement. International students, like all students, have myriad and wide-ranging reasons to study any particular course and courses such as Business, while not a current skill need in Australia, at our university has an established reputable status and high demand overseas. Students undertaking those courses rarely have the intention to remain in Australia, but plan to take their skills back to their home country. Limiting enrolments in courses that are highly desirable to international students who plan to return to their home country damages Australia's higher education sector financially and reputationally and limits international students' ability to choose Australia as their country of choice.

Housing

SUPRA is aware of the pressures on accommodation and employment in Australian cities and welcomes the government's desire to address these issues. However, we hold concerns over the narrative of blaming international students or the number of international students as a major driver of these issues, especially given research from the Student Accommodation Council and the Go8 shows that international students are not the drivers of Australia's housing crisis (ICEF, 2024).

Focusing on international students and international student numbers also moves attention away from international student experience of housing, which is often more unsafe, more unaffordable and less regulated than housing accessed by domestic students. It is partly for this reason that students increasingly prefer Purpose Built Student Accommodation (PBSA) that is owned or affiliated with their provider, even though the financial costs are higher.

However, focusing on PBSAs is not a solution. Many providers do not have access to land or the financial capacity to build PBSAs, especially in major cities. Further, in our experience PBSAs in NSW fall outside of renting regulation and, especially those provided by affiliated companies, often do not provide basic renting rights for students (e.g. those seen in the *NSW Residential Tenancies Act 2010*). This can force students to remain in unsafe housing, or pursue a highly expensive exit from the accommodation. Students in these situations have no formal recourse through the NSW Civil and Administrative Tribunal.

In this scenario a cap on numbers of international student enrolment where providers are limited in building or providing more PBSAs is not a solution to the housing issue. And PBSAs themselves need higher regulation to ensure students can access safe and affordable housing.

We recommend:

1. That the government work with state counterparts to plan for increased safe and affordable international student housing, and to urgently review legislation to improve the rights of students in the rental market and in purpose-built student accommodation.

Consultation

SUPRA welcomes the government's proposal for a post decision consultation process and opportunity for further consultation on the implementation of the policy.

Given the scope of the amendments and the importance of the success of implementation, we strongly recommend that:

1. The government consult with more student organisations including the National Union of Students and Council of Australian Postgraduate Associations, and state based and University based student Unions, such as SUPRA.

References

University of Sydney, University of Sydney Annual Report 2023, Sydney. [Annual report - The University of Sydney](#)

ICEF, 2024, <https://monitor.icef.com/2024/05/new-research-debunks-link-between-australias-rental-housing-crisis-and-international-students/>