

The International Student Education Agent Association (ISEAA) and the Education Consultants Association Australia (ECAA) welcome the opportunity to respond to the ESOS Amendment Bill and engage with the Committee to allow for thorough scrutiny of the proposed changes. ISEAA has been the voice of education agents in Australia since its inception in 2018, while ECAA has served the Melbourne region since 2010. During previous discussions, education agents were frequently mentioned, and it is important to move beyond common misconceptions and establish a clear understanding of the vital role that education agents play in international education in Australia.

1. Integral Role of Education Agents:

The reality is that nearly all education providers, whether large or small, public or private, rely on education agents to recruit international students. 85% of actual international student enrolments to Australia involve using services of an education agent. The relationship between education providers and agents is fundamental to the success of Australia's international education sector. Replicating the recruitment and advisory services offered by education agents on a multilingual scale would require significant investment if federal government or state government or providers were to establish their own teams and offices around the world. Education agents differ from migration agents, as they support students throughout their entire education journey, acting as advocates and providing essential information on various courses available, Career outcomes, Application Process, Scholarships info., Application & Acceptance deadlines, student visas (if they are registered as MARA as well), study options, and life in Australia. Students come to an onshore agent to get assistance with unit /subject selection, help with accommodation, getting connected with their diaspora, if they are facing study difficulties, require an impartial advice to resolve issues that may involve providers including refunds, change of course, course progression issues and many other support services.

2. Clarification on the Definition of Education Agents:

It is crucial to ensure clarity on the definition of an education agent. The proposed definition of an education agent under ESOS 2024 Amendment is too broad and will fail to accurately capture those delivering the services of an education agent. ISEAA and ECAA have proposed a stronger definition in our written response which we believe is more accurate, appropriate and we insist it to be seriously taken into consideration.

It is crucial to ensure clarity on the definition of an education agent. It is the industry expectation that an agent hold a written contract with an education provider under Section 4 of the National Code. As the industry operates today, reputable providers and education agents ONLY operate under such agreements, as it is the cornerstone of the business relationship. Such contractual relationships will continue to distinguish education agents from other service providers, such as travel agents or consular staff, who are NOT international education experts. Solidify the role of education agents within the education ecosystem.

3. Reconsideration of Commission Payments:

While the ban on transfer commissions is intended as an integrity measure, we strongly object to the removal of onshore agent commission for agents that are registered with CRICOS registered providers and hold written agreements with the CRICOS registered provider. It is vital to note, that majority of the commission payments are for services provided for student's welfare and right of appropriate course choice offered, which involves ethical recruitment practices. While the ban on transfer commissions is intended to be introduced as an integrity measure, it inadvertently restricts a student's choice and the need for support as a consumer. Onshore commission payments also funds the additional support services provided to students free of charge by an education agent which is fundamental to students success in obtaining Australian qualifications. However, we would advocate for commission caps and transparency around commission payments.

If commission ban needs to act as an integrity measure, then we propose that the commission ban should be included in the following scenario:
Where student is changing the course within 6 months of arriving onshore.

As an additional integrity measure, We also recommend that the students need to lodge new student visa onshore if they wish to change the course from AQF level 7 or above to AQF level 5 or below. This will act as a significant deterrent and if implicated efficiently can clean up the rogue behaviour which government is concerned about.

To tighten the integrity measures, we strongly believe as mentioned in our submission as well that bad actor education agents are unlikely to survive if unscrupulous education providers are not provided with or able retain CRICOS registration to enrol international students, and therefore unable to trade and pay commission. A blanket ban on commissions is not an acceptable solution and risks devastating an entire international education industry that has been built over many years through the dedicated efforts of the government, legitimate education providers, and ethical education agents.

We agree with the blocking of onshore transfer commission for students who are dropping to a lower level of education while remaining on the same visa, often playing the system.

However, we propose that onshore commissions remain in two cases for genuine students. Firstly, for agents assisting students who have completed their course onshore and planning the next step in their Australian education journey. Secondly, for students who desire to upgrade their level of education after the required 6 months of study, for example, moving from, a Diploma to a bachelor, or a bachelor to a masters.

While the ban on transfer commissions is intended as an integrity measure, it inadvertently restricts a student's choice and the need for support as a consumer. It is a complicated process with many rules and study options, with a student generally needing to apply for a visa extension to finish the new course. Agents ensure students make informed decisions and navigate the intricacies of the system.

4. Addressing Agent Regulation:

As a group, we are very excited by the prospect of an agent certification framework. As in any industry, quality performers want to ensure they are recognised for being so. To be lumped in with 'shocks and crooks' is devastating and demoralising for the multitude of hard working and ethical education agents who take pride in their work, and love serving their clients.

We urge the Committee to revisit the agent for certification model ISEAA presented to the Department of Education and the Department of Home Affairs in 2019. Implementing a standardised framework will enhance the professionalism and accountability of education agents, ensuring that they continue to serve the best interests of students and education providers alike.

The contribution of education agents is indispensable to the success of Australia's international education sector. We urge the committee to recommend pausing any further radical changes until we can allow the current changes to play out. Education agents are at the coalface in every source country, and ISEAA is receiving real-time intelligence from a range of sources. The culmination of mass unexplained visa refusals, the student visa fee hike to \$1600, and the lure of other countries vying for the same students, could soon see the industry on its knees.

As the representatives of education agents, ISEAA and ECAA believe that a revised ESOS Amendment Bill could enhance the quality, integrity and transparency of the international education system. Therefore, we recommend more comprehensive industry consultation with education providers, as well as with our associations, ISEAA and ECAA, to ensure that a stronger and more effective ESOS amendment bill is passed. This approach will help position Australia as a more robust and competitive international education destination.