

29 September 2009

Mr John Carter  
Committee Secretary  
Senate Education, Employment and Workplace Relations Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Mr Carter

**Re: Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009**

I am writing with regard to the proposed amendments to the *Education Services for Overseas Students Act 2000*, currently the subject of enquiry by the Senate's Education, Employment and Workplace Relations Committee.

By way of background for the Committee, TVET Australia is a Ministerial Company owned by the Commonwealth, State and Territory Ministers for Vocational Education and Training. One of its responsibilities is to provide audit and registration services to training providers operating across States and Territories through its regulatory arm, the National Audit and Registration Agency (NARA). NARA was established as a decision of Ministers in November 2006 and operates under a Charter (agreed by all Ministers in December 2007) through individual delegations from State and Territory Registration Authorities.

TVET Australia received its first delegation from the South Australian Training and Skills Commission in May 2008, with delegations following from Queensland, the ACT, Tasmania and Victoria. Some of these delegations have required legislative change and have therefore taken longer to effect, including the pending delegation from Western Australia, the draft of which is with the WA Minister for Training the Hon Peter Collier MLC.

NARA's establishment as a regulator for multi-jurisdictional Registered Training Organisations (RTOs) was in response to RTO concerns about inconsistent regulation of the AQTF Standards and ESOS National Code by different states and territories. For RTOs with CRICOS approval in more than one State or Territory, NARA was set-up to reduce the number of regulatory agencies an RTO had to deal with and improve the level of national consistency in the regulation of these large RTOs.

NARA is now viewed as an alternative regulator for multi-jurisdictional RTOs nationally. To date, those RTOs most interested in applying to have their registration managed by NARA have been leading enterprise RTOs, including those with international interests. NARA manages the registration of a number of leading Australian companies, including:

- AUSTSWIM
- BIS Industrial Logistics
- Caterpillar
- GHD
- Bakers Delight
- Bridgestone Australia
- Directions Australia
- Jobs Australia

- LinFox (trading as the National Transport Institute)
- SAI Global
- Tabcorp Holdings
- Toyota Motor Corporation
- Qantas Airways
- Relationships Australia
- Study Group Australia
- Telstra Corporation
- Westpac Banking Corporation

There has also been strong interest amongst large RTOs with CRICOS approval in more than one State or Territory, to have NARA act in place of the State Registration Authorities they deal with for their AQTF registration and CRICOS approval. Unfortunately problems have arisen in enacting delegations to allow this to happen.

Currently most RTOs with CRICOS approval operate in Victoria, NSW, Queensland and Western Australia. To date NARA is only able to operate under delegation for CRICOS RTOs in Victoria and the smaller jurisdictions. The Queensland Registration Authority has not been able to delegate responsibility for the audit and registration of RTOs with CRICOS to TVET Australia due to complexities associated with its separate State legislation for international students (*Education Overseas Students Act 1996*). The same problem has been flagged with TVET Australia by the Western Australia Registration Authority.

It has therefore been suggested by both the Queensland and Western Australia Registration Authorities that TVET Australia seek an amendment to the definition of the term 'designated authority' under the *ESOS Act 2000* to include TVET Australia. This change is also supported by the Victorian government for operational reasons, allowing TVET Australia to separately access the PRISMS database (rather than as is currently the case through entering information as if it were the State or Territory designated authority).

It is therefore proposed that as part of the Senate's enquiry, an additional amendment be considered to the definition of a **designated authority** within the *ESOS Act 2000* to mean either:

- a) the person responsible under the law of a State for approving providers to provide courses to overseas students for the State; or
- b) TVET Australia.

Clearly if such a change were agreed, a number of sections within the Act itself and in the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* would also need to be amended. For example, where they now make references to action to be undertaken by State and Territory Registration Authorities, this would become actions required by designated authorities. TVET Australia would be pleased to provide further advice on those sections requiring subsequent amendments to the Committee should that be necessary.

TVET Australia supports the amendments proposed in the *Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009* and is strongly committed to national consistency in both AQTF and ESOS regulation. This year we have been working collaboratively with the Chairs of State and Territory Registration Authorities (at their request) to facilitate reform in a number of areas.



AUSTRALIA

I note submissions to the Committee's enquiry from organisations including the Australian Education Union, the Australian Technology Network, the Australian Council of Private Education and Training, the Department of Education, Employment and Workplace Relations, and the Independent Schools Council of Australia – all of which make reference to the need for improved national regulation of international education. In particular I note the AEU's statements that "action needs to be taken to overhaul the regulatory structure that governs VET in Australia, particularly in relation to international students" and that they would support "the establishment of a single national regulatory authority". Similar sentiments are expressed in the submissions from the organisations listed above.

NARA currently manages the registration of more than 60 RTOs – including those listed above - with scope and resources to manage a much greater number of RTOs. Should the amendments to the Bill be successful, 2010 will be a year of extensive regulatory activity with all providers with CRICOS approval face re-registration audits. With amendment to the ESOS Act to include TVET Australia as a designated authority, NARA would be well placed to share that regulatory workload and in doing so provide support to all governments in the effective quality assurance of vocational education and training for international students.

Yours sincerely

Patrick McKendry  
**Chair**  
**TVET Australia**