

In my evidence on Friday I mentioned I had specific amendments to propose, but we did not have time to explore them. They are as follows:

1. 26B and 26E insert subsection (1A) setting out criteria by which the minister is to determine limits:
In determining a limit under subsection (1), the Minister must be satisfied that the limit is in the national interest, including by having regard to:
 - a. any integrity issues arising in regard to the recruitment of overseas students by the registered provider;
 - b. the availability of accommodation for overseas students at the registered provider; and
 - c. the extent to which overseas students at the registered provider address nationally identified skill shortages.
2. 26B and 26E amend subsection (9) to provide that must be imposed by 1 July, rather than 1 September of the prior year.
3. 26B and 26E amend subsection (11) to provide that the Minister 'must' consult with a registered provider before determining a limit for that provider.
4. 26B and 26E insert a new clause as follows: 'In determining an enrolment limit, the Minister must provide reasons to the registered provider for the limit in accordance with subsection (1A).'
5. Delete sections 26C and 26F. These replicate 26B and 26E for setting enrolment limits, but without the possibility of disallowance by Parliament. They are unnecessary if it is accepted that enrolment limits should always be subject to parliamentary scrutiny. Instead, consideration should be given to drafting a clause that permits in year amendments to caps, while retaining the possibility of disallowance.
6. Sections 96 and 96A should be rewritten to move from an automatic suspension of all courses at the provider in the event a limit is exceeded, to imposing a penalty. The penalty should be large enough (potentially \$50,000 per excess enrolled student) to ensure there is no incentive for a provider to enrol beyond the limit.
7. Insert a new provision requiring the government to maintain a public register of all notifications provided under this Part of the Act. Notifications to providers should be directed to be immediately included in the register.

I am happy to answer any further questions the committee might have about these.

Kind regards

George

Distinguished Professor George Williams AO

Vice-Chancellor and President

Office of the Vice-Chancellor and President