



Committee Secretary
Senate Education and Employment Legislation Committee
Parliament House
Canberra ACT 2600

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IRU submission on the *Education Legislation Amendment (Integrity and Other Measures) Bill 2025*

The Innovative Research Universities (IRU) appreciates the opportunity to provide feedback on the proposed *Education Legislation Amendment Bill 2025* (ELA Bill).

The IRU supports the uncapping of Commonwealth-supported medical places for all Indigenous students, to further enhance access and equity in our higher education system. We welcome ongoing government action to implement the recommendations from the Universities Accord Final Report to support Indigenous self-determination, and to increase the benefits of higher education for Indigenous students and communities.

The IRU also supports measures to further strengthen the integrity of the international education system, however we believe that some changes are needed to the proposed ELA Bill as drafted.

International education is an Australian success story, benefitting individual students and delivering significant social, cultural and economic benefits for communities across the nation. The *Education Services for Overseas Students Act 2000* (ESOS Act) and the Tertiary Education Quality and Standards Agency (TEQSA) are critical components of the policy and regulatory framework that ensures the quality of Australian education and the protection of students.

The ELA Bill proposes amendments to the ESOS Act and TEQSA Act, some of which were previously proposed in the *ESOS Amendment Bill 2024*. The previous IRU submission in response to that Bill is available [here](#).

We welcome continued government focus on quality and integrity in international education and the IRU supports many of the proposed measures in this new Bill. We acknowledge the work that has been done by government to update and refine integrity measures to ensure that they are proportionate and risk-based.

However there are still proposed measures in the ELA Bill that require further attention – some of these are issues from the *ESOS Amendment Bill 2024* that have still not been addressed, despite extensive feedback at the time, and some are new issues that have been introduced in this Bill. We provide more detail below on specific areas of concern.

We recommend that the ELA Bill be amended before it is passed, and would be happy to speak with the Committee if we can provide additional information that would be useful in this process.

Proposed integrity measures and changes to the ESOS Act

Prior to and following the introduction of the *ESOS Amendment Bill* in 2024, the IRU has consistently advocated for ongoing work to update and streamline the regulatory framework to ensure quality and integrity in international education. This was also a priority in our joint statement with the Regional Universities Network (RUN) in July this year, where we called for measures from the *ESOS Amendment Bill* to be reintroduced (see [here](#)).

The IRU supports proposed measures such as strengthening the “fit and proper provider” requirements under the ESOS Act, and giving the Department of Education powers to collect information on agent commissions and performance, and to share these with providers.

The ELA Bill also proposes to give ESOS agencies more time to review decisions, along with the power to issue an “interim stay” on decisions. We support these changes but note that nothing has been said about the resourcing and capacity of ESOS agencies (such as TEQSA) to deliver on their role and responsibilities. We submit that issues around the timeliness of decisions and advice could also be addressed by ensuring that TEQSA and other agencies are properly resourced to fulfill their duties.

In our previous submissions and statements, the IRU opposed the Minister having powers to intervene in university enrolments of international students at the level of individual courses. We acknowledge that the ELA Bill proposes that Table A providers would be exempted from Ministerial powers to cancel certain courses and suspend or cancel provider registration, and we welcome the more targeted and risk-based approach from government.

As a general principle, we believe that regulation and government intervention should be proportionate and targeted to the most serious risks, based on clear evidence. While these measures do not apply to universities, we echo concerns raised by other international education providers about a Minister having significant powers (eg. to cancel courses or provider registrations) based only on very broad criteria such as Australian skills shortages or the public interest.

Finally, we recommend that the proposed definition of an education agent in the ELA Bill is still too broad and should be amended. Despite the Minister saying in his second reading speech that the Bill introduces a new definition of education agents which better captures their activities, the text in this Bill is the same as was contained in the *ESOS Amendment Bill 2024*. A number of submissions on the 2024 Bill raised significant concerns about the definition at the time, but that feedback has not been incorporated into this new version.

In our submission last year, the IRU pointed out that the definition as drafted could encompass a range of university staff (in-country staff as well as those engaged in transnational education operations and through third party service providers) as well as federal, state and local government agencies who work to promote Australian international education (such as Austrade, State trade offices and study clusters).

We provide an alternative definition below which could be used as the basis for amendment to the ELA Bill as drafted. At the very least, the ELA Bill should provide a clear schedule of exemptions (who is not captured under the definition) and ensure consistency with the *National Code of Practice for Providers of Education and Training to Overseas Students*. The National Code includes Standards that for example require international education providers to have written agreements in place with each agent. A separate definition of “agent commissions” is also included in the ESOS Act and ELA Bill.

Existing definition in draft legislation:

An education agent is an entity (whether within or outside Australia) that:

- (a) engages in any one or more of the following activities in relation to a provider:
 - (i) the recruitment of overseas students, or intending overseas students;
 - (ii) providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;
 - (iii) otherwise dealing with overseas students, or intending overseas students; and
- (b) is not a permanent full-time or part-time officer or employee of the provider.

Proposed definition:

An education agent is an entity that is contracted by a provider to undertake any one or more of the following activities in exchange for a commission payable for each student recruited:

- (i) the recruitment of overseas students, or intending overseas students;
- (ii) providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;
- (iii) otherwise dealing with overseas students, or intending overseas students.

The definition of an education agent does not include government agencies, or permanent or contracted employees of the provider (including those engaged through a third party or as a consultant) receiving ongoing salary and employment benefits or the equivalent.

Proposed powers for TEQSA on transnational education

The IRU welcomes the government's focus on expanding transnational education (TNE) – our member universities have extensive experience and a strong track record in delivering high-quality Australian education through joint programs and offshore campuses. The IRU group is active in exploring new opportunities for innovative models of TNE into the future.

We acknowledge that as TNE and offshore delivery expand, there may be new and emerging risks, and that government and regulators (such as TEQSA) will need better information. Universities that operate TNE programs already report on these to TEQSA through existing governance and re-registration processes.

The ELA Bill proposes that higher education providers would need to report annually to TEQSA on TNE, as well as seeking pre-authorisation from TEQSA before being able to deliver TNE programs. The Bill proposes that TEQSA would have a 9-month timeline for responding to pre-authorisation requests (with provision for an extended timeline of up to 18 months), but there is no impact assessment of how this would fit with timelines for partnership/business case development and approval timelines for university Councils and host governments. The Bill also states that pre-authorisation will be fee-for-service, but no information is provided on how much this will cost.

We suggest that more information is required before it is possible to assess whether the proposed approach is risk-based and proportionate, and to understand in detail how it will be implemented.

TNE is a broad category that includes a range of different modes of delivery and it is not clear how the proposed approach will be targeted to areas of greatest risk.

As a starting point, we suggest that TEQSA could use its existing powers to gather information on TNE and offshore delivery, which would then underpin an evidence-based approach to further intervention. If these measures are to go ahead in the ELA Bill, we suggest that Table A providers could be exempted in the first instance, while more information is gathered.

Government has implemented a number of other mechanisms in recent years to gather information on the international partnerships entered into by universities, and to better manage risk in international engagement. Institutions comply with the University Foreign Interference Taskforce (UFIT) Guidelines as well as reporting to DFAT under the Foreign Arrangements Scheme, which commenced in 2020 and includes processes for the approval and notification of agreements and partnerships with foreign entities. Public universities are covered by the Scheme. Earlier this year, the Foreign Minister tabled the report of the legislative review into the Scheme, which recommended streamlining of processes and the exempting of certain education partnerships.

There is also a separate process currently underway to review the TEQSA Act – the Department of Education’s consultation on *Modernising and Strengthening TEQSA’s Powers*. The IRU submission to this process from October 2025 is available [here](#). We recommend that TEQSA works with international education providers to gather better information about TNE and offshore programs, and that this evidence is then used to underpin a proportionate and risk-based approach, with any legislative change done through the TEQSA process already underway, rather than through this Bill.