



14 November 2025

Senator Marielle Smith
Chair, Senate Education and Employment Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair

Subject: Education Legislation Amendment (Integrity and Other Measures) Bill 2025

The University of Melbourne welcomes the opportunity to respond to the Senate Education and Employment Legislation Committee on the *Education Legislation Amendment (Integrity and Other Measures) Bill 2025*. The University generally supports the Bill, particularly the introduction of demand-driven Commonwealth-supported places (CSPs) for First Nations medical students, which we strongly endorse as an important step toward improving equity. The proposed amendments to the *Education Services for Overseas Students Act 2000* (ESOS Act) are also consistent with those the University supported in the earlier *Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024* (the ESOS Bill). However, the University has concerns with certain aspects of the Bill, including the broad definition of education agents, the potential regulatory burden arising from amendments to the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act), and the proposed exemptions from parliamentary disallowance for certain Ministerial instruments.

Demand-driven CSPs for First Nations medical students

The University strongly supports measures in the Bill to expand demand-driven CSPs for First Nations students to designated medical places. This is important not only as a matter of equity but as a national health priority. Boosting the number of First Nations doctors is critical for addressing inequities in communities experiencing poorer health outcomes.

In 2020, the University established a dedicated Indigenous MD entry pathway and removed the GAMSAT requirement, introducing an interview-based admissions process designed and led by Indigenous staff. As a result, Indigenous student enrolments have increased markedly. The program continues to evolve in response to evidence and community feedback. Twenty-five Indigenous students have graduated from the program, and more than 30 are currently progressing through the course. This represents almost a four-fold increase in First Nations students studying medicine at the University of Melbourne in the past few years, and we expect future growth and expansion as we continue to refine the program and supports we provide.

These changes and initiatives are supported by a growing network of Indigenous staff. The Wurru Wurru Health Unit, established in 2022 within the Melbourne Medical School, together with an Indigenous Wellbeing Practitioner, provides culturally-grounded support for students. We also have an Indigenous Development Unit to support and champion First Nations staff and students, as they pursue careers in higher education and healthcare. Indigenous students now have greater autonomy over clinical placements and access to cohort-based tutorials and learning environments that embed cultural safety and belonging.



The University is committed to ensuring that the uncapping of medical CSPs for First Nations students is matched by the necessary supports to enable their success. Uncapping places is an essential first step; however, ensuring students thrive requires targeted investment in comprehensive wrap-around academic and pastoral support. Expanding and supporting participation in regional areas must also be prioritised to ensure that these opportunities reach communities where the need and potential impact are greatest.

When these students succeed, the benefits extend beyond individual achievement to stronger communities, enhanced healthcare delivery, and a more equitable health system. The University looks forward to continuing to work with government and Indigenous partners to foster the next generation of First Nations medical leaders.

Integrity measures

As highlighted in the University's [submission](#) on the previous ESOS Bill, the University supports the intent of the integrity measures contained in this Bill. These measures address concerns raised by the Migration Strategy, the Nixon Review, and the Interim Report into International Education by the Joint Standing Committee on Foreign Affairs, Defence and Trade. These reviews identified instances of exploitation of overseas students in Australia, particularly within the private VET sector. The Bill aims to establish formal mechanisms to prevent inappropriate conduct by providers and education agents. This includes enhancing information-sharing about education agents, tightening the fit and proper requirements for providers, and increasing registration requirements for those offering courses to overseas students. The University has supported similar measures previously, including in our [submission](#) to the 2022 ESOS review.

While the University supports amendments to improve education agent integrity, we remain concerned that the definition of education agent is still too broad. As currently drafted, the definition could include an overseas institution (e.g. an exchange partner or network of secondary schools) that promotes study at an Australian institution under a partnership agreement, with no financial connection between the two. This could make reporting requirements challenging. The definition should be amended to state that an education agent is not an education institution with whom an Australian provider has an agreement for the provision of education (i.e. teaching activities) unless the institution receives monetary or non-monetary remuneration from the Australian provider.

The University strongly supports clearer definitions and reporting requirements for agent commissions and incentives. The University understands the rationale for banning commissions related to onshore student transfers, but consideration should be given to genuine student-initiated transfers to avoid unintended consequences. If the ban related to onshore commissions is implemented, providers will require clear guidance and a consistent definition of "onshore commission" to understand which activities fall within scope.

Beyond the measures already included in the Bill, the Government should consider requiring that students who transfer between institutions within Australia obtain a new student visa linked to their new institution. At present, institutions that lose students to other institutions face penalties for non-compliance, even though this situation is beyond their control. Making an amendment to require a new student visa would help close this loophole.

To support institutions in their due diligence, the University would welcome better data-sharing between providers and the Department of Home Affairs or TEQSA in relation to problem agents. This could include the development of an agent performance dashboard or reporting framework accessible to providers, displaying agent outcomes such as progression and completion rates, as well as integrity performance indicators (visa refusal rates, complaints, etc.). Given the need to review and amend existing agent agreements and partnership arrangements, the University recommends a clear transition period before new requirements take effect.

Recommendations:

- *Amend the education agent definition so that it excludes an overseas institution (for example, an exchange partner) that promotes study at an Australian institution under a partnership agreement.*
- *Consider unintended consequences of bans on onshore commissions and provide clear guidance and a consistent definition to aid compliance.*
- *Amend the Bill to require students transferring between Australian institutions to obtain a new student visa attached to their new institution.*
- *Introduce improved data-sharing between providers and the Department of Home Affairs or TEQSA in relation to problem agents.*
- *Establish a clear transition period before new requirements take effect.*

Expansion of TEQSA's remit

Part 9 of Schedule 1 to the Bill requires providers to receive authorisation from TEQSA before delivering Australian courses of study offshore, notify TEQSA of any new or changed offshore delivery arrangements, and provide an annual report to TEQSA detailing their offshore delivery arrangements. The University notes that this amendment to the TEQSA Act pre-empts the Department of Education's ongoing review of the same Act. The Explanatory Memorandum states that the requirements "minimise the additional burden on providers while facilitating the expansion of higher quality transnational education in a diverse set of markets." However, the need to provide annual reports on offshore delivery is a significant administrative burden for both providers and TEQSA.

The Bill clarifies that courses that are not "offshore provided Australian courses of study" do not require authorisation. For example, courses which involve a formal exchange or study abroad agreement, where a student undertakes study with an offshore provider for up to a year and receives credit towards their Australian course of study, do not require authorisation. Yet it is unclear whether other programs, such as 2+2 arrangements where students study half their degrees in their home country and half with an Australian institution, would require authorisation. The University recommends that these types of arrangements be exempted from the requirements.

Clauses 44A (3) and 44A (4) introduce further uncertainty for the sector, as the Minister is granted the power to determine that a course or class of courses are not offshore provided Australian courses of study. This power is granted seemingly without having to have regard to objective and measurable criteria and without consultation.

Recommendation:

- *Clarify the definition of "offshore provided Australian courses of study," excluding dual degrees involving formal agreements between Australian providers and offshore providers.*

Ministerial powers to suspend or cancel courses

The Bill grants the Education Minister the power to automatically suspend or cancel courses at non-Table A providers where there are systemic issues in the standard of delivery, where the courses provide limited value to Australia's skills needs and priorities, or where it is in the public interest to cancel courses. As [noted](#) by higher education policy expert Professor Andrew Norton, this creates rule of law issues, making it hard to know the rules



in advance. Additionally, unlike the equivalent provisions in the previous ESOS Bill, this Bill no longer requires the Minister to consult with TEQSA or ASQA. Instead, the Minister must consult “such persons or entities” from those specified in an instrument as “the Minister considers appropriate.” It is unclear why this requirement was amended. Noting the regulators’ role in assuring quality of delivery, it is important they are involved in these decisions.

Recommendation:

- *Require the Minister to consult with TEQSA and ASQA before making an instrument to automatically suspend or cancel courses.*

Ministerial powers not subject to disallowance

The Bill grants the Education Minister the power to determine that ESOS agencies may not, or must not, process applications made by providers for registration or applications made by registered providers to add courses to their registration. The Minister is also granted the power to suspend providers from making applications to add courses to registration until after a certain day. The Explanatory Memorandum states that the Minister would only use these powers in limited circumstances, such as where the Minister has concerns relating to the integrity or sustainability of the international education sector.

Instruments made under these sections are not subject to disallowance. The Explanatory Memorandum explains that this is because disallowance “may cause uncertainty for the operations and functions of ESOS agencies, and for providers, as the instrument is to be relied upon from the date it takes effect.” This could set a concerning precedent. The Senate Standing Committee for the Scrutiny of Bills [stated](#) it “does not consider that the explanatory statement has identified an exceptional circumstance that sufficiently justifies the proposed exemption from the usual disallowance process.” The Committee requested the Minister’s detailed advice as to the exceptional circumstances that justified the exemption and whether the Bill could be amended to provide that these directions are subject to disallowance to ensure that they are subject to appropriate parliamentary oversight.

Recommendation:

- *Ensure instruments under the Bill are subject to disallowance to ensure sufficient parliamentary oversight.*

For further information or to discuss this submission, I can be contacted at michael.wesley@unimelb.edu.au.

Yours sincerely

A handwritten signature in black ink that reads 'Michael Wesley'.

Professor Michael Wesley
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