



Australian Government

Department of Education, Employment and Workplace Relations

Terms of Reference for the review of the *Education Services for Overseas Students (ESOS) Act 2000* and associated regulatory and legislative frameworks

The Australian Government has brought forward the planned 2010-11 review of the legal framework for the provision of education services to international students in the context of significant growth in the number of overseas students, the changing composition of the international student body and emerging issues in the sector.

This Review will examine the operation of the *Education Services for Overseas Students (ESOS) Act 2000* and associated regulatory and legislative frameworks, including the National Code. It will look at the adequacy of the current ESOS legal framework to identify and address any areas for improvement to ensure Australia offers a world-class, quality international education in this changing environment.

The Review will be conducted in parallel with a number of related processes, notably the development of a National International Student Strategy under the Council of Australian Governments (COAG) and the establishment of the Tertiary Education Quality and Standards Agency (TEQSA).

The key objectives of the current ESOS Act (see s.4A) are:

- (a) to provide financial and tuition assurance to overseas students for courses for which they have paid
- (b) to protect and enhance Australia's reputation for quality education and training services
- (c) to complement Australia's migration laws by ensuring providers collect and report information relevant to the administration of the law relating to student visas.

The Review will consider the need for enhancements to the ESOS legal framework in the following four key areas:

1) Supporting the interests of students

This will include a focus on:

- the adequacy and accuracy of information for students
- protection of students as consumers
- consistent treatment of students regardless of location or provider
- provider accountability
- broader support for students.

2) Delivering quality as the cornerstone of Australian education

This will include a focus on:

- nationally consistent quality
- quality of providers entering the market
- mechanisms for ongoing monitoring, quality assurance and quality improvement of registered providers.

3) Effective regulation

This will include a focus on:

- clarity of roles and responsibilities under the framework
- identification and management of risks
- efficient and streamlined regulatory arrangements which minimise the regulatory burden on providers
- timely and effective enforcement of compliance.

4) Sustainability of the international education sector

This will include a focus on:

- provider sustainable business strategies
- preparing for the transfer of the ESOS regulatory functions to TEQSA by 2013
- transition arrangements for any industry adjustments required in response to this Review.

Process and timeframe for the Review

The Deputy Prime Minister, the Hon Julia Gillard MP, has appointed the Hon Bruce Baird to undertake the ESOS Review under the agreed Terms of Reference, with secretariat support provided by the Australian Government Department of Education, Employment and Workplace Relations (DEEWR).

An issues paper will be released on the Australian Education International website in September 2009, outlining the key issues for the international education sector and inviting written submissions from interested stakeholders on specific consultation questions by the end of November 2009.

At the same time, the Reviewer will hold targeted forums with key stakeholders, including state and territory government officials, regulatory bodies, education providers, student bodies and diplomatic missions.

Feedback from the scheduled roundtable with international student representatives in Canberra in early September 2009 will also inform the Review.

An interim report from the Review will be available for consideration by COAG in November 2009 with a final report expected in early 2010.