

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 1 – Streamlining registration processes</p> <p>Providers will apply directly to their ESOS agency for:</p> <ul style="list-style-type: none"> • initial registration • renewal of registration • adding courses at locations to an existing registration. <p>The ESOS agency must use a risk management approach when making a decision.</p>	Support	We support simplification of the processes for CRICOS registration, with clear roles for the relevant ESOS agency.
<p>Schedule 1 – Meeting registration requirements</p> <p>The ESOS agency for a provider must be satisfied that the provider is complying, or will comply, with the ESOS Act and the National Code, and the ELICOS or Foundation Program Standards (as relevant).</p> <p>The ESOS agency should have no reason to believe the provider has not been providing or will not provide education of a satisfactory standard to overseas students.</p>	Support	We support the enforcement of appropriate regulatory compliance requirements on providers to ensure ethical treatment of students, and the reputation of the industry.

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 1 – Imposing conditions on registration</p> <p>An ESOS agency will decide whether to impose, vary or remove conditions on a provider’s registration at any time during that registration.</p>	Support	We support the ESOS agency’s capacity to intervene as necessary at any point during a registration period.
<p>Schedule 1 – Use of other relevant information</p> <p>Use of relevant information by the ESOS agency to assess applications for registration or reregistration or adding courses at locations where information has been received for other purposes but is relevant to the application under ESOS, for example registration under the TEQSA Act or NVETR Act.</p>	Support	We support the use of all relevant information to manage risk in a measured and proportionate manner.
<p>Schedule 1 – Aligning registration periods</p> <p>Remove the minimum registration period and extend the maximum registration period to 7 years.</p>	Support	We support this proposal to align registration periods, and reduce red tape for providers.

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 1 – Extension of registration</p> <p>The ESOS agency may extend a provider’s registration, using a risk management approach when making the decision, for the purpose of aligning domestic and international registrations.</p>	Support	<p>Ditto</p> <p>We believe an extension would be provided no more than once in any given registration period.</p>
<p>Schedule 1 – Exemptions for certain providers</p> <p>Continue to exempt certain providers from some ESOS Act requirements (e.g. fit and proper person).</p>	Support	<p>This really maintains the status quo.</p>
<p>Schedule 1 – Continuation of a provider’s registration</p> <p>Allow providers to continue to teach students who had enrolled in a course before the registration expired, but clarify that the provider cannot recruit or enrol new students after the expiry date of its registration.</p> <p>If a provider applies to renew its registration, the registration will continue until the ESOS agency has made a decision on an application to renew a provider’s registration.</p>	Support	<p>In the interests of student welfare and allowing providers to meet their obligations, we support these proposals.</p>

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 1 – Automatic suspension and cancellation of registration</p> <p>If an ESOS agency is no longer satisfied a registered provider is fit and proper, the provider’s registration is automatically suspended for all courses at all locations.</p> <p>Where a higher education or VET provider’s registration under domestic frameworks is cancelled, the provider’s CRICOS registered courses will automatically be cancelled.</p> <p>For schools, if approval of the school by a state or territory ceases, CRICOS registered courses are automatically cancelled.</p>	Support	We support automatic suspension or cancellation of CRICOS registration in these instances.
<p>Schedule 1 – Authorised officer</p> <p><i>‘Authorised officer’</i> replaces <i>‘authorised employee’</i> consistent with the TEQSA Act and NVETR Act.</p>	Support	We support this alignment of terminology.

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 1 – Breaches of ELICOS Standards or Foundation Program Standards</p> <p>Enforcement action may be taken by an ESOS agency for a breach of the ELICOS Standards or Foundation Program Standards.</p>	Support	We support the ability of an ESOS agency to take enforcement action, but expect any such action would be proportionate to the breach, and after any appropriate warning.
<p>Schedule 1 – Publication of enforcement actions</p> <p>An ESOS agency may publish results of enforcement and monitoring actions taken (in a way set out by legislative instrument).</p>	Support	We support such publication in the interests of transparency and consumer information.

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 2 – Internal review of certain decisions</p> <p>Providers will be allowed to seek an internal review of some decisions made by the relevant ESOS agency where previously only appeal to the Administrative Appeals Tribunal was available.</p> <p>Appealable decisions include:</p> <ul style="list-style-type: none"> • refusal of initial registration • refusal of registration renewal • refusal to add a new course at a location • decision to take enforcement action against a registered provider under section 83 of the ESOS Act. 	Support	We support this intermediary step as a simpler and potentially faster process. We understand the provider retains the right to appeal to the AAT direct, or after any internal review.

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 3 – Ministerial directions</p> <p>The Minister responsible for the administration of the ESOS Act will be able to direct an ESOS agency in the performance of its functions.</p> <p>The Minister must not, however, give a direction about or in relation to a particular provider or registered provider.</p>	Support	We support the power of the Minister to direct an ESOS agency, but not in relation to a particular provider.
<p>Schedule 4 – TPS Director to issue production notices</p> <p>Allow the TPS Director to issue production notices, consistent with powers given to ESOS agencies.</p> <p>The TPS Director will be assisted by a ‘TPS officer’, who will have defined roles and responsibilities.</p>	Support	We support consistent powers across various ESOS agencies.

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 4 – TPS Director recommendation to ESOS agency</p> <p>The TPS Director can make a recommendation to an ESOS agency that the agency take enforcement action under section 83(1A) of the ESOS Act.</p> <p>The ESOS agency must consider the TPS Director’s recommendation when deciding to take action against a provider.</p>	Support	We support closer liaison between different ESOS agencies in enforcing ESOS.
<p>Schedule 5 – Student default reporting</p> <p>Remove the requirement on providers under section 47C of the ESOS Act to report a student default to the Secretary and the TPS Director.</p> <p>Where there has been a student default, providers must still report that they have met their obligations to students in cases of visa refusal or where there is no compliant written agreement between the provider and the student.</p>	Support	We support removing the current requirement for providers to report student defaults; we support also the removal of the requirement to report student refunds, except under section 47E (visa refusal or no written agreement).

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 5 – Information about accepted students (including student course variation)</p> <p>Reporting period extended to be within 31 days, except where the student is under 18 years of age, which requires reporting within 14 days.</p>	Support	We support the general extension of the reporting period, which reduces administrative red tape when genuine students enrol late.
<p>Schedule 5 – Changes to the collection of tuition fees</p> <p>Students or third parties will be allowed to pay more than 50 per cent of tuition fees up front if:</p> <ul style="list-style-type: none"> • a request is made to do so (by the student or a third party), or • the course has a duration of 24 weeks or less (is a short course). <p>Removal of the restriction on the subsequent collection of fees (which also relates to a study period).</p>	<p>Support</p> <p>Do not support</p> <p>Support</p>	<p>We support these proposals, except the requirement that only 50% of the fees can be collected before the course start of courses of 24 weeks or less.</p> <p>This creates unnecessary red tape (double invoicing, chasing students) for some providers, especially ELICOS, where 30 and 40 weeks are common ELICOS periods for many students in a higher education package.</p> <p>We appreciate the concerns in the Regulation Impact Statement regarding removal of all restrictions on fee collection. If the constraint is to be a limit on pre-payment based on course duration (rather than other options), we recommend (subject to some further modelling) extending the course duration where the total fee can be collected upfront to at least 30 weeks, and preferably longer. We do not expect this would greatly increase risk of excessive calls on the TPS, while reducing the administrative burden for many providers.</p>

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 5 – Removal of designated account requirement</p> <p>Remove the specific provisions requiring a designated account in which all non-exempt providers must hold tuition fees paid by students prior to commencement of a course.</p>	Support	We support removal of the requirement for a designated account, as it provided little real protection against provider default.
<p>Schedule 5 – Removal of the definition of ‘study period’</p> <p>Remove the definition of and references to a ‘study period’ and associated requirements.</p>	Support	The concept of a “study period” is no longer required in the legislation. In higher education, most providers will continue to operate on a semester or trimester calendar, and collect fees on a similar basis.
<p>Schedule 5 – Reminder notices for late payments of charges</p> <p>Providers to be sent reminder notices for the annual registration charge where they have failed to pay by the due date and automatic suspension would occur.</p> <p>New provisions are consistent with current arrangements for late payments of the TPS Levy.</p>	Support	We support consistent processes, and a reminder in cases of a payment oversight.

ADDITIONAL COMMENTS ON THE BILL (MAXIMUM 500 WORDS)

Overall the Bill goes a long way in aligning legislation, simplifying provider reporting and administration, and strengthening regulatory powers. We support these objectives. The consultation process has been open and exhaustive; this is much appreciated by COPHE and our members.

EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT (STREAMLINING REGULATION) BILL 2015

PROPOSED MEASURES	SUPPORT/DO NOT SUPPORT/NEUTRAL	COMMENTS (MAXIMUM 300 WORDS)
<p>Schedule 1 - Charging arrangements</p> <p>As a result of removing the two-year minimum registration period, the entry to market arrangements are clarified to ensure a new provider is not charged twice if its initial registration period is less than two years and it seeks renewal.</p>	<p>Support</p>	<p>We support; a provider should not be charged twice in such a short time period.</p>