Regional Universities Network

SUBMISSION

14 November 2025

The Regional Universities Network (RUN) welcomes the opportunity to provide the following submission to the Education Legislation Amendment (Integrity and Other Measures) Bill 2025 inquiry.

RUN is a national collaborative group of seven regional Australian universities:

- Charles Sturt University,
- CQUniversity Australia,
- Federation University Australia,
- Southern Cross University,
- University of New England,
- University of Southern Queensland, and
- University of the Sunshine Coast.

This submission reflects the positions of RUN institutions, and in doing so, also aims to represent the views of the communities which RUN universities serve; the one-third of Australians who live outside of metropolitan centres in regional, rural and remote locations.

Overview

RUN's submission to this inquiry is focussed upon Schedule 1 of the Bill. RUN appreciates the integrity-driven intent of the proposed legislative amendments (pertaining to Schedule 1, Parts 1-9) but holds concerns about the high risk of unintended policy consequence arising from the specific design of that proposed, as discussed below.

Schedule 1 Part 1—Education agents and commissions

The proposed attempt to set a definition of the term 'agent' creates complex and unworkable implications for good faith university providers and their prospective students. The proposed definition of what constitutes an agent is poorly structured and impracticably wide, resulting in the definition capturing many unintended entities and compromising their good-faith interactions with universities. RUN offers a more nuanced alternative definition of an education agent as a formal recommendation in the discussion below.

Schedule 1 Parts 2 – 8 (Integrity measures)

It is vital that Australia's international student sector maintains high degrees of both integrity and social licence, for its continued success and global reputation. Australia's higher education providers have consistently been high integrity, low risk participants in the international student sector over many decades.

Schedule 1 Part 9—TEQSA

RUN does not believe a case has been made for the broadening of TEQSA's legislative powers, nor a dilution of its regulatory focus. Australia's universities have proven – consistently over many decades – to be high-integrity, low-risk institutions who approach the offshore delivery of their world-class education products in good faith and with robust reliability. As such, RUN recommends that all Table A university providers who currently meet the Higher

Education Standards Framework (the Threshold Standards) be exempt from the need to seek authorisation for offshore course delivery.

Schedule 1 Part 10—Indigenous medical students
RUN welcomes a removal of caps on Commonwealth Supported Places for First Nations medical students through the proposed amendments to the Bill.

A more detailed response to the proposed amendments relating to Schedule 1 of the Bill is provided below.

Schedule 1

Part 1 6BA – Meaning of Education Agent
RUN opposes unscrupulous actors participating in our international student sector and acknowledges the acute risks such actors pose to the integrity and reputation of Australia as a world class destination for education.

Issue
RUN believes the attempt to define an 'education agent', as a proposed legislative response to obstruct bad actors, has unfortunately been poorly designed and will inevitably result in unintended policy consequence. The proposed definition is impractically broad and unnuanced. This risks the definition capturing many unintended entities that would never otherwise be recognised as an education agent, while creating complex and unworkable compliance implications for good faith university providers and their prospective students alike (with specific examples provided below).

Solution
These unintended outcomes can be avoided with a more nuanced definition of an 'education agent', while still preserving the integrity-driven outcomes of the legislative intent. RUN recommends the following as an alternative definition of an Education Agent:

> *An education agent is an entity that is engaged by a provider to recruit overseas students and in doing so supports the overseas student to submit their application for admission to that provider. An education agent does not include Government agencies/ bodies nor full-time or part-time officers or employees of the provider (including those engaged overseas through a third party).*

Similarly, the British Council definition of an education agent offers a more nuanced alternative for consideration:

> *A person or organisation that deals directly with prospective international students on behalf of educational institutions. They are contracted directly or indirectly to deliver a range of services to potential students and the educational institutions. To a student, these services would ordinarily include education counselling, such as course and institution matching, and assistance with academic and visa applications. To an educational institution, services usually include marketing and promotion services and support in identifying qualified students.*

Rationale
6BA of the Bill proposes the new meaning of an education agent to be:

> *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.*

It is likely that several distinctly non-agent entities would be unintentionally captured under the proposed broad definition of an education agent, resulting in highly consequential outcomes for good faith university providers and their students. Examples include:

- University Vice-Chancellors, senior university staff, student mentors and student ambassadors, given the nature of their fixed-term/casual employment contracts.
- The potential that the 'StudyLink' admission systems, used by almost all universities, may breach legislation relating to commission bans as it not possible to prevent transfer students from applying to the university. Under contractual terms, StudyLink receives a small fee (~$10) per application.
- The 'Flywire' and 'Convera' payment systems, which alongside the 'Studylink' admissions system being defined as an education agent, will result in universities not being able to receive applications, nor accept payment of students seeking to transfer providers in instances such as compassionate grounds.
- University offshore staff (not directly employed by the university but via third parties such as Grok or Navitas on a salary basis due to legal arrangements in the host country).
- University articulation partners.
- University partners operating campuses under TEQSA notified Third Party Arrangements.
- Companies producing digital brochures like 'eduKUDU' or managing hard copy brochures like those produced by 'Ascent One', as well as companies involved in producing marketing or social media content.

The new definition of an education agent, alongside aspects of the proposed amendments relating to commissions, would unintentionally invoke other complex and largely unworkable implications for good faith university providers and their prospective students.

Individual student applications to universities may conceivably involve multiple 'agents' captured by the proposed definition. For example, the 'StudyPortals' systems which captures the lead; the actual agent (for instance, the highly reputable international education specialists IDP) which counsels the student, lodges the application for admission and the application for the Student visa; the 'StudyLink' admissions system; the 'Flywire' system used to receive payment; the offshore staff member who conducts the Genuine Student check; and potentially a university's offshore (outsourced) team that processes admission. Further advice will need to be provided as to how this is to appropriately reflected in PRISMS.

For transfer students, consideration will need to be given to the operation of Third-Party Managed campuses (for instance, by Navitas or ECA), including for Pathway Colleges. If such staff are to be defined as education agents, then it would appear that there is little option but for universities to turn away transfer students (including those acting under compassionate circumstances) so as not to breach the forthcoming code changes.

The additional reporting obligations imposed by the proposed amendments – particularly those in relation to commission, will inevitably create significant additional reporting and monitoring requirements for universities, including, for instance, the need to introduce and resource entirely new internal systems. It will be challenging to effectively report and identify all commission payments (given the wide reach of the proposed definition of an education agent) as routine activities such as familiarisation trips are not typically captured in the same way as traditional commission payments. This will create considerable pressure upon smaller, regional universities when having to resource additional compliance at the expense of teaching and student experience. Much of this additional compliance burden could be avoided following a more nuance reconsideration of the definition of an education agent.

Parts 2 – 8 (Integrity measures)

Australia's public universities have proven to be high integrity, low-risk participants in Australia's international education sector. Higher Education providers are consistent, good faith actors in implementing and complying with Government policy and legislation. RUN welcomes the Government's recognition of the historic performance of Australian universities when engaging with the international education sector, and supports the exemption of higher education providers from the purpose and intent of Parts 2 – 8 (Schedule 1) of the Bill.

Part 9—TEQSA

RUN finds it concerning that the proposed reforms to TEQSA's powers contained within the amendments to this Bill are occurring in isolation to the separate process of reviewing the TEQSA Act via the Department of Education's Modernising and Strengthening TEQSA's Powers consultation process. The uncoordinated approach to TEQSA reform occurring under these two unaligned processes carries a high potential of unintended consequences.

RUN does not believe that an adequate case has been made to justify the further broadening of TEQSA's powers. Australian universities have consistently proven to be high-integrity, low-risk institutions who approach the offshore delivery of their world-renowned education products as good faith, reliable service providers.

RUN recommends that all Table A university providers be exempt from the need to seek authorisation for offshore course delivery, not just those providers who may already be engaged in offshore delivery. Further, it makes little sense that those Table A providers already active in offshore delivery would be assumed to be acting in good faith, while future Table A providers (who would similarly meet the established Threshold Standards) would be subjected to a costly and lengthy process of additional authorisation, should they seek to enter new offshore markets after a certain date.

RUN believes that all Table A providers who currently meet the Threshold Standards for their Australian-based higher education activities should be granted automatic provider-

level exemption from seeking authorisation to respond to offshore education delivery opportunities. This would allow TEQSA to focus on its core duties of regulating against the Threshold Standards under the powers it already has, while avoiding a dilution of its finite resources and capabilities via additional, unnecessary regulatory powers and responsibilities.

RUN holds specific concerns about the proposed timeframes associated with TEQSA's processes as outlined in 44C (2) and (3). Providers having to wait up to 18 months for TEQSA to make a decision is an unacceptably long period – even more so where TEQSA is receiving a fee for this service. This is compounded further by 44C (6) TEQSA is taken to have rejected the application if a decision is not made within the time period.

Part 10—Indigenous medical students

RUN welcomes and supports the removal of caps on Commonwealth Supported Places for First Nations medical students through the proposed amendments to the Bill. RUN acknowledges the general policy direction of the Government's higher education reforms that seek to provide greater support towards underrepresented student cohorts, and the universities that these cohorts rely upon, particularly those reforms driven by the outcomes of the Australian Universities Accord. The students of RUN universities stand to benefit the most from the equity objectives of current higher education policy direction, with RUN universities hosting the highest concentrations of enrolments of underrepresented student cohorts in the sector. For instance, while RUN universities collectively enrol approximately 12 per cent of all domestic undergraduate students currently studying at an Australian university, it is the case that one in every four First Nations students nationally are attending a RUN university[1]. Similarly, RUN enrols approximately 21 per cent of all students from a low-socioeconomic background, 28 per cent of all regional, rural and remote students, and 13 per cent of all students living with a disability[2]. RUN is proud that its graduates consistently record higher rates of employment, starting salaries, and satisfaction with their educational experience, than the national (all universities) average[3].

For further information please contact the RUN Secretariat on +61 408 482 736 or at info@run.edu.au.

1 Department of Education, Selected Higher Education Statistics – 2024 Student data, accessed at https://www.education.gov.au/higher-education-statistics/student-data/selected-higher-education-statistics-2024-student-data

2 ibid.

3 Australian Government, Quality Indicators for Teaching and Learning (2024), accessed via: www.qilt.edu.au/