



Education Amendment (School Providers for Overseas Students) Bill 2013 (Proof)

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EDUCATION AMENDMENT (SCHOOL PROVIDERS FOR OVERSEAS STUDENTS) BILL 2013

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Second Reading

The Hon. JOHN AJAKA (Parliamentary Secretary) [5.19 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The object of the Education Amendment (School Providers for Overseas Students) Bill 2013 is to amend the Education Act 1990 to enable the Board of Studies NSW to maintain the current system of regulating school providers of courses to overseas students upon the repeal of the transitional arrangement under which the board currently carries out these functions. I emphasise that this bill is not intended to change current arrangements; it will simply put provisions currently in a transitional regulation into principal legislation. Historically, both school and non-school providers of courses to overseas students in New South Wales were regulated by the former Vocational Education and Training Accreditation Board.

The relevant provisions were provided for in the now repealed Vocational Education and Training Act 2005. In February 2010 the former Labor Government's response to the findings of the NSW Ministerial Taskforce on International Education included a recommendation that the Board of Studies NSW be given the delegation to regulate schools seeking to deliver courses to international students. This role complemented the board's existing regulatory role in relation to schools. Consequently, from October 2010 the Board of Studies became the designated authority under the Vocational Education and Training Act regarding the approval of school providers to deliver courses to overseas students.

As the designated authority, the Board of Studies is responsible for the oversight of compliance with the requirements set out in legislation, regulations and guidelines regarding overseas students as defined under the Commonwealth Education Services for Overseas Students Act 2000 and the Commonwealth Register of Institutions and Courses for Overseas Students, referred to as CRICOS. The board's approval of the providers concerned forms the basis for the Secretary of the Commonwealth Department of Education, Employment and Workplace Relations to register those providers under the Commonwealth Act and place them on the register. The change to regulation of school providers coincided with the establishment of a new national vocational education and training framework. This included the enactment of the National Vocational Education and Training Regulator Act 2011 and establishment of a national regulator, the Australian Skills Quality Authority.

On and from 30 June 2011, New South Wales referred its powers regarding non-school providers of courses to overseas students to the Commonwealth. In New South Wales, this involved the repeal of the Vocational Education and Training Act. Following that repeal, and to preserve the board's functions, the board continued to approve and regulate the providers under transitional arrangements set out in the New South Wales Vocational Education and Training (Commonwealth Powers) (Transitional) Regulation 2011. That regulation is to be repealed at the end of June 2013. While the transitional provisions were appropriate during the interim period when the non-school provider functions were transferred to the Commonwealth, the function that the Board of Studies retains is not transitional in nature and should be situated in principal legislation. Hence, I present this bill today.

I turn now to the specific provisions contained in schedule 1 to the bill. The schedule initially makes some housekeeping amendments relating to the change of name to the Department of Education and Communities. The majority of the new provisions in the schedule are contained in a new part 7A—Approval to provide courses to overseas students—to be inserted in the Education Act. The new part 7A inserts sections 83A to 83H, which set out the main provisions relating to approval of providers of courses to overseas students as defined under the Commonwealth Act. These provisions relate to powers of the Board of Studies in relation to the approval to provide courses to overseas students and the inspection of premises, and the amendment, suspension or cancellation of approval.

The bill also amends existing provisions of the Education Act in order to add the approval of providers of courses to overseas students to the existing functions and rule-making powers of the Board of Studies, an avenue of appeal in relation to decisions of the board in this regard to the existing decisions of the board that may be appealed to the

Administrative Decisions Tribunal, and the requisite powers of inspection and entry to premises to allow the board to monitor compliance with requirements for approval. The bill finally provides for consequential and transitional provisions, the latter as a consequence of the repeal of the Vocational Education and Training (Commonwealth Powers) (Transitional) Regulation 2011 and the enactment of the proposed amendments to the Education Act.

Relevant key stakeholders have been engaged in consultation on both the current and proposed form of these provisions. The Board of Studies has consulted with the Catholic Education Commission of NSW, the Association of Independent Schools, and the Department of Education and Communities—both when these powers were originally conferred on the board and in respect of these proposed changes. They remain satisfied with the arrangements and confident that the board will uphold appropriate standards. While the bill will amend the Education Act to continue current practice, it has the benefit of consolidating the functions of the Board of Studies in one statute and facilitating the better integration of the board's regulatory role in relation to schools. I commend the bill to the House.