

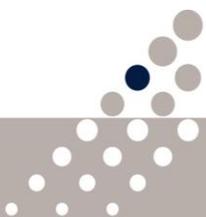


Independent Schools  
Council of Australia

**House of Representatives Standing Committee on Education and  
Employment**

**Inquiry into Bills referred on 22<sup>nd</sup> September:  
Education Services for Overseas Students Legislation Amendment (Tuition  
Protection Service and Other Measures) Bill 2011;  
Education Services for Overseas Students (TPS Levies) Bill 2011; and  
Education Services for Overseas Students (Registration Charges)  
Amendment Bill 2011**

**Submission by  
The Independent Schools Council of Australia (ISCA)**



## Introduction

### *About ISCA*

*The Independent Schools Council of Australia (ISCA) is the peak national body covering the independent schools sector. It comprises the eight State and Territory Associations of Independent Schools. Through these Associations, ISCA represents a sector with nearly 1,090 schools and around 550,000 students, accounting for nearly 16 per cent of Australian school enrolments.*

*Independent schools are a diverse group of non-government schools serving a range of different communities. Many independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:*

- *Schools affiliated with larger and smaller Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools*
- *Non-denominational Christian schools*
- *Islamic schools*
- *Jewish schools*
- *Montessori schools*
- *Rudolf Steiner schools*
- *Schools constituted under specific Acts of Parliament, such as grammar schools in some states*
- *Community schools*
- *Indigenous community schools*
- *Schools that specialise in meeting the needs of students with disabilities*
- *Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.*

*Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example the Lutheran systems. Systemic schools account for 16 per cent of schools in the independent sector.*

*Independent Catholic schools are a significant part of the sector, accounting for 10 per cent of the independent sector's enrolments. These schools have been included in the figures above.*

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## Key Points

- The independent schools sector differs markedly in nature from other education sectors engaged in international education. It is therefore important to understand the differences between this sector and other education sectors when drafting and implementing new legislative requirements in order to avoid unintended consequences.
- ISCA contends there is a case for independent schools to be treated as low risk institutions that provide reliable, high quality education services to overseas students on the basis that there is already a significant amount of regulation and legislation covering accreditation of non-state schools, as well as the enrolment of overseas students in Australian educational institutions which independent schools generally address as individual providers.
- It is important that, for CRICOS registration of non-government schools, regulatory authorities consider the impact of implementation of these legislative changes on the school sector within the broader context of recent reforms implemented or being implemented as a result of both the Baird Review of ESOS and the Knight Review of the Student Visa Program, and ensure that any changes to procedures and processes take into account ongoing provider obligations for student welfare under Standard 5 of the National Code of Practice .

## Recommendations

1. Non-government schools are not penalized financially overall by the introduction of new compliance fees and charges, and new imposts are applied equitably.
2. DEEWR and DIAC have an integrated approach to implementing reforms recommended by the Baird and Knight Reviews, and consult with the school sector to avoid unintended consequences of policy changes.
3. DEEWR and DIAC provide clear and detailed advice and, where necessary, PRISMS training, to providers regarding changes to current policies and procedures in a timely manner, taking school vacation periods into account when disseminating information and determining timelines for compliance.
4. Regulators ensure changes to policies and procedures will take into account welfare obligations of providers enrolling students under 18 years of age, and ways in which the school sector might operate differently from other education sectors.
5. There is provision for a clear understanding across all regulatory bodies, state and commonwealth, that regulation of schools will remain within the purview of the states and territories.
6. There is special consideration for individual schools to be able to determine fees policies, study periods and collection of fees for overseas students in the same way as schools make determinations about fee policies for domestic students, and for schools to choose to collect tuition fees a year in advance.
7. Requirements proposed under Schedule 6 will not unnecessarily duplicate records to be kept by schools and will not significantly add to processes already in operation in schools that might be more appropriate for other sectors.
8. There is a time limit applied to the definition of 'former accepted student' to restrict the period of time during which complaints are able to be laid against providers and providers are able to give information to DEEWR for compliance purposes
9. The date of commencement for the Bills is pushed back to 1 January 2013.
10. There is timely consultation with education peak bodies about details to be invested in legislative instruments prior to these coming into public circulation.

## Background

### Overseas students in independent schools

**The independent schools sector differs markedly in nature from other education sectors engaged in international education. It is therefore important to understand the differences between this sector and other education sectors when drafting and implementing new legislative requirements in order to avoid unintended consequences.**

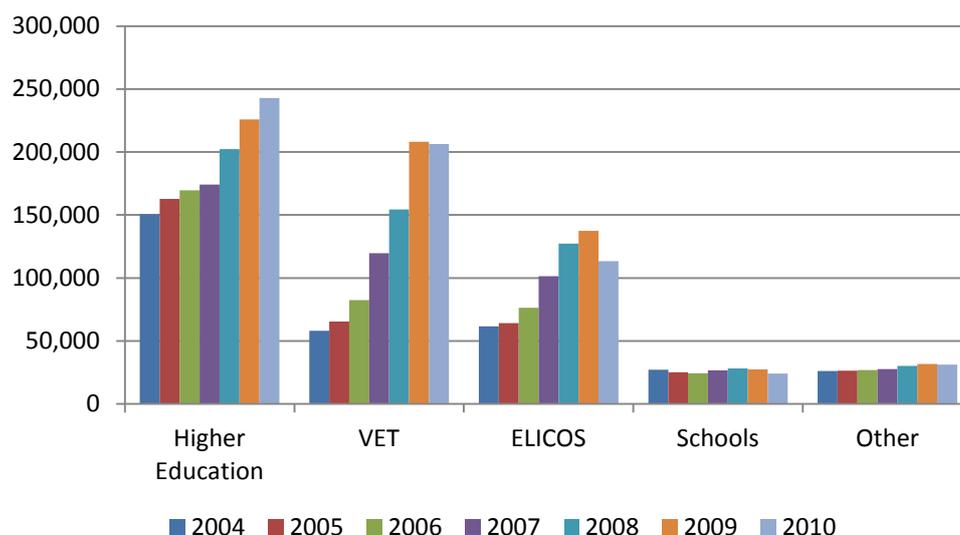
The majority of independent schools are individually registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and are individually responsible for meeting compliance requirements. By contrast, state departments of education (enrolling approximately 51% of overseas school students overall) hold single provider registrations covering any number of state schools enrolling overseas students within a state.

In 2010 there were over 8,000 overseas students enrolled at nearly 400 independent schools.<sup>1</sup> This represents a significant proportion of the total number of schools in the sector. Overseas enrolments in schools vary from one overseas student to just over 300 overseas students. The median number of overseas students at an independent school is nine students.

This profile differs quite substantially from other sectors. For the vast majority of independent schools, overseas students do not determine the school's sustainability. Rather, overseas students provide a much valued international element and diversity to school populations.

While enrolling just 4% of overseas students overall in Australia, independent schools nonetheless account for a significant percentage of institutions registered on CRICOS. Some schools also have ELICOS centres attached to their institutions which may also be separately registered on CRICOS.

**Chart 1: Overseas Student Enrolments by Sector 2004 – 2010<sup>2</sup>**



<sup>1</sup> Based on DEEWR Non-government School Census 2010 data

<sup>2</sup> AEI PRISMS Data

Chart 1 above shows that while overseas student enrolments in the school sector have remained relatively steady for some years they have been decreasing since 2008. Between 2004 and 2010 there was net decrease of just over 3,000 students in the school sector but the sector share of total overseas student enrolments fell from 8% to 4% as other sectors grew rapidly.

The largest decline in overseas student enrolments in the school sector has been most significant in the non-government schools in New South Wales and Victoria, the states most affected by adverse publicity about private education providers in the media overseas since the first half of 2009. Declines have escalated in the 2010 calendar year.

**Table 1: Overseas student enrolments in the non-government sector 2008 – 2010<sup>3</sup>**

State	2008	2009	% Change	2010	% Change
NSW	6,270	4,950	-21%	3,411	-31%
VIC	5,055	4,548	-10%	3,738	-18%
QLD	2,886	2,857	-1%	2,681	-6%
SA	1,360	1,377	1%	1,165	-15%
WA	940	822	-13%	676	-18%
TAS	180	188	4%	188	0%
NT	41	45	10%	53	18%
ACT	59	63	7%	55	-13%
Total	16,791	14,850	-12%	11,967	-19%

Current AEI year-to-date commencement data now shows that government schools are also being affected with a drop of 11% over the same period in 2010. If commencements are considered to be the “pipeline”, the prognosis is not good for government schools as well as non-government schools.

### Regulatory environment for independent schools

**ISCA contends there is a case for independent schools to be treated as low risk institutions that provide reliable, high quality education services to overseas students on the basis that there is already a significant amount of regulation and legislation covering accreditation of non-state schools, as well as the enrolment of overseas students in Australian educational institutions which independent schools generally address as individual providers.**

The regulatory environment for schools is already complex and currently demonstrates a high degree of accountability and reporting to governments. The following excerpt from ISCA’s Submission to the *Review of Funding for Schooling* provides an outline of current compliance requirements for non-government schools:

*Independent schools have a greater range of accountabilities than any other type of school in Australia due to the complex mix of their responsibilities to stakeholders, governments, authorities and their legal obligations as incorporated bodies.*

<sup>3</sup> AEI PRISMS Data

*Independent schools must meet the criteria established by their state or territory government for registration as a school and for their accreditation for credentialing of students. School registration is reviewed on an ongoing basis, which ensures that the school's curriculum and governance complies with state or territory government requirements.*

*State and territory governments provide some funding support for independent schools, and schools must comply with any related conditions of funding as well as reporting and accountability requirements.*

*The Australian Government is the source of most of the public funding for independent schools. Comprehensive conditions and accountability requirements apply to this funding which are specified in the Schools Assistance Act 2008, Schools Assistance Regulations, Administrative Guidelines: Australian Programs for Non-government Schools 2009 to 2012 and the Funding Agreement between the Australian Government and the approved school authority.*

*Schools are obliged to work co-operatively with their state or territory government to support that government in fulfilling its obligations under the National Education Agreement. Independent schools must also agree to support the achievement of the Melbourne Declaration on Educational Goals for Young Australians and the Council of Australian Governments (COAG) outcomes for schooling. Governments have acknowledged through the Melbourne Declaration on Educational Goals for Young Australians that "Together, all Australian governments commit to working with all school sectors and the broader community to achieve the educational goals for young Australians." One of the action areas for achieving this end articulated in the Declaration is developing stronger partnerships.*

*Schools must participate in all specified National Student Assessments, participate in the preparation of the National Report on Schooling in Australia, collect and provide extensive information relating to individual students and school information to all organisations specified in the Regulations, including the Australian Government Department of Education, Employment and Workplace Relations (DEEWR) and the Australian Curriculum, Assessment and Reporting Authority (ACARA). Schools are also required to report to parents in compliance with legislated requirements, annually report and publish specified information relating to aspects of the school and its operations and implement the national curriculum.*

*Independent schools must submit to a Financial Questionnaire to DEEWR annually. The Financial Questionnaire is an annual collection of financial income, expenditure and liabilities from all non-government schools receiving Australian Government general recurrent grants. The Financial Questionnaire data draws on a school's audited financial statements. Schools are also subject to scrutiny of their financial operations including the financial viability and funding sources of the school. Independent schools must demonstrate that the funds received under each Australian Government funding program have been expended appropriately. This includes providing the Australian Government with certificates certified by qualified accountants regarding the expenditure of Australian Government grants. All accounts records and documents as well as free access to each campus of a school must be available to the Auditor-General or DEEWR officers.*

*Independent schools are bound by a number of other legal requirements associated with their operations. For example, as companies limited by guarantee or as incorporated associations, independent schools are accountable to the Australian Securities and Investments Commission, or to their state or territory registrar of associations. They must submit audited financial statements to these bodies which are available for public scrutiny. They are also subject to regulation by the Australian Taxation Office. (March 2011, pp.47-8)*

As noted above, the vast majority of independent schools enrolling overseas students are individually registered on CRICOS. In many areas, CRICOS registration duplicates regulatory

requirements already covered by domestic accreditation frameworks for non-government schools.

In mostly catering for students under 18 years of age, schools as a sector attract a further layer of regulation and a greater degree of scrutiny by both DEEWR and DIAC due to the welfare and duty of care responsibilities for younger students.

## Context

**It is important that, for CRICOS registration of non-government schools, regulatory authorities consider the impact of implementation of these legislative changes on the school sector within the broader context of recent reforms implemented or being implemented as a result of both the Baird Review of ESOS and the Knight Review of the Student Visa Program, and ensure that any changes to procedures and processes take into account ongoing provider obligations for student welfare under Standard 5 of the National Code of Practice.**

The focus of this submission are the regulatory changes being introduced by the

- A. ESOS Amendment Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011**
- B. ESOS (Registration Charges) Amendment (Tuition Protection Service) Bill 2011**
- C. ESOS (TPS Levies) Bill 2011.**

It is ISCA's concern that the collective impact of the proposed changes, in addition to other regulatory changes over a period of ten plus years, will be to create an overall regulatory and compliance environment for CRICOS registered non-government schools which is excessively and needlessly complex, despite good intentions of government at different points in time to reduce overall compliance burdens on providers. This has mainly been a consequence of other sectors being the focus of reforms rather than the school sector, apart from the re-registration of all providers in 2010.

It is very important for regulators involved in implementation of changes under new legislation and transition arrangements to keep in mind the nature of the non-government schools sector, which differs substantially from other sectors, viz.,

- There are a large numbers of small providers which are individually registered on CRICOS;
- The majority of these providers:
  - are not-for-profit,
  - have education as their primary purpose,
  - are in receipt of government funding and therefore are already highly regulated and accountable to governments,
  - demonstrate financial viability as an accreditation attribute under existing regulatory arrangements, and
  - generally enrol a small percentage of international students compared with their overall student cohort.

There are thus compelling reasons why non-government schools deserve special recognition in the regulatory environment as opposed to being swept up into systems that are designed for institutions (universities and training providers) which enrol thousands of international students, and a compelling argument for considering the majority of non-government schools to be highly stable and low risk in terms of enrolment of international students.

Further, schools differ significantly from tertiary and training sector providers in that the international students enrolled are generally under the age of 18. Schools therefore already have duty of care obligations, including a focus on the welfare of international students.

ISCA would welcome consideration of a process whereby any proposed legislative changes are looked at in the context of the welfare of students who are under 18 years of age to ensure changes take into account ongoing provider obligations under Standard 5 of the National Code of Practice.

## Key Issues

### i. Single Layer Tuition Protection Service

ISCA supports the principles underlying the establishment of a single layer Tuition Protection Scheme (TPS), viz., streamlining the approach to student placement and refund arrangements, and reforms to conditions for refunds to provide for students affected by provider default to be eligible only for a refund of the unused portion of prepaid tuition fees rather than a full refund in recognition that they may obtain credit for study already completed.

ISCA notes, however, as amendments to the ESOS Act and the National Code of Practice are adopted, there is the potential for negative impacts on non-government schools, as well as changes that will be needed to current policies and procedures.

ISCA makes the following recommendations:

#### Recommendation 1

**Non-government schools are not penalized financially overall by the introduction of new compliance fees and charges, and new imposts are applied equitably.**

ISCA requests that:

- a) the vast majority of non-government schools that are in receipt of government funding are recognised as low risk providers in the same manner as public institutions for the purposes of Ministerial exemptions for the risk rated premium component of the TPS as stated in the [Explanatory Memorandum](#), p.3:

*A risk rated fee component to recognise the risk of default associated with each provider. As public institutions are effectively publicly underwritten they would not pay this component. Any provider taking payment in arrears will have this taken into account when being assessed for this component.*

- b) the majority of non-government schools enrolling small numbers of overseas students are not worse off under new CRICOS registration fees and charges.

The *Second Reading Speech* for the ESOS Amendment Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011 (22 September 2011, p.5) notes:

*When considered in conjunction with the re-basing of the Annual Registration Charge, legislation for which was passed through parliament last week, the financial impact on the vast majority of providers is expected to reduce from its current level, giving these providers considerable relief.*

ISCA is aware that, for other sectors, the new fee structure represents significant savings. For the non-government schools sector this is generally not the case. ISCA's calculations show that, in every scenario, schools with smaller numbers of overseas student enrolments will be financially disadvantaged. Under the new Annual Registration Charge (ARC), a non-government school with only one course registered would need to have at least 50 overseas student enrolments in a year to benefit from a reduction in the new ARC. Schools with fewer than 50 overseas student enrolments make up 87% of the total number of CRICOS registered independent schools.

Sample calculations for non-government schools (based on known components of introductory charges)		No. overseas students enrolled in previous year		
		10	50	100
<b>ARC</b>				
• Base component of \$1,300		\$1,300	\$1,300	\$1,300
• \$10 x total enrolments for the previous year		\$100	\$500	\$1000
• \$100 x total no of courses		\$100 (min.)	\$100 (min.)	\$100 (min.)
<b>TPS levy</b>				
• †Administrative fee component for a year	\$100 plus \$2 x total enrolments for the previous year	\$120	\$200	\$300
• †*Base fee component for a year	\$200 plus \$5 x total enrolments for the previous year	\$250	\$450	\$700
• *Risk rated premium component for a year	To be calculated by using the formula (B.s9) and determined by legislative instrument	TBA	TBA	TBA
• Special tuition protection component	To be calculated by using the formula (B.s10) and determined by legislative instrument	TBA	TBA	TBA
†Not applicable to registered schools with no overseas enrolments in previous year *The Minister may prescribe exemptions under B.s12				

ISCA is concerned that in the current regulatory environment and economic climate, non-government schools, particularly those enrolling smaller numbers of overseas students for purposes of diversity, will decide not to remain CRICOS registered if legislative requirements become more complex and fees more onerous than is presently the case. (Similarly, if low risk non-government schools are not exempt from the new Entry to Market Charge, ISCA is concerned that there will be very few non-government schools wishing to become CRICOS registered in the future.)

ISCA is also concerned that there is a lack of detail around the proposed “special levy”; that there is no confirmation that it will be applied both equally and equitably within the current list of recommendations, and there is no exception listed for registered schools that have no international students as is the case for the administrative and base fee components.

## Recommendation 2

**DEEWR and DIAC have an integrated approach to implementing reforms recommended by the Baird and Knight Reviews, and consult with the school sector to avoid unintended consequences of policy changes.**

ISCA believes that it is important for implementation of the government's 2<sup>nd</sup> Phase Response to the Baird Review to take into consideration other international education reforms proposed or already underway.

For example,

- Recommendation 39 of the Knight Review, i.e., “That student visas be allowed to be granted in advance of four months before the commencement of the relevant course” may have implications for timelines for student default and refund policies under written agreements.
- Limiting the period when a school may collect fees in advance may result in higher rates of cancellation of enrolment for non-payment of fees, which in turn may be counterproductive to the intent of Recommendations 23-26 of the Knight Review.

ISCA looks forward to receiving further information about “the representative advisory board” by which means “...all providers across the international education sector will have a say in the setting of the TPS levy...” ([ESOS Act 2000 TPS and Other Measures Bill 2011 Questions and Answers](#) p.5), and to being contacted about the “method of calculating refunds (which) will be prescribed in the ESOS regulations following further consultation with the sector” (p.8).

### **Recommendation 3**

**DEEWR and DIAC provide clear and detailed advice and, where necessary, PRISMS training, to providers regarding changes to current policies and procedures in a timely manner, taking school vacation periods into account when disseminating information and determining timelines for compliance.**

In the past, it has been ISCA's experience that regulatory changes, and opportunities to comment on the impact of changes, have often taken place during the summer recess period when most schools have minimal or no staff on campus.

Within the school sector, it is also common for new administrative and teaching staff to take up roles at the start of the school year. It cannot be assumed new staff appointed or transferring to a school will necessarily be familiar with the obligations of CRICOS registration, so it will take time within a school environment for ESOS changes and requirements to filter into staff PD and practices.

Schools operate under domestic accreditation frameworks and requirements of state authorities to deliver school programs and certifications of studies to student cohorts that are primarily domestic students. It is therefore important that legislative changes allowing for student placement in the unlikely event of a school defaulting as a provider take into account the usual ways in which schools operate.

With regard to the introduction of a Student Placement Service, for example, (Schedule 1, Division 3), ISCA notes “there will be no compulsory placements” ([ESOS Act 2000 TPS and Other Measures Bill 2011 Questions and Answers](#) p.4), but has concerns if it will be compulsory for all CRICOS registered schools “with available capacity.... to be listed by course on (the) online facility” (p.3). While it would be one thing for schools to be contacted to determine if they have

spare capacity in a particular course at a given time, if subject preferences are known, it would not be possible for schools to provide this information in an ongoing way, because limits to class sizes vary widely according to subject, and capacity in a subject can vary daily depending on student enrolments.

#### **Recommendation 4**

**Regulators ensure changes to policies and procedures will take into account welfare obligations of providers enrolling students under 18 years of age, and ways in which the school sector might operate differently from other education sectors.**

ESOS enhancements and timelines allowing for student choice or appeal may not always be appropriate for students under 18 years of age, particularly where a provider holds welfare obligations under Standard 5 of the National Code of Practice.

Student welfare considerations should take precedence over student choice, and in cases where welfare issues cannot be addressed easily and quickly within existing policy frameworks and timelines, it should be possible for students under 18 to return home and continue processes for re-enrolment etc., until appropriate welfare arrangements can be put into place.

#### **ii. National Registration**

##### **Recommendation 5**

**There is provision for a clear understanding across all regulatory bodies, state and commonwealth, that regulation of schools will remain within the purview of the states and territories.**

ISCA notes it will be particularly important in the transition to new national regulators to avoid unnecessarily complex arrangements for CRICOS registration of schools. This includes schools that are also RTOs, where overseas students might undertake VET courses or components of VET courses as part of their secondary schools studies, as well as for schools that offer ELICOS or Foundation courses to school students.

Dual sector arrangements as proposed under ESOS Amendment Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011 Schedule 2 amendments should only apply to schools operating outside the usual parameters of the majority of non-government schools enrolling overseas students with a 571 subclass visa. The regulation of schools enrolling overseas students with a 571 subclass visa should remain with state and territory authorities.

#### **iii. Pre-paid fees**

##### **Recommendation 6**

**There is special consideration to allow individual schools to be able to determine fees policies, study periods and collection of fees for overseas students in the same way as schools make determinations about fee policies for domestic students, and for schools to choose to collect tuition fees a year in advance.**

a. *Definition of and conditions for pre-paid fees*

ISCA is concerned that the new definition for *pre-paid fees* and changes to how fees can be collected have the potential to create quite serious administrative problems within the school sector, where school fees are commonly requested a year in advance.

Most non-government schools review fees annually, and do not publish fees more than a year in advance, but advise of the potential for fees to change, as required under Standard 2.1.e of the National Code.

Many independent schools encourage parents to pay fees for a full year up front in order to receive tuition discounts for the year. Overseas parents can sometimes wish to pay fees a year in advance to take advantage of a favourable exchange rate for the Australian dollar.

If schools become unable to collect tuition fees more than a semester in advance initially, and then not more than two weeks before the start of subsequent semesters after a course has started, they may face the dilemma of having to decide when to cancel a student's enrolment if fees are not paid by the due date. This will be particularly problematic for schools with welfare obligations under Standard 5 of the National Code of Practice, where welfare responsibilities may continue after enrolment has been cancelled in certain circumstances. There is also the potential for an escalation in the caseload of appeals to the International Student Ombudsman under Standard 13 of the National Code for cancellation of enrolment, as well as additional resources required by DIAC to monitor cancellations of enrolments via SCVs in PRISMS.

ISCA therefore advocates for schools to be able to continue to make internal decisions about management of fees policies so that collection of fees does not also become a welfare issue.

Given that ISCA anticipates non-government schools in receipt of General Recurrent Grant Funding will be exempt from maintaining a designated account, a limit of two study periods in advance for collection of pre-paid fees for the school sector would reflect current practice and allow schools the flexibility they currently have with respect to setting fees policies for domestic students.

b. *Requirement for a written agreement to provide for study periods*

The requirement to set out the length of each "study period" for the course could also be problematic for the school sector, where a "course" could be 5 or more years, and a "study period" might either be a term or a semester.

School term dates may not always be published 5 or more years in advance. Non-government schools in particular do not always follow published dates for government schools vacation periods, and do not generally publish term dates more than a year or two in advance.

Schools might issue reports on student progress by term and / or semester, but may nominate semesters for National Code monitoring purposes.

ISCA therefore requests that consideration be given as to how amendments outlined in Schedule 2 might apply in practice to the school sector, particularly with regard to advance notice of school fees for study periods and management of non-paying students in the context of Knight's recommendations for student visa reforms.

c. *Obligation to maintain a designated account, unless exempt from this requirement*

ISCA supports the provision to be made under s31 of ESOS Amendment Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011 Schedule 2 to exempt providers “that are entitled to receive funds under a law of the Commonwealth for recurrent expenditure for the provision of education or training...” from having to pay initial pre-paid fees into a designated account (s28, s29) and seeks confirmation that this exemption will apply to low risk non-government schools in receipt of general recurrent grant (GRG) funding.

iv. **Record keeping requirements**

**Recommendation 7**

**Requirements proposed under Schedule 6 will not unnecessarily duplicate records to be kept by schools and will not significantly add to processes already in operation in schools that might be more appropriate for other sectors.**

Schools are already required under domestic registration and accountability processes to keep extensive and detailed records of student contact information and academic progress. Changes to record keeping requirements should not in any way duplicate existing school practices.

ISCA assumes that, in the case of students under 18 years of age, records to be kept up to date will include contact details of the person (s) with whom the school has entered into a written agreement, i.e., the parent or legal custodian.

ISCA requests that any additional record keeping requirements in PRISMS be accompanied by clear communications, training and timelines that take into account school term dates, as noted in Recommendation 3, above.

v. **Definition of ‘former accepted student’**

**Recommendation 8**

**There is a time limit applied to the definition of ‘former accepted student’ to restrict the period of time during which complaints are able to be laid against providers and providers are able to give information to DEEWR regarding students for compliance purposes.**

While supporting the inclusion of the definition of ‘former accepted student’ for reporting and other purposes, ISCA is concerned that the proposed definition is open-ended and does not set a time limit on the period during which complaints are able to be laid against providers and providers are able to give information to DEEWR regarding students for compliance purposes.

One possible approach would be to keep the definition in line with proposed record-keeping requirements i.e. for 2 years after the person is no longer an accepted student.

vi. **Timelines for Implementation**

**Recommendation 9**

**The date of commencement for the Bills is pushed back six months to 1 January 2013.**

ISCA is concerned that date of commencement is such that the timeline for implementation, i.e., 1 July 2012, does not allow enough time either for providers to transition to the new arrangements and adjust to changes to the new legislative requirements as well as changes that will be required to the National Code, or for the Tuition Protection Service to be set up effectively.

It has been ISCA's experience in the past that significant changes such as these require substantial lead time and some form of communication strategy with providers to ensure understanding and adoption of new requirements.

vii. **Legislative Instruments**

**Recommendation 10**

**There is timely consultation with education peak bodies about details to be invested in legislative instruments prior to these coming into public circulation.**

ISCA notes significant detail related to regulatory reforms will only become clear with a number of legislative instruments that are not yet in public circulation.

ISCA anticipates that details of legislative instruments will be made available for comment to international education peak bodies sector prior to implementation to provide opportunities for clarification and to detect any unintended consequences, and requests that timelines for further submissions or feedback on legislative changes do not occur during the summer vacation period when education officers are traditionally on leave.

Bill Daniels  
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Independent schools Council of Australia

Canberra  
6 October 2011