



# Education Legislation Amendment (Integrity and Other Measures) Bill 2025

## Frequently Asked Questions

Version 1 – 4 December 2025

### Part 1 – Education agents and commissions

#### Ownership and control arrangements between education agents and education providers

##### **How do I notify ASQA of ownership and control arrangements between an education agent and an education provider?**

If your education provider has any ownership or control arrangements with an education agent (or vice versa), you need to let ASQA know.

You can do this by submitting a *Material Change – Other Significant Event* application through asqanet.

##### **What information do I provide ASQA when notifying ownership and control arrangements between an education agent and an education provider?**

When you notify ASQA, make sure you include details about:

###### The event you're reporting

- The provider, or an associate of the provider, begins to own or control an education agent
- There is a change in the ownership or control of an education agent by the provider or an associate of the provider
- An education agent, or an associate of the education agent, begins to own or control the provider
- There is a change in the ownership or control of the provider by an education agent or an associate of the education agent.

###### Education agent details

- Legal name and any trading names.
- Country of incorporation or registration.
- Company registration number (e.g., ABN/ACN in Australia).
- Head office address.
- Website or professional online presence (e.g., Facebook, LinkedIn).
- Contact phone number.
- Activities the education agent undertakes for overseas students.

### Ownership and control details

- Full name of the individual or entity with ownership/control.
- Relationship to you (e.g., self, spouse, business partner).
- Position or role in the education agent entity.
- Value or extent of ownership/control.
- Date the ownership/control started.

### **When do I need to tell ASQA about ownership and control arrangements between an education agent and an education provider?**

You must notify ASQA within 10 business days whenever any of these events happen:

- the provider, or an associate of the provider, begins to own or control an education agent
- there is a change in the ownership or control of an education agent by the provider or an associate of the provider
- an agent, or an associate of the education agent, begins to own or control the provider
- there is a change in the ownership or control of the provider by an education agent or an associate of the agent.

### **I'm a registered provider and I own an education agent. Do I need to do anything now?**

No action is needed for existing arrangements that were in place before 5 December 2025, unless ASQA specifically asks you to provide details.

However, providers must notify ASQA of any new or changed ownership or control arrangements with education agents within 10 business days of the change.

## **Education agent commission**

### **What information do I need to provide about my education agents?**

If the Secretary of the Department of Education asks for details about education agent commissions, you may need to provide:

- the total amount in dollars given to each education agent
- the value and description of non-monetary benefits given to each education agent
- the number of accepted students of the provider recruited by each education agent.

### **I already work with education agents. Do I need to provide commission details now?**

No, not right now. You only need to provide this information if the Secretary of the Department of Education requests it.

### **How will I provide this information?**

If requested, the Secretary of the Department of Education will specify the manner or form in which the information is to be given, including whether the information is to be entered in a system, such as the Provider Registration and International Student Management System (PRISMS).

## Part 2 – Giving information to registered providers

### What information will I be able to see about education agents?

As a provider, you will be able to access the following information on education agents:

- the number of transfers of accepted students from one provider to another
- the number of transfers of accepted students from one course to a different course, and
- information about education agent commissions.

### How do I access education agent information?

You will be notified through PRISMS when this information becomes available. This information will not be available to education agents or the public.

## Part 3 – Management of provider applications

### I am about to submit my initial ESOS registration application, but the making of applications has been suspended. What do I do?

You will need to wait until the suspension period ends. If you try to lodge your application during the suspension period, it will not be accepted.

### I am ready to add a course to my ESOS registration, but the making of applications has been suspended. What do I do?

You will need to wait until the suspension period ends. If you try to lodge your application during the suspension period, it will not be accepted.

### I have already applied for ESOS registration or to add courses to my ESOS registration, but the making of applications has been suspended. What happens now?

Your application will continue to be processed as normal, unless a new directive (via a legislative instrument) is issued that tells ASQA to suspend processing.

### What happens to my application if ASQA is directed to suspend processing?

If your application is already with ASQA for assessment and processing and is within the timeframes set out in an instrument directing the suspension of processing, your application will not be processed until the day after the end date specified in the instrument.

### If ASQA are unable to process my application for a specified period, can I withdraw this application and get a refund?

Yes. You can request to withdraw any pending applications throughout this period, and a refund may be provided on the application and/or assessment fee.

## Part 4 – Registration requirements

### Can I apply to become ESOS registered if I am in my first two years of operations?

On or after 5 December 2025, applications for initial ESOS registration cannot be made until you can demonstrate that you have delivered one or more courses to domestic students, over a consecutive period totalling 2 years.

### **Does this new requirement apply to providers who submitted an initial ESOS registration application before this provision commenced?**

No. This requirement only applies to providers who make applications to become ESOS registered on or after 5 December 2025.

### **How is the two-year study period calculated?**

A consecutive study period totalling at least 2 years will include breaks that would ordinarily occur or would reasonably be expected to occur during or between study periods. Counting of the 2-year period starts on the day the first student in Australia, who is not an overseas student, commences the course of study.

### **What evidence do I provide to prove two-years domestic delivery?**

Please refer to the initial ESOS registration guidance for more information.

## **Part 5 – Automatic cancellation of registration**

### **How will I know if I need to ask ASQA for an extension of the measurement period?**

You are responsible for keeping track of how many courses and students you deliver to overseas students.

Regular reminders will be sent to all registered providers in PRISMS, so you can check your delivery and take action if needed.

An extension request must be submitted at least 90 days prior the 12-month measurement period being met.

### **When can ASQA extend the 12-month period?**

ASQA will only grant an extension to the measurement period if you are unable to deliver courses to overseas students for legitimate reasons. Examples include:

- a newly registered provider is facing operational challenges, such as lack of staff or funding, preventing successful delivery of courses to overseas students
- a provider is affected by a natural disaster or circumstances, for example, fire, flooding, or a pandemic, that are beyond its control and impact the delivery of a course.

### **Can the automatic cancellation of a registered provider's registration be reviewed?**

No. Automatic cancellation is an operation of law and is not a decision of ASQA. This means you cannot request an internal or external merits review.

### **Can ASQA's decision to extend (or not extend) the measurement period be reviewed?**

Yes. You can request an internal or external merits review of ASQA's decision, provided the request for extension was made at least 90 days before the end of the measurement period, and in a form (if any) approved by ASQA.

### **If I'm a dual sector provider, do I need to apply to all ESOS agencies for an extension?**

No. You only need to apply to one ESOS agency – the one that approved your initial ESOS registration.

## Part 6 – Investigation of offences

### **How will ASQA know whether a provider is under investigation for a specified offence?**

ASQA works closely with other government and law enforcement agencies. They share information under formal arrangements that set out when and what details can be exchanged.

### **What will happen if a ASQA finds a provider is no longer fit and proper to be registered?**

If ASQA finds a provider is no longer fit and proper to be registered, the provider's registration will be automatically suspended under section 89 of the ESOS Act. The provider will not be able to recruit or enrol overseas students, solicit or accept any money from current or intending students or allow a student to begin a course while its registration is suspended.

### **How will a provider know that its registration is suspended?**

ASQA will notify you directly if your registration has been suspended.

### **Can I request a review of the suspension?**

No. If your registration is suspended under section 89 of the ESOS Act, it is automatic under the law and is not subject to review.

### **What will happen if the investigation for a specified offence finds no fault?**

If ASQA becomes satisfied that the provider is fit and proper to be registered again, ASQA may lift the suspension of the provider's registration.

## Part 7 – Automatic cancelation of specified courses

### **What happens if I have students studying in the cancelled course?**

If students have already enrolled and commenced a course – whether before or within 30 days of the course being listed in a legislative instrument – the course will be suspended. This means that no new students will be permitted to enrol in or commence the course, but those currently studying will be permitted to continue. Once these students have completed or withdrawn from the course, the course will be automatically cancelled for all locations.

### **What happens if I have pending Confirmation of Enrolments (CoEs) for future commencements in the cancelled course?**

All CoEs issued for future commencements in that course will be cancelled.

### **Can I seek a merits review if my registration for specified courses is suspended or cancelled?**

No. As the automatic suspension and cancellation of a provider's registration for the specified courses does not constitute an exercise of administrative power, internal and external merit review is not available.

### **Can I add the course back on my scope at a later date?**

Not while the legislative instrument is in force. You can only apply to register or re-register the course after the instrument expires, is repealed, or is amended so it no longer includes that class of courses.

### **What happens if I only have the cancelled course on my scope?**

If all your courses are cancelled, you are no longer a registered provider under the ESOS Act. To offer other courses, you'll need to re-apply for provider registration under Section 9 of the ESOS Act.

### **What happens if I have an add to scope application pending for a cancelled course?**

Your application will be withdrawn and a refund maybe requested.

## **Part 8 – Internal review**

### **What if I have already lodged an internal review application?**

If your application was submitted before 5 December 2025 and a decision has not yet been made, the timeframe for decisions will now be 120 days instead of 90 days.