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Australian Government

Department of Education, Skills and Employment

Mr Gavin Jones
Director, Competition Exemptions
Australian Competition and Consumer Commission (ACCC)
GPO Box 3131
Canberra ACT 2601
Email: exemptions@acc.gov.au

Dear Mr Jones

RE: UniProjects application for authorisation AA1000554 – interested party consultation

The Department of Education, Skills and Employment (DESE) welcomes the opportunity to provide information to assist the ACCC in making an interim authorisation regarding the above application. DESE notes the application is on behalf of 14 universities in NSW and ACT seeking to collaborate to return international students to NSW and ACT universities to continue their studies.

DESE notes the ACCC's request for information, evidence and views about the likely public benefit, effects on competition, and any other public detriment that will result from the proposed conduct. States and territories are leading planning for international student arrivals, in partnership with education providers, and the issues you raise are largely a matter for jurisdictions to consider in the development of their International Student Arrival Plans. DESE is therefore not in a position to respond directly to these items. DESE notes that states and territories are primarily responsible for determining which institutions and student cohorts will be prioritised for return, and the need to work in collaboration with education providers on these issues. DESE provides the following information as background to assist the ACCC's deliberations.

The Australian community continues to be faced with the impacts of COVID-19, which has presented significant challenges to global health systems and economies. In March 2020, Australia closed its borders to all non-citizens and non-residents. International students have been unable to return to Australia to complete their studies face-to-face, unless an exemption has been granted as per the *ABF Commissioner's Guidelines: Decision making about individual exemptions from Australia's inwards travel restriction policy*. This has disrupted international student learning and the broader international education sector.

In November 2020, then Minister for Education, the Hon Dan Tehan MP, wrote to states and territories requesting they submit International Student Arrival Plans, noting the Australian Government priority to return Australians, and to have undertaken planning for when health conditions may allow international students to return to Australia.

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To guide the state and territory planning process, including the management of student arrivals without disadvantaging Australian citizens and permanent residents seeking to return to Australia, the Government released the *Protocols and Preconditions for International Student Arrivals* which is available at: [Protocols and Preconditions for International Student Arrivals - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](https://www.dese.gov.au/protocols-and-preconditions-for-international-student-arrivals).

The Protocols outline the steps for states and territories to follow to develop International Student Arrival Plans, and set out Commonwealth preconditions that states and territories must meet prior to any return of students. This includes a requirement for states and territories to work in close consultation with this department and a range of other Commonwealth agencies including Prime Minister & Cabinet, Department of Health, Australian Border Force, Department of Home Affairs, Department of Foreign Affairs and Trade, Treasury, Austrade, Department of Infrastructure, Transport, Regional Development and Communications and Department of Agriculture, Water and the Environment.

DESE's role is to lead Commonwealth engagement with states and territories through regular working group meetings with all jurisdictions, in addition to bilateral engagement on student arrival plans. DESE also facilitates Commonwealth agency review of state and territory plans to ensure they comply with the Protocols, and provides advice to the Minister for Education and Youth.

State and territory plans must be approved by their First Minister and Chief Health Officer. There is no requirement for Commonwealth approval of an individual state or territory plan, although the Commonwealth reviews plans to ensure compliance with the Protocols and to ensure successful implementation, particularly around border arrangements.

Following implementation of any Commonwealth supported state and territory plan, states and territories, with participating education institutions, will also monitor and evaluate implementation of student arrival plans, and providing an evaluation report to this department for sharing with relevant Commonwealth agencies.

Should you require any further information, please contact Karen Welsh, Assistant Secretary, Access Branch, International Division, on () () or by emailing ()

Yours sincerely



Karen Sandercock
First Assistant Secretary
International

8 June 2021