



Australian Federation of International Students
www.internationalstudents.org.au

ESOS Review

Response to ESOS Review Issues Paper



Australian Federation of International Students

About Australian Federation of International Students

The Australian Federation of International Students (AFIS) is a national non-profit, community-oriented and community-run organisation aimed at assisting international students maximise the scope and potential of their experience living and studying in Australia. AFIS intends to work with the government bodies, institutions, student clubs and community organisations to enhance and enrich the experience of international students by addressing their interests and needs, and enhanced by the provision accurate and timely information and services.

AFIS' vision is to involve international students in Australia's multicultural community through events and programs designed to assist our members interact and engage with confidence and security in Australia's culture and community.

Our direction for the future is to become the "one stop shop" for all international student issues and concerns, and to be recognised as a leader in the international students issues debate – a credible voice to government, community services and student groups.

AFIS currently provides a number of services including:

- One-to-one support for international students
- Delivery of culturally appropriate orientation programs to international students at TAFEs and private colleges
- Education programs to international students
- Social engagement programs
- Seminars and forums appropriate to international students

AFIS welcomes to review of the ESOS Act to ensure international student rights are protected by law, and to prevent the exploitation of students from commercial operations.

The responses from this submission are based on anecdotal evidence and individual students our worker has supported on in the past few years. The lack of concrete evidence presents an urgent need for comprehensive research on the experience of international students.

Supporting the interests of students

How can the quality and accessibility of reliable information be improved? What role can ESOS have in ensuring providers and their agents are held to account for supplying prospective and current international students with accurate and timely information?

While it is commendable that a vast resource of information about Australia is available online, it is in reality nearly impossible to plan or create an accurate impression of Australia, any one of its cities, and any of its educational institutions and facilities before arrival. Hence, students and their families rely on education agents overseas to help them plan, and ensuring education agents are providing accurate information is very important.

It is the view of international students and their families that education agents are representative of the Australian Government. Any inaccurate information dissemination will be perceived as the responsibility of the Australian Government. Inaccurate information will lead to further problems down the track.

It is recommended that the Australian Government:

- establish a registry of official education agents overseas to ensure no shonky agents are exploiting the education industry
- provide official information about Australia to all prospective students who have enrolled. This information MUST be in easy English format and be translated into a number of languages – recognising that it may be the parents who will be reading the information

How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?

Australian Government should minimise that disrupt to international students as much as possible. There should also be a choice by students to choose alternative providers – for example choosing a Tafe after a private college closes down.

Are different mechanisms needed to support international students to resolve complaints effectively? Are additional complaint mechanisms needed?

It is quite rarely international students complain for a number of reasons:

1. unfamiliarity of the complaints mechanism in place in Australia
2. unaware of their right to complain
3. complaining is not within their cultural practice and hence do not feel comfortable doing so
4. lack of confidence to speak up

When students do decide to complain, it is often difficult to find where best to complain, and the process of complain itself can be quite daunting. It is therefore recommended that Australia:

- to establish one central body for students to complain about all areas in the life of an international student
- to allow complains to come from friends of students – due to the lack of confidence to speak up

Should an international student's ability to change their education provider be limited, if so in what way?

Currently, students are able to change their education provider after 6 months of arrival, however, increasingly students were misled overseas and hence enrolled in courses they do not enjoy or sub-standard courses. There should be some flexibility in the Act to provide students the opportunity to change courses if evidence proves that they were misled by education agents.

In recently months, AFIS has received cases where international students were not receiving a letter of release from education providers. However, since AFIS advocated on the student's behalf, the letter of release was provided. In other cases, legal practitioners were engaged to assist with the issue.

AFIS believes that the ability to change their education provider is the right of international students and should be student initiated and should not be refused by service providers. However, given the power disparity between the student and education provider, it is recommended that students could lodge a change with the new education provider, and providers can negotiate the transfer.

Delivering quality as the cornerstone of Australian education

How can the intersection between ESOS and the underpinning education quality assurance frameworks be improved?

Quality of education is the key to success of the Australian education industry, hence it is important to ensure education providers are of high quality. AFIS recommends:

- strict regular audit, that not only based on documentation, but also include field audit through focus groups of students conducted independently
- education providers should be mandated to have a percentage of local students. This will assist with the social inclusion of students.
- enforcing the minimum English level prior the entry of students to Australia. This will ensure students have the basic language skills to live in Australia, and also eliminate a small percentage of students wanting to 'buy their way' for permanent residency exploiting the education industry.

Where do international students' needs differ to other students, such that additional or different regulation is required?

International students and local students are similar in many ways, however international students have the added difficulties of:

- unfamiliarity of Australian culture and hence easily exploited by commercial operators, and sometimes unable to navigate through the services and facilities
- do not have family support networks if they experience difficulties, and hence have to rely on friends

It is therefore highly recommended that an establishment of one-stop centre for international students in every state, to eliminate the problem of the inability to navigate the service system in Australia. From some experiences of students approaching AFIS for assistance, they can be afraid to approach government authorities. It is therefore recommended that the centre to be either community-run or a partnership between the Government and the community.

In addition, all international students undertake a compulsory Australian culture training, equipping them with the relevant knowledge about Australian culture to reduce confusion and misunderstanding of acceptable public behaviour.

Effective regulation

Is ESOS compliance and enforcement adequate?

ESOS compliance and enforcement is nowhere adequate and at the current stage, the Act is more like a guide than an Act that must be complied with by relevant stakeholders in the industry.

It is also apparent that ESOS do not provide enough details, creating confusion for stakeholders to follow. For example, ESOS makes reference for education providers to provide 'culturally appropriate orientation' to students, however, there is no reference to what 'culturally appropriate' means, and what it should entail.

Can risk be better addressed through strengthening registration requirements and/or better targeting of compliance and enforcement action? How else can risk be managed?

Strengthening of registration and audits on stakeholders are welcomed, and it must be conducted on a regular basis to reduce the risk of shonky providers exploiting students.

Sustainability of the international education sector

What role should ESOS have in supporting the ongoing sustainability of the international education sector given the challenges it faces into the future?

ESOS needs to be reviewed on a regular basis and take into consideration of new challenges of the sector to ensure it provides a fair framework for international students. For example, the 20 hour employment rule that applies also to voluntary work. This may be appropriate previously, now with the increase of rent for housing, students need to seek employment to sustain themselves.

In addition, the amount of money that must be presented to Australian Government must also be reviewed on a regular basis to reflect real annual expenses, to reduce the risk of students running out of money before the year ends. It is also misleading to students and parents, who mistakenly believe the indicated amount is all the student will require during their stay in Australia.