

Appendix B

Submission template

Please note that the Department usually publishes and reserves the right to publish any written submission received and the names of persons making written submissions in the course of this consultation process. If you consider that information in your submission should be treated as confidential or if you wish to remain anonymous please clearly indicate this in your submission or in a cover note and provide reasons for your request. The Australian Government reserves the right to accept or refuse a request to treat information as confidential and will use the criteria set out in the Department of Finance and Deregulation's Financial Management Guidance No. 3 on confidentiality in procurement, July 2007, as a guide when determining whether to accept a claim for confidentiality. Information relating to individuals will be protected under the *Privacy Act 1988*. Requests for access to such information will be dealt with under the provisions of the *Freedom of Information Act 1982*. The template reflects the terms of reference for the review and the issues identified in the issues paper. Please refer to the issues paper and terms of reference for more information. A field for general comments has been included below for you to raise additional issues. *Written submissions are to be received by 30 October 2009 and sent by email to: esosreview@deewr.gov.au.*

About you:

Institution / organisation

Name:

Australian Government Schools International (AGSI) was (formerly known as the School International Government Group (SIGG) It consists of key representative officers from all States and Territory government education departments' international education directorates.

Sector:

Government Primary and Secondary Schools.

Prepared by:

xxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxx

Student / individual

Name:

N/A

Institution / organisation:

N/A

Course / role:

N/A

Home Country:

N/A

Contact details:

N/A

Supporting the interests of students

i. 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?

Comments

ASGI supports Standard 1 of the National Code in its current form and the ESOS Act legislative framework.

All government education departments have comprehensive international education websites as part of, or linked to their Department websites. Students, parents and agents are able to access comprehensive information on all aspects of the education provided. Each state and territory has a marketing arm to promote the recruitment of students to government schools in Australia. Marketers become aware of the misleading information used to entice students to Australia. This can be as simple as using names similar to high status Universities purporting to guarantee access to university.

Recommendation/s

Providers must be held more accountable for the information provided and the impression they are promoting of the status of their institution. Names should be part of the consideration at the registration stage and analysis of information on websites should be part of the regular audits and reviews of registration.

Education Agents in Australia should be required to be registered as per Migration Agents. Pre-registration should require evidence of the up dating of information. Agents off shore should be either registered at AEI or Austrade where possible. Agents in China should be listed on the jsj website of Chinese Ministry of Education approved education agents; or be a member of a government approved and registered Agent Association.

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

Comments

These questions do not pertain to the situation in the government school sector. However, there are implications should the affected students seek placements in government schools.

The majority of government schools accept students where there is spare capacity or to meet a specific target. Per school, the number of places available are relatively small. Therefore students recruited to take a place in a designated school could miss out by displaced students. The credibility of the government sector could there be jeopardized in the market.

That stated, it is agreed that international students should be protected. Therefore, individual providers should take much greater responsibility with regard to the protection of their students. The regulator should undertake more regular scrutiny of the financial situations of the providers.

Recommendation/s

The resourcing of any assurance scheme should be in accordance with the identified risk of the provider.
The financial situation of providers should be audited annually and recorded on a risk matrix
High risk provider then should be scrutinized a very regular intervals with regards to new enrolments, marketing/promotions and financial situations. Clear and consistent procedures must be established in conjunction with key stakeholders across all sectors regarding closures and placements of students. These procedures must include a communication strategy to ensure accurate information is provided to students, parents, education agents and the public.
The review of the financial situation should include disclosure of all student fees and commissions paid to agents. This can be held in confidence by the auditor. Any changes should also be disclosed. There is a need to monitor the exorbitant commissions and low course fees paid by some providers.

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

Comments

It would appear that different models of complaints management have been adopted across states and territories. Standard 8 is problematic in relation to the timeframe, it is very generous and students have the capacity to draw out the complaint/review process to the detriment of their study programs and the education provider.

There is also a concern of some of the terminology of the standard. The "Independence" of the complaints process are sometimes questioned by students. A major problem is the lack of a suitable body/agency to undertake the independent complaint and handling process and advocacy.

Recommendation/s

The ESOS framework should be revised with a view to establishing a more streamlined model for handling complaints. An independent body should be established in each state and territory with responsibility for dealing with international student complaints and appeals. It should sit outside of the regulatory body. The South Australian Office of the Training Advocate could be considered by DEEWR as a model for States / Territories.

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

Comments

International students should be entitled to change their education provider. However, the basis of changing the provider should be on sound educational reasons rather than because they have found a cheaper, "slicker", less onerous course. This is not a major issue for the government schools sector if the Department holds the provider code as they have the ability to change schools within the system. A major cause of students wishing to change course is influenced by predatory education agents who "poach" students for the commission. School students, once in Australia and away from their families, can be very vulnerable and easily influenced by peers and agents. Parents grant approval to their children's requests because they assume that because they are asking their approval to transfer for sound educational reasons. This is frequently not the case.

Recommendation/s

The current 6 month requirement should not be reduced. Any changes should be limited and apply to defined personal circumstances. Mandatory counselling or advice should be provided to the student by an independent source especially if the student is under 18 years of age.

Delivering quality as the cornerstone of Australian education

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

Comments

Schools within the government sector undergo rigorous quality assurance each year. Some States also impose an additional set of standards on schools enrolling international students. Each government system has standards against which it measures school performance, teacher performance and student achievement. They impose standards on quality of faculties, numbers of students in classes, student teacher ratios, teacher qualifications etc. They are also required to submit Annual Reports to their specific state/territory governments. While these requirements are mandatory for the government school sector this is not necessarily the case for other providers.

Recommendation/s

The regulators in each state/territory should enforce compliance in accordance with the relevant government schools quality education frameworks to all schools established with the goal to attract the majority of their students from overseas. All such schools reporting to be offering equivalent Years 11 and 12, university entry, foundation studies, and bridging programs be required to provide evidence that their programs meet the quality requirements of the relevant authority with responsible for senior school studies in each state or territory.

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

Comments

All International students are away from all the usual support mechanisms available in their home country: family, community, government etc. They are usually in a new cultural, language and education environment. They enter into a period of cultural shock when they first arrive. This is especially so for students in the school sector who may not have had any world experiences. Many of the school students are entering adolescence with emotional/hormonal etc changes occurring.

Students entering into government schools are provided with the complete range of support services Australian families expect schools to provide. Besides a staff member delegated by the school to monitor the academic, social and emotional welfare of the international students, government schools provide access to pastoral care leaders for each year group, psychologists, school nurses, chaplains, career advisors, year co-ordinators, student liaison offices youth workers etc.

International students require additional support in relation to accommodation and welfare outside of school hours.

Recommendation/s

The requirement of school support personnel should be more clearly defined as a standard against which providers are audited.

A definition of what is *appropriate* welfare arrangements for students under 18 years must be included in Standard 5 of the National Code. Welfare and living arrangements must comply with the state/territory child protection legislations; the homestay definition must not include shared accommodation or boarding houses; and the numbers of students living in homestay must be defined. (State/territory government providers already have a definition). Welfare and living arrangements must be subject to independent audit not self audit.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

The recent events in Victoria and New South Wales would indicate that ESOS compliance and enforcement is not adequate. Consequently the education industry, regardless of sector or location in Australia has been brought into disrepute in some countries. Education providers have invested large sums of money in marketing and promotion in those countries and this money plus their efforts is to all intents and purposes wasted.

Recommendation/s

New providers and providers with a poor record of compliance must be monitored regularly until there is sufficient evidence of satisfactory performance. The costs for this monitoring should be borne by the education provider.

Monitoring and enforcing of compliance must be funded at a level commensurate with the size and complexity of the market.

Compliance must be rigorous and consistent across all states and territories.

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

Comments

The risk can be better addressed through the strengthening of the registration requirements as well as better targeting of compliance and enforcement action. Private providers should be subject to the normal due diligence of trading companies, with listings of directors, board members and financial statements available to regulating and accrediting bodies. An annual statement of finances should be provided.

There needs to be information sharing of non-compliant providers so that students can make informed decisions when selecting a provider.

DEEWR and DIAC need to work together more closely on policies relating to international education and share information more fully, particularly in relation to providers or education agents who are not acting in an ethical manner.

Recommendation/s

Strengthen registration requirements . The provision for rapid audits of high risk providers should be implemented. Publish and publicise the outcomes of sanctions imposed on registered providers on the Study in Australia website.

ix. What should be the balance between a focus on inputs and prescription versus outcomes?

Comments

Recommendation/s

x. How can ESOS better support Australia's student visa program?

Comments

At present there is a high level of responsibility and accountability places on education providers in relation to ESOS. The interaction between ESOS requirements and processes and DIAC processes remains unclear. Unfortunately there is very little support for providers from DIAC.

Issues include:

- Lack of monitoring of guardian visa holders moving in and out of Australia with their dependant students
- Unexplainable and random cancellation of providers' COE's by DIAC with no warning or follow up
- Lack of monitoring of students issued with COE who do not process a student visa (instead they process another visa to enter Australia)
- Need more efficient visa processing – takes too long (both onshore and offshore – in some cases student has completed course and left Australia before visa is issued
- Problems with eVisa – agents will not use this option
- Need better advice for students with dependants (many come with incorrect information)
- Need better advice for visa applicants about appropriate visa for their situation
- Need better and more consistent service to clients from embassies and consulates
- Need update of cost of living requirements to prospective students
- Need ongoing monitoring of funds available to international students – money that DIAC has noted during visa process often not available after visa is issued
- In relation to under – 18's visas issued need to comply with welfare period

Recommendation/s

Relevant sections of the National Code and the Migration Regulations need to be consistent.

DIAC should perform checks on the welfare arrangements of students under 18 years of age who have completed their studies when considering a tourist visa application from that student.

The commencement date for student visas for students under the age of 18 years should be the same as the commencement date of the accommodation and welfare arrangements as noted on the Confirmation of Appropriate Accommodation and Welfare (CAAW), unless the student will be accompanied in Australia by a parent or guardian prior to their CAWE arrangements.

DIAC should review the provision of work rights for students under the age of 18 years, especially students enrolling in the primary education sector. They also need to ensure during the visa assessment phase, that students have sufficient funds to complete their studies without having to work in excess of the 20 hours per week.

DIAC should request evidence from students who are bringing their dependant children with them to Australia that they do actually have sufficient funds to pay for their dependant's education for the period stated on their Confirmation of Enrolment

Migration Agents who are also acting as Education Agents be requested to undertake training for registration as an Education Agent.

Education providers should not be permitted to act as Migration or Education Agents by way of common Directors or ownership structures.

Education providers should have an avenue to access DIAC decisions relating to student visa applications and non compliance and for complaints.

Sustainability of the international education sector

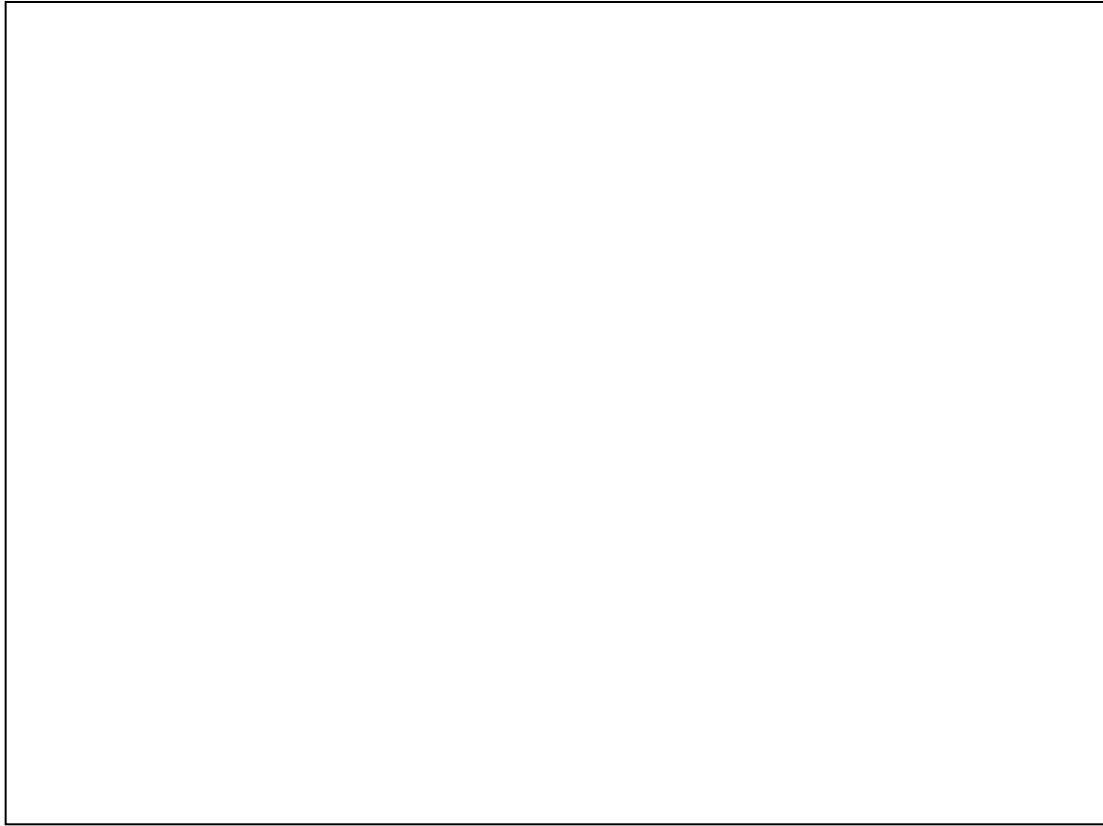
xi. What role should ESOS have in supporting the ongoing sustainability of the international education sector given the challenges it faces into the future?

Comments

ESOS has a crucial role in ensuring the sustainability of the sector. It is the underpinning legislation to ensure providers meet their obligations to international students. The framework ensures national consistency. Australia's reputation for quality is dependant upon this legislative framework. It is important that ESOS framework be strengthened, enforced, monitored and improved.

Recommendation/s

General Comments

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Thank you.