

Submission template

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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.

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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 Pacific College

Sector:

Vocational Education and Training

Prepared by:

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Contact details:

xx

Student / individual

Name:

Institution / organisation:

Course / role:

Home Country:

Contact details:

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

The National Code (Standards 2 and 3 of Part D) contains an extensive list of information that providers must supply to prospective students. Compliance with these Standards is a prerequisite to CRICOS registration. The effect of these Standards is that providers must show that they have drafts or templates of information they will supply to students in order to be registered. We note that although a provider must demonstrate compliance in the initial CRICOS registration process there appears to be no ongoing monitoring by the regulatory authority that the information is up to date.

We acknowledge that education agents do play an important role in the supply of information to students, especially to those from non-English speaking background, and note that there has been much blame placed on education agents for misleading students. One solution that has been widely touted in the ESOS review forums is for education agents to be regulated by government. However, regulation will only work if the necessary resources are made available to the body charged with administering and enforcing such regulation. Further, the difficulty is that, there will always be a small number of agents who do not focus on the needs or requirements of the student, regardless of regulation.

To improve accessibility to information, It may be useful for the ESOS to mandate the creation of links on providers home page to sites such as "Study in Australia" to enable international students to access reliable and consistent information. A further point at which information can be disseminated is at the time an offer is made to the student, since all letters must be written and signed by the student, it is an opportune time for a provider to supply information to the prospective student.

Recommendation/s

- 1) mandate the creation of links on provider home page to information sites such as "Study in Australia"
- 2) regulate agents, but only if such regulation is enforceable.

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

Comments

Currently, students are protected from provider closure by the Tuition Assurance Schemes ("TAS") and the ESOS Assurance Fund ("ESOS Fund"). We believe that conceptually, the TAS and ESOS Fund is sound and should continue to play a role in the protection of international students. However, along with the implementation of other international student protection measures, the TAS and ESOS Fund can be fine tuned and made to "work" better for both students and providers.

The TAS is broadly similar to an “insurance”, however, unlike an insurance organisation, there appears to be no thought to the front end assessment of risk of a provider or regular (annual) reviews or health checks of providers. Instead current TAS focus appears to be a “band-aid” solution which only comes into play when a provider fails. By taking into account the risk assessment of a provider and regular reviews the focus of the TAS would include a preventative element. Further, there appears to be a great focus on TAS to gain more members (regardless of the risk rating of the members) for the purpose of collect membership fees and to achieve the all important “peak industry body” status. This is, in our view, inconsistent with the purpose of TAS and to the detriment of many members and therefore a conflict of interest exists between TAS intent and its purpose. On this note, it appears that many providers (especially the private long serving members) do not hold TAS in high regard, as TAS is seen as a “money pit” with little return or benefit for members. Instead they are viewed as existing for the benefit and protection of high risk providers and not international students. This view may be alleviated with the introduction of risk assessment for new members along with the differentiation of membership fees based on quality measures, regular reviews of providers and for TAS provide reports (including financial) to their members to ensure the transparency of TAS.

With regard to the ESOS Fund, this should remain as a “last resort” solution for the protection of international students. The ESOS Fund should be funded by industry and consistent with this view we believe that a small levy should be imposed on all international students. However, questions arise as to how fees already collected by government (namely eCoE and ARC fees) are being used. In this respect there appears to be a lack of transparency and therefore accountability.

We should also be mindful that international students face additional difficulties when their provider closes. One such difficulty often associated with the closure of a provider is the non-availability of Statement of Attainments. The effect of this is devastating. The immediate effect is that students without a Statement of Attainment cannot have their prior learning recognized without great difficulty, negating the TAS. Although in such circumstances the student will be refunded the course fee by the ESOS Fund, the student will often be substantially out of pocket for the living costs associated with gaining a qualification which will now not be awarded without redoing the whole course. A simple solution is for PRISMS to have an additional module which will allow for the mandatory registration of marks or competencies achieved for every international student.

On a related matter, when a provider closes, it is often the case that an agent would have already received their commission. Perhaps this review should consider a mechanism to require education agents to repay the commission received in respect of students affected by a provider closure.

Recommendation/s

- 1) Increase regulation of TAS, using English Australia as a high performance TAS example.
- 2) Utilise PRISMS better and require providers to submit or enter students marks on PRISMS
- 3) Require agents to return commission in relation to students affected by provider closures.

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

Comments

We believe that international student complaints are similar to those of local students and in most cases there is no need for different complaints mechanisms to support international students. However, we acknowledge that international students face difficulties and considerations that are specific to international students, which are often visa related, and some do not complain fearing that such complaint may have a negative impact on their visa.

Therefore, we believe that there is a need for an International Student Advocate whose main purpose would be to look after and protect the interest of international students. The International Student Advocate would work closely with DEEWR and DIAC.

Further, to maintain consistency, we believe that there is merit in the harmonization of provider policies, such as refund and cancellation policies, course progress, complaints and appeals policy, in the form of model policies, which are developed in conjunction with industry. It should be noted that the ESOS Act already prescribes the refund policy in the case of student visa refusal. Model policies will go a long way to ensure consistency in provider policies, which over a short period will result in the international student's understand their rights and obligations regardless of provider.

On a related matter, in the case of refund of course money as a result of visa refusal, we also believe there is merit for the establishment of an account (perhaps by DEEWR) where providers can pay in money which is required to be returned to a student but cannot due to students going missing or for which a provider is not able to track down. In such a case, upon payment of refund money into the account the provider would be taken to have complied with its obligation under the ESOS Act.

Recommendation/s

- 1) establishment of an International Student Advocate.
- 2) develop model policies to be used by providers
- 3) establish an account for the payment of refunds in relation to "missing" students.

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

Comments

We acknowledge that international students should have the right to receive education services of a quality expected and therefore should have the right to change providers where their expectations are not satisfied.

However, as a provider who invests heavily in the recruitment of international students and also from a business planning perspective, an international student's ability to change provider should be limited to the first 6 months with the initial provider.

An argument for such restriction is that students may choose to leave the initial provider for a less expensive course delivered by another provider of questionable quality, which only serves to allow the survival of questionable providers.

It is our view that such restrictions would not be necessary where there is regular quality monitoring of providers.

Recommendation/s

1) continue with the restriction on transfer.

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

It is our firm belief that the ESOS and the education quality assurance frameworks are sound. However what is lacking is the ability of the State regulatory bodies to properly monitor providers, that is, to properly execute their responsibilities set out in the National Code.

It appears that the current regulatory system, based on shared responsibilities and cooperation between Federal and State bodies, is no longer effective. Perhaps this is the result of growth in provider numbers since inception of the ESOS Act and therefore the increased workload for the State regulatory bodies that are charged with accrediting providers.

However, we believe that there needs to be a body responsible for CRICOS accreditation and a separate independent body responsible for the monitoring and enforcement of ESOS, This will ensure that each body is able to focus clearly on its stated function, without compromise.

Recommendation/s

1) remove ESOS responsibility from State control
2) establish one body charged with registration and another independent body for enforcement.

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

Comments

In addition to the obvious differences (social, cultural, capital), the largest difference is that, since the right of an international student to remain in Australia stems from their student visa, they are answerable to DIAC. In comparison, providers largely report to DEEWR. This presents a problem for both providers and students in terms of information flow between the government departments and the provider / student, and in the consistency of information.

Instead of regulation, we believe that PRISMS has great potential to be developed into a tool which will allow for the sharing with government department of student information, including academic progress, intervention processes, complaints etc.

Recommendation/s

- 1) Improve communication between DIAC and DEEWR
- 2) Utilise / exploit PRISMS further

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

From our experience, although not perfect, the CRICOS accreditation process is rigorous and full compliance is required for initial registration.

We agree with suggestions that there needs to be greater emphasis placed on the assessment of the financial capacity of a provider in the initial registration stage, however, we believe that this is best dealt with by the relevant TAS on a initial and then regular (yearly) basis.

We should also remember that a new provider will incur substantial expenses to setting up an institution. For example, in the case of the VET sector in NSW, a new provider needs to have and demonstrate to VETAB that it has all facilities, marketing material and employee contracts (regardless of the fact that employees are unlikely to wait for the job until registration takes place) in place before a submission can be made. Although the most recent VETAB service charter (which is under review) states that it will take 12 weeks to complete the registration process it is our experience that much longer time is taken (we have heard over 10 months). This misinformation places additional pressure on a provider who has based their calculations and business plans on the VETAB service charter and who effectively has no cashflow until registered on CRICOS. This can be extremely detrimental to the new provider and may result in a new provider trying to cut corners from the start, in order just to survive.

In contrast, any person can purchase an existing CRICOS registered institution with little if any scrutiny.

With regard to the enforcement of providers, there have been a number of occasions where we have heard rumours about providers experiencing difficulties or which have quality issues and whom subsequently collapse. This leads us to question VETAB's intelligence gathering ability.

Recommendation/s

- 1) Financial assessment of providers on a regular basis by TAS.
- 2) scrutinise purchasers of existing CRICOS registered institutions
- 3) improve intelligence collection capability of regulatory authority (perhaps there needs to be better communication between DEEWR, DIAC and the State regulators?)

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

It is our view that the ESOS Act and registration requirements are sufficiently robust and should not be substantially changed. In addition the ESOS Act contains substantial monitoring and search powers as well as heavy sanctions.

The ESOS Act can be improved by requiring persons / entities who purchase CRICOS registered providers to be scrutinised.

Ongoing compliance and enforcement appears to be lacking. In our view risk can be better managed through better monitoring by government and also industry (TAS). However in order for regulators and their enforcement actions to be effective there needs to be clear, consistent and transparent policies and interpretation of policies, otherwise such enforcement actions will be subject to question and appeal.

In our view increased regulation would only act as additional barriers to entry. This is not something we desire, instead, we believe that a competitive and open market is the best policy. It has been said that provider closures are a result of market failure, however we do not believe this to be the case. Instead, we hold the firm view that provider closures are a direct result of Government failure to provide clear, consistent and transparent information causing "information fragmentation", which not only means providers do not know where they stand (which is not good for risk management) but also, has the effect of polarizing government departments.

Recommendation/s

- 1) beef up regular compliance measures
- 2) provide clear consistent and transparent information to providers.

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

Comments

We hold the view that students' academic outcomes are a direct result of the quality of inputs, such as facilities, teaching staff, materials, pastoral care and effective business practices. We believe that there already exists substantial prescription of inputs.

With regard to outcomes, we should keep in mind that students' expectations are often not directly linked to obtaining a qualification (i.e. academic outcome). Many students hold a holistic view in which the academic outcome plays only one part. Instead, they desire a total international experience involving skills gained from working, living and studying in a foreign environment. For these students, it may not be appropriate to measure outcomes in terms of pass/fail (or competent / not yet competent), instead a more abstract or subjective measure of "happiness" with their experience may be required.

With regard to training packages, it is clear that the current VET training packages are written to address the needs of local students and local industries. We believe that there is a need for flexibility to be built into training packages so that the needs of international students to be addressed.

Recommendation/s

- 1) Student satisfaction should not be measure solely on achieving qualification / competency
- 2) build in flexibility to training packages for requirements of international students.

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

Comments

As we have mentioned earlier, international students are primarily accountable to DIAC, whereas providers are accountable to DEEWR. In our view there may need to be better co-operation between DIAC and DEEWR which will enable student reports to DIAC to be properly dealt with by DEEWR.

Further, quite often changes in migration laws have a direct effect on the demand for courses. DIAC should take into account the changes in demand and closely consult with DEEWR before making such changes.

Recommendation/s

- 1) Greater collaboration between DIAC and DEEWR

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 should ensure that providers deliver quality and competitive services in the global environment. To achieve this, providers and students require reliable and consistent information, not only for provider compliance purposes, but also to ensure that the message that goes out to student is clear and, to non-English speakers, consistent over time. ESOS can achieve this by giving DEEWR the power to make public rulings that are binding on all other government departments (including DIAC) and also by prescribing common policies (the model policies previously mentioned) for providers.

Recommendation/s

- 1) collaborative approach is required between government and providers and students.

General Comments

We believe that the following will yield the greatest return / improvement in the industry:

- 1) TAS to play a bigger role in vetting and monitoring providers (using Education Australia as an example);
- 2) Collaborative approach by government including the provision of clear and consistent information to providers;
- 3) standardised (model) policies which all providers must follow;
- 4) Use of PRISMS as central authoritative database in relation to student information;
and
- 5) establish and international student advocate.

Thank you.