

**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](mailto:esosreview@deewr.gov.au).

About you:

**Institution / organisation**

Name:

Carrick Education Group

Sector:

Vocational Education and Training (VET), Higher Education and English Language

Prepared by:

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

**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

It is challenging for providers to control and regulate education agents that are operating off shore. Carrick has a very comprehensive Agent Management Policy and Agreement, both which incorporate regular monitoring and management of agents. Where Carrick has evidence of a clear breach by an agent, Carrick feels empowered to suspend or terminate its Agreement with the agent.

Despite the Policy and Agreement and the fact that Carrick has quality course brochures backed up by a clear and informative website, it is very difficult for Carrick to control all information being passed on by agents to prospective students. We are comfortable with proposals for the Australian Government to take a greater control in approving and registering of education agents off shore.

We also consider that the Australian Government should take a prescriptive approach to the information that students must receive before they commit themselves to a course or provider. This information should contain advice in relation to course information (units / subjects undertaken, contact hours per week, assessment requirements, work based study), provider location and facilities (classrooms, practical training rooms, it could in the form of Virtual Campus tour), cost of living (rent, entertainment), employment possibilities and further study pathways (higher education links and articulations). Students should also be required to attend a pre departure orientation within their home country before they leave to come to Australia.

### Recommendation/s

1. The Commonwealth government (DEEWR) should develop a list of agents within each country who have undergone a rigorous screening process conducted by the Australia government to ensure they are reputable and meet the requirements of the Australia education system.

Once a comprehensive list has been finalised all education providers (public & private) in Australia are only able to enrol international students from that country via these recommended agents.

2. The Commonwealth government (through DEEWR) should develop a comprehensive list of information (pre enrolment) that needs to be supplied to each international student before they are able to enrol with a provider. The written agreement entered into by each student should state that the student has been given this information and are aware of all the details around the chosen providers, courses they have undertaken, city in which they will be studying and any other relevant information.

3. All providers must have a written agreement with all international students before they commence their studies. This written agreement must have a breakdown of the commission agreed to be paid to the agent for the enrolment of that particular student.

4. DEEWR should conduct regular compliance seminars for these recommended agents in their home country to ensure they understand their responsibilities.
  5. These recommended agents should be audited (desktop audit) by DEEWR on an annual basis and site audit every 2 years to ensure they are adhering to the ESOS framework, The National Code and any other relevant legislation / Act. Providers should be notified of changes to the agent list in a timely manner.
  6. All students to attend a 'pre departure' orientation within their home country before they enter Australia to study.
- ii. How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?

#### Comments

There is a common belief by private providers who provide tuition to international students that the TAS (OSTAS) is run and is appropriately funded to support displaced students. This belief has been demonstrated to be incorrect.

TAS provides no assurance in the event of a college closure greater than 100 students and the absence of an effective TAS and the absence of assurance funds in ESOS creates a tenuous assurance regime in Australia to protect the interests of international students.

#### Recommendation/s

1. Carrick believes the Tuition Assurance Scheme (TAS) should be abolished.
2. Providers should be required to contribute a percentage of their annual turn over to the ESOS Fund as part of their annual CRICOS registration.
3. The money contained within the ESOS Fund should be used for the following ,
  - a) Given to providers who take on students who have been displaced by the closure of their provider and / or
  - b) Paid to students who have been displaced due to the closure of their provider.
4. The ESOS Fund should be controlled by the Commonwealth government (DEEWR).

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

#### Comments

The current system which is incorporated across most providers is an effective and fair process which enables students the ability to resolve any issues with the provider first before seeking outside intervention. In addition to this current system we believe the establishment of an Ombudsman to oversee the international sector will also

greatly enhance an already effective complaints system.

#### Recommendation/s

1. Carrick believes that the Australian government should appoint a Federal Minister who has a portfolio that focuses just on International Education. As it is currently the 3rd largest export industry in Australia we believe that this warrants a Federal Minister who is solely responsible for the sector.

2. Carrick believes there should be an Ombudsman appointed to oversee any International Education complaints from students. This Ombudsman should also be able to oversee any complaints that providers have in relation to dealing with government departments.

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

#### Comments

Since the introduction of the 6 months rule (Standard 7. Transfer between registered providers) into the The National Code (July 2007) Carrick has witnessed an increasing practice of vulnerable students being influenced by education agents and un reputable providers to leave their current provider with the promise of attending a cheaper provider, who will not be as "strict".

Many students have undertaken study in a foreign country for the first time and are easily influenced by the false promises made by some providers of 'less study hours per week, no exams / assessments, cheaper courses, no attendance required' etc...

It is very difficult for new international students to determine what is a 'reputable' or 'unreputable' education provider in the first few months of their arrival in Australia. Once students have established themselves and are familiar with the Australian education system, they will have more skills and knowledge to determine for themselves between the reputable education institutions and institutions that are in the industry to make a quick buck.

In relation to the students on a 572 visa, the experience of the large quality providers is that not only are students not staying to complete 6 months of their principal course (defined as the highest qualification covered by the student's visa) ,but they are also abandoning (in most cases not even cancelling) their first vocational course. Carrick has been keeping statistics in relation to its experiences in this area for quite a number of months and are happy to provide you with a summary of these experiences as well as examples of students who have been enrolled with providers before they have complete 6 months of their principal course.

Enforcement of Standard 7 will have the desired effect of curtailing the exploitation of students by stopping the ability of these low quality providers and agents to enrol students prior to the completion of 6 months of their principal course.

## Recommendation/s

1. Carrick believes International students should not be allowed to move provider until they have completed at least 12 months of their principal course which is defined as the highest qualification in which they have a COE for. Furthermore, Carrick believes that students who wish to transfer provider need to supply a satisfactory reason to their current provider why they need to transfer to a new provider and how this will benefit them.
2. Carrick recommends that DIAC or DEEWR place a “block” on the issuing of COE’s for students leaving prior to the completion of 12 months of their principal course (unless they have actually received a Letter of Release, which must be evidenced).
3. If students are not happy with their provider and wish to leave before 12 months of their principal course has been completed they can submit in writing a letter outlining their reason to leave to the Ombudsman.

## **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

The complexity of the current quality assurance systems relates to the different frameworks / legislations which providers are required to adhere to e.g. ESOS Act, The National Code, AQTF, NEAS, HESA etc. combined with each State legislative framework e.g. Education and Training Reform Act 2006 – Victoria; Vocational, Education and Training Act 2005 – NSW; Training and Skills Development Act 2008 – South Australia; Education (Overseas Students) Act 1996 – Queensland etc..

Furthermore, each state regulator has different guidelines, standards and requirements (forms / processes and applications for the same submission e.g. CRICOS are different for each state). For a providers such as Carrick located in 4 jurisdictions (NSW, Victoria, Queensland and South Australia), this can be often expensive and cumbersome. For example, a CRICOS application for a new course which takes 6 weeks in Queensland for approval will take 9 months for approval in Victoria. Carrick can provide examples of extensive timeframes and inconsistencies for the same applications submitted in different states.

This combined with the responsibilities shared between State and Commonwealth for implementation and or monitoring of each frameworks / legislations leaves for a very confusing and complicated quality assurance system for providers to navigate through.

## Recommendation/s

1. The Commonwealth Government should develop a comprehensive legislative framework which covers all tertiary education e.g. ELICOS, VET and Higher Education and its implementation and monitoring is control by one Commonwealth government department.

This system could be very similar to the proposed TEQSA system which oversees all quality assurance frameworks.

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

#### Comments

1. The Commonwealth Government should develop a comprehensive legislative framework which covers all tertiary education e.g. ELICOS, VET and Higher Education and its implementation and monitoring is control by one Commonwealth government department.

This system could be very similar to the proposed TEQSA system which oversees all quality assurance frameworks.

#### Recommendation/s

1. Ensure all education providers must have local, State and Federal approval e.g. BCA - Class 9B to operate as an educational facility.

2. This approval must be supplied to the respective registration authority before approval is given to operate an education facility.

#### **Effective regulation**

vii. Is ESOS compliance and enforcement adequate?

#### Comments

The current ESOS regulatory system is adequate as it seeks to protect the interests of students and does so in a very comprehensive manner. However, the large issue of concern is the lack of cooperation and consistency in the application of the regulatory framework amongst the states.

Compliance obligations are a large financial burden on an organisation such as Carrick. Adding further regulation to the current regulatory system will only add costs to those providers who already spend the funds to ensure compliance and will not address the fundamental issues confronting the industry with low quality providers.

The Commonwealth government should develop a rating system for providers depending on their compliance record (for providers who have a proven track record of compliance they should only be subjected to 'desk top' audits when applying for new course approval), longevity within the sector (established providers who have been in the sector for a period of time should be given a 'light touch' approach when being audited as they have proven themselves over the years) and financial commitments (providers who have committed themselves to commercial leases or invested in the facilities of the campus).

Based on the rating of the providers the ESOS legislative framework should have the power to suspend or cancel the providers' registration immediately if it is in breach of the Act.

#### Recommendation/s

1. Develop a rating system in which well established, reputable providers will be treated differently to new unproven providers.
2. Ensure a more effective focus on the enforcement and monitoring of the current regulatory system.

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

Providers should be given a risk rating based on their longevity and their financial and academic performance which is reviewed on an annual basis depending on their rating. If the provider is well established and has a proven track record of educational compliance, financial viability and strategic goals that are in line with either State or Federal objectives, then these providers must be given a 'light touch' approach and allowed more flexibility to operate in an autonomous environment. These providers may under desktop audits on an annual basis with a comprehensive site audit every 3 years.

The Commonwealth government must have greater monitoring and control over providers who are not established or who have not proven themselves within the allocated rating system.

Providers should have a capacity (approved student numbers which is listed on PRISMS) based on their facilities which have been approved by the relevant authority e.g. local council (see previous comments Point vi about BCA approval on building facilities). This will ensure that providers do not over enrol students and have the facilities to accommodate the enrolled students.

In addition further risk can be managed by tightening the initial registration process for new providers. Only Providers who can demonstrate good record in education and training should be registered.

#### Recommendation/s

1. Develop a 'rating' system based on the risk factor of each provider.
2. New providers should be audited after 6 months of their initial registration instead of 12 months to ensure they can demonstrate appropriate resources and facilities for the enrolled students.

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

#### Comments

The chosen legislative framework needs to be a combination of prescriptive requirements e.g. Class 9B requirements, important policies (Refund Policy), attendance requirements (minimum of 80% attendance required for all International students) and outcomes achieved e.g. successful employment in chosen field, student satisfactory achievement (gained through student surveys), high completion rate.

While the sector requires flexibility there needs to be a balance where the framework is regularly enforced, there is effective monitoring of all frameworks / legislation and there is constant communication and guidance from the regulators to all providers. In addition there needs to be prescriptive requirements which all providers need to adhere to ensure the integrity and high calibre of education which must be offered to international students. The only way this can be achieved is through prescriptive requirements listed in the legislative framework.

It is also vital that all education providers have a strong link / partnership with the respective industries in which they operate to ensure employability outcomes for all students. Providers with a large number of students should be encouraged to have dedicated staff whose sole focus is on gaining students employment within their chosen field. Education providers have a responsibility to not only students but also the industry to ensure that students are 'job ready' and can contribute to the workforce upon completion of their studies.

#### Recommendation/s

1. A prescriptive legislative framework which requires important information such as educational approval for all sites, attendance requirements and relevant policies to ensure fairness and equity to all students. Along with a more effective focus on the enforcement and monitoring of the current regulatory system.
2. All providers must show a link / partnership with industry and have dedicated staff to help students secure employment upon completion of their studies.

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

#### Comments

The system is very difficult to navigate when you have two different government departments (DEEWR & DIAC) overseeing the international student sector.

The new proposed ESOS framework will need to work more closely with other government legislation to ensure all government departments work together in ensuring the best quality education system to International students.

#### Recommendation/s

1. Ensure the ESOS framework works in with other government legislation e.g. DIAC to enable a smooth transition for international students.

### **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

The ESOS framework is an important part of the international education sector within Australia as it will need to provide not only high quality education outcomes but other benefits such as cultural experiences for overseas students and an opportunity to address the current and future skills shortage which Australia will experience.

ESOS can also enrich our local communities by contributing to a diverse education experience for all Australians enrolled within the education provider. Moreover, the introduction of international students into Australia will help promote cross cultural experiences generating greater understanding and acceptance of others in this time of globalisation.

#### Recommendation/s

1. The ESOS framework is a vital link in the ongoing growth of international education within Australia. It is for this reason that the ESOS framework should be prescriptive and detailed in what it requires from providers.
2. The regular monitoring and a more effective focus on the enforcement of the regulatory system on providers who are classed as 'high risk' providers should be conducted to ensure the integrity and high calibre of education and training within Australia.
3. If providers are found to be in breach of the ESOS framework, they should be suspended or cancelled immediately to stop further erosion to our already damaged sector.

#### **General Comments**

Thank you.