APPENDIX B : SUBMISSION TEMPLATE

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
In relation to the background information provided as Section 1, we wish to point out that neither DEEWR nor the Queensland CRICOS agency, has undertaken ESOS/ CRICOS training in Rockhampton for a number of years. It is our contention that, while the ESOS legislation is robust, the government operatives have a responsibility to educate as well as enforce.

This training is particularly important for smaller, private providers. If that training is provided to the industry, then the CQUniversity position is that the ESOS legislation provides a robust framework to ensure that the quality and accessibility of reliable information is of a high standard.

A difficulty is faced with implementation, in that DEEWR and the state authorities all have some levels of responsibility, which leads to blurring of the final responsibility, increased bureaucracy, and inconsistent implementation across states and sectors. CQUniversity supports the concurrent development of a National International Student Strategy under the Council of Australian Governments (COAG) and the establishment of the Tertiary Education Quality and Standards Agency (TEQSA). CQUniversity further supports efforts to bring similar coordination across the VET sector.

Keeping the Student fully informed
CQUniversity has developed sophisticated and student centred processes to keep students fully informed at every stage of their involvement with us, before they leave their home country, to their completion of their degree.

Level 1 – Before they leave their home country

- Individual relationship through application/matriculation/Visa application in country office
- Pre-departure briefings in country – include Govt groups in presentation. Have prepared slide show presentation
- Tele-calling programs in country
- Provision of a free call number – fully manned for queries
- Welcome letter from your campus
- Tele-calling campus ⇨ student
- Distribution of individual CD – know your campus
- Australian Government 'Studying in Australia' documents (include in the pre-departure briefings/seminars)
- Referred to comprehensive information on website

- Rights and responsibilities – Provider and Student

Level 2 – Upon Arrival

- Directions to major campuses – electronic distribution
- Full check to see if accommodation is in place (use of Agent network)

- Facilitated Enrolment – new students/ Formal enrolment into Student Service units (via Portal)
- Campus tours (Orientation Program)
- Full Orientation Program
- FAQs sessions

Level 3 – Through the first term of study

- Community group seminars – Banking/Health/Transport/Safety
- Consumer awareness programs – food/travel/value of money
- Student welfare presentations
- Invite community cultural leaders to present
- New student survey
- Campus feedback – develop student clubs
- Meet the VC photo opportunities

Level 4 – Ongoing

- Business Group seminars – Finance/Management/IT
- Industry Group seminars – CPA/AIM/Comm Sec
- Cultural Focus Groups – two way feedback
- DEEWR briefings
- Social Inclusion program – working with the community
- Cultural celebrations
- Bi-annual Surveys - deal with both general and specific feedback
- Campus based support programs

Level 5 – Upon Completion

- Outcomes Survey
- Alumni registration
- "Keep in touch with us" packs
- Social IT networks
- Congratulatory letter to student and family
- Final term Focus Groups

PROVIDERS
Every provider (incl. RTOs, HE, VET and schools) should be audited more regularly (i.e.: ongoing basis) on a pro-active rather than re-active basis which seems to be the current situation when due to media attention, providers become 'high-risk'. Ongoing audits and management of all providers will assist in ensuring providers keep their agents (both on-shore and off-shore) informed of changes.

AGENTS
Initiate process of regulation and accreditation of all agents (on-shore and off-shore) similar to process of The Office of the Migration Agents Registration Authority (MARA), including ongoing agent audits. Similarly ensure provider accountability to ensure their agents (on-shore and off-shore) are registered.

Recommendation/s
1. DEEWR need to take full responsibility for industry training, and this training needs to be available to regional providers as well as providers in capital cities. Smaller, private providers should receive special support.

2. A single, central authority needs to take responsibility for all aspects of ESOS, including CRICOS registrations and provider audits and monitoring.

3. Audit every provider on a pro-active basis rather than current re-active basis.

4. Ongoing auditing and management of all providers (ie: HE, VET, RTOs and schools) ensuring that providers keep their agents informed.

5. Introduce a regulatory and accreditation process similar to that of MARA for both on-shore and off-shore agents.

6. Look at Best Practice in continuous engagement with students, and encourage dissemination of these processes through the industry.

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

Comments
At the time of closure of a provider, students are left in confusion, and DEEWR has no direct power to assist. Students cannot, in most cases, contact their former provider and there is no other immediate contact from other areas to reassure students that they will still be able, without additional financial burden, to complete a program similar to the one originally chosen.

Local DIAC offices should be guided by a DEEWR "flying squad" and have processes in place similar to providers' requirements to have "critical incidents" procedures. These should be transparent and available to all providers allowing nearby providers to assist students where possible.

Since the introduction of a user-pays education system for international students, there has been no case where a government HE and VET provider has closed down (not withstanding amalgamations) or not being able to fulfil their contractual obligations. The same cannot be said for RTOs and English Language providers as evident by recent media coverage. This historical evidence should be taken into consideration when determining the risk associated with any given educational sector in determining the provider's contribution to the TAS or the ESOS Assurance Fund.

Establishing a fee structure for HE, VET, RTOs, English Language Centres and schools based on historical data (calculated on an annual basis) re risk of closing down or not being able to meet their contractual obligations would increase consumer protection mechanisms. Substantial amounts are raised through the annual CRICOS registration charges. This money could be used to top-up any additional requirements.

Relevant aspects of the risk profile would include financial and academic profile, provider's range of programs, range of source countries.

Recommendation/s

1. DEEWR should establish a "flying squad" whose task would be to attend the situation of a school closure, and within a short period, provide reassurance to students and assist in making arrangements for their future enrolment in Australian institutions.

2. If the school is able to pay, this cost should be borne directly by them. If not, then the TAS and ESOS Assurance Fund should cover this.

3. Increase the provision of consumer protection mechanisms via the providers TAS contribution for sectors with a proven history of failed providers such as the recent closure of private RTOs, and English Language providers.

4. The TAS contribution should be based on a prescriptive formula based on the parameters which contribute to a provider's likelihood of risk (e.g.: the range of programs offered, the number of student source countries and the provider's financial viability).

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

Comments

Because many international students come from cultures which are not as open and transparent as Australia's, they have experience that their complaints will not be heard/ acted upon unless is is a very public complaint process such as a street march or media fuss.

As well, many of the senior managers of education providers have experience in handling Australian systems and students when complaints are made, but are not experienced in such handling when different cultures are involved. There are experts who are able to provide such services, or provide training in handling such situations, but perhaps smaller institutions are not able to access this expertise independently.

CQUniversity has experience of a large proportion of students who are cancelled under Academic Progression, making complaints that CQUniversity is "non compliant" with the National Code. One would expect that, if this university process had been investigated once and its procedures found to be sound, then there would be no further need to repeat that investigation each time a student made such an allegation.

Providers should be encouraged to better inform students as to complaint mechanisms, and providers and DEEWR should require that the complaint mechanisms be used as designed (ie, internal processes be used prior to external processes). They should also be encouraged to handle matters in a timely and transparent manner.

Each institution needs to implement a Risk/Crisis Management Plan to deal with student issues which could be fuelled with emotion. Demonstrated auditable pathways need to be in place.

The current avenues within the complaints process are sufficient. The process can be improved however by the Government ensuring providers are managing the issues when they arise.

Recommendation/s

1. The International Education Association of Australia (IEAA) or similar professional organisation be encouraged to develop training for senior managers of education providers, on handling disputes/ crisis management.

2. Ensure rigour is maintained in complaints process via audit compliance.

3. Require providers to demonstrate that they have a Risk/Crisis Management Plan in place.

4. Each provider should be required to establish an internal Institutional Ombudsman plus an external Independent Arbitrator(s) to assist with cultural determinants of complaint, e.g. problem escalation to the highest management level.

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

Comments

In the experience of CQUniversity, it appears that students were more deliberate in their choices, and more settled in their studies when the requirement was for a student to remain with a provider for 12 months. We agree with the comments in the Issues Paper that students who are seeking to change provider are motivated by cheaper, less rigorous programs and perceived easier avenues to Permanent Residency.

It creates difficulty for providers in managing student welfare if students believe they can walk in and out of a program at any time, and it creates difficulties for the student in that they are harassed more by agents; they are not so dedicated to making the correct decision initially; and they are less settled in their studies and living arrangements.

Students' rights as consumers are currently respected however institutions that are recruiting also need to have their investment protected. Therefore the current six-month rule should revert to 12 months, and the rule should be enforced. This rule should also be defined in relation to the academic terms and calendars of the sector and not calendar months.

That is, as each program type (e.g.: VET Diploma, HE Diploma, VET Bachelor, HE Bachelor) may vary in duration, the definition of academic term need to be based on program type per each type of provider (i.e.: HE, VET, RTOs, English Language Centre and schools, etc).

Recommendation/s

1. DIAC reinstate the requirement to stay with a provider for 12 months, but define the period in relation to a school term for the appropriate sector level.

2. DIAC play an active role in the enforcement of that requirement rather than indicating that the student can change at any time if only the education provider will allow it.

3. The status of the Release Letter needs to be enhanced and DIAC and DEEWR need to be fully resourced to support the compliance of this requirement.

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 appears to us that the focus of DEEWR in relation to ESOS, and AUQA in relation to education quality assurance are quite specific and clear, but will be improved with the introduction of TEQSA. The more confusing structure is the federal/state divide of the ESOS responsibilities. CQUniversity would prefer a structure where such a federal agency undertakes CRICOS registration of a provider, and of a program.

A National Model is required, so that the unnecessary duplication and inconsistency is removed, along with this waste of resources.

There is a need to establish stronger pro-active enforcement across all institutions and sectors. Currently quality assurance audits appear to be undertaken as a reaction to negative press within the non-HE sector. It is envisaged that establishment of TEQSA will be a mechanism for delivering quality to the HE sector. However as recent events have shown, the sectors at risk are the VET, RTO and English Language Centres. Although COAG agreed to develop models for a national VET regulatory body which will strengthen compliance and enforcement, the RTOs and English Language providers remain a major concern.

Recommendation/s

1. Progress the development of a national model, TEQSA, incorporating AUQA responsibilities, as soon as possible.

2. The establishment of similar national models of Government agencies to ensure the strengthen regulation and quality assurance in each sector of the Australian education system including RTOs and English Language Centres and Schools.

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

Comments
A percentage of international students are influenced by Permanent Residency regulations (DEEWR advise around 30% of students), and can therefore be easily manipulated by those requirements, or by agents presenting those requirements.

DIAC have sufficient evidence that students undertake programs based on their relative ease of qualifying for Permanent Residency and other PR regulations. Rapid spikes of short-term demand changes lead to rapid response especially from private providers, creating conditions where quality may be jeopardized.

Close coupling of PR and study in Australia is useful in getting better employment and skills outcomes, however as DIAC has found, great care needs to be taken to ensure that students participate in programs with skills critical to our industry, and that the industry itself is prepared to recruit such students. For example, linking PR to hairdressing is not a skill critical to our industry.

And linking PR to accounting has its difficulties in that industry by and large, does not wish to employ international students. The PR Professional Year Program developed between DIAC and the accounting professional bodies may plug this gap. It highlights the need for international students (and domestic students) to be prepared for their particular profession and its professional culture.

In order for international students to successfully adjust to a new educational and cultural system, it is essential that they participate in the provider's orientation program, where they are not only initiated into the academic environment, but also the cultural and social environments. This level of engagement with fellow students and staff fosters a sense of belonging and if it is maintained through rigorous student services mechanisms will increase a student's likelihood of successfully adjusting to the Australian education and cultural systems.

International students value their study in Australia not only for the high standard of educational qualification they are able to access, but also to experience the social, cultural and commerce aspects of Australia. Much discussion has centred around the need for a limit to the percentage of international students on any campus, however, other research shows that international students have very limited interaction with their domestic counterparts. What is important is that, regardless of the composition of the student population, providers should organise opportunities for interaction with the wider Australian community. CQUniversity has found this a particular challenge in its capital city campuses. DEEWR have decreed that the university is not able to enrol domestic under graduate students on these campuses. The university has, by necessity looked to the wider community for the Australian experience.

As described above, in point 1, the university has developed specific programs of activity, across the duration of a degree.

- Business Group seminars – Finance/Management/IT
- Industry Group seminars – CPA/AIM/Comm Sec
- Cultural Focus Groups – two way feedback
- Social Inclusion program – working with the community
- Cultural celebrations
- Campus based support programs
- Joining local sporting teams

The possibility of limiting the percentage of students from a particular source country is not supported. Firstly, this would be extremely difficult, logistically. Secondly, it would very quickly be interpreted as racially based. Nonetheless, CQUniversity does support the concept that students should be derived from a wide range of source countries.

CQUniversity sees great merit in the limitation of work hours for international students, given their significant investment in a prime goal of attaining an Australian education experience.

We also fully support the student lobby, to have all State governments provide access to student subsidized transport for international students.

Recommendation/s

1. DIAC take care in development of Skills in Demand Lists as these have a major influence on student choice.

2. DIAC limit the changes, so students can plan ahead to target industries where their skills will be in demand.

3. Monitor outcomes from the Professional Year Programs of ACS and the accounting professional bodies.

4. Similar to the New Zealand Ministry of Education Code of Practice for International Education (2002), make attending orientation compulsory for all international students.

5. Reconfirm eligible hours of work for international students.

6. Implement subsidized transport for international students, in all states.

Effective regulation
vii. Is ESOS compliance and enforcement adequate?

Comments
The Issues Paper - September 2009 (p 12) is the first information made public about non-compliance with ESOS. The higher education section of the industry has for many years been requesting from DEEWR that generalised reports of non-compliance be made public, at least once a year. From reading the popular press, one would be excused for assuming that the international education industry is about to implode due to poor quality.

The evidence is that other countries are seeking to emulate the consistent quality of the Australian industry. The lack of reporting of factual data means that media sensationalism is allowed to breed, unchallenged by any factual basis.

What is needed is that, where regulations exist, the government agencies such as DEEWR and DIAC support a provider who is enforcing the regulations, and do not overturn decisions made in good faith by providers in compliance with such regulations.

Ongoing audits and management of all providers will assist in ensuring providers comply with the regulatory framework. Regulations of providers are on the whole adequate however they are not necessarily adequately enforced.

Recommendation/s

1. DEEWR to report matters of non-compliance with ESOS on an annual basis, perhaps through the industry peak bodies.

2. Re the DEEWR program of audits, refer to recommendations in Q.1.

3. Enforcement of regulations by DEEWR and DIAC should be consistent for all cases, rather than overturning a decision if a student is sufficiently persistent.

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

As a university provider, we are not clear on the assessment of RTOs for the VET and ELICOS sectors. One would observe that the minimum registration requirements would be five pronged, to look at:

the program curriculum,
the academic capacity of the provider and its staff,
the administration and management capabilities of the provider,
the building and other facilities of the provider,
and the financial standing of the provider.

There needs to be some vetting within the system for registration of agents (both on-shore and off-shore), to provide some assurance to education providers.

Many institutions choose to manage compliance and minimize risk through ISO standards or equivalent QA processes. Whatever is established, it is important that it does not "punish the many for the sins of a few" . It would be far better to fully endorse the identified regulatory requirements than to go over the top with new, unenforceable legislation.

Recommendation/s

1. Review provider registration requirements of RTOs in the VET and ELICOS sectors

2. Centralise the registration processes, so that a consistent set of requirements applies in all states.

3. 3. Monitor through ESOS audits, the provider management issue of training and management of agents.

4. Enforce existing legislation before attempting to overhaul the system.

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

Comments

In providing education opportunities for Australian students, CQUniversity has developed a range of expertise in the teaching of students from disadvantaged backgrounds. We have enrolments from low socio-economic and indigenous backgrounds at a level many times higher than the average for Australian universities. Our STEPS program for these students improves their opportunities to an extent that this cohort display higher retention rates, and degree outcomes such as GPA levels, which match or exceed students who have come directly from school. Thus we have experience where the "input levels" are low, but by applying the appropriate support and other processes, the outcomes are outstanding. In our domestic operations, we are therefore encouraged to consider much more open access, but close monitoring and intervention.

Similarly, with our international students, CQUniversity developed in 2003, policies for monitoring of academic progress which apply to both domestic and international students. Along with checking of attendance at classes, monitoring submission of assignments (and following up non-submissions), the processes we have in place for identifying "at risk" students early in their program, and providing

early intervention, means that even students who access our programs at the lower academic level will be well supported towards independent learning in the western learning traditions.

In relation to English Language Proficiency, CQUniversity has in place a range of ongoing processes to support those with lower levels of competence. This can happen to a student, even though official tests may show adequate results. We have great pride in the ongoing support we have in place.

Development of English language proficiency is integrated with curriculum design, assessment practices and course delivery through a variety of methods.

• Building student skills in English communication for academic purposes is a continuing commitment for academic, Learning Support and Training, Employment & Career Coaching (TECC) staff at CQUniversity international campuses. Academic assessment tasks include essays, reports, oral presentations, examinations, quizzes (online and paper-based), literature reviews and annotated bibliographies amongst other items. Students are supported in the preparation of these diverse texts by way of purpose-designed workshops held as open-invitation, extra classes by academic staff and also Learning Skills Unit (LSU) staff as the task warrants. Such classes are well-attended by students, particularly the revision and examination preparation classes held towards the end of term time and targeting specific courses and disciplines.

• During terms, academic staff regularly invite LSU staff into lectures and tutorials to advise students on how to approach specific assessment tasks and to offer one to one assistance for students who require it.

• Assessment questions, including time-restricted examination questions, are carefully reviewed to ensure there is no Australian idiomatic language which is outside the standard English international students are familiar with. English expression in all assessment items is kept straight-forward, simple and standard wherever possible so as not to disadvantage students from other language backgrounds.

• Course materials and readings are authored and selected against comprehensibility criteria as well as discipline relevance and currency. Course coordinators and lecturers/tutors at the international campuses regularly communicate about these materials so that international student needs are incorporated in all materials including lecture slides, tutorial activity material, study guides, text books and supplementary materials.

Students' English language development needs are diagnosed early in their studies and addressed, with ongoing opportunities for self-assessment.

• CQUniversity is currently working with Learn.ed Solutions to implement testing of English competence of all students enrolled in CQUniversity programs from 2010. The initial pilot project is in planning phase and will involve 100 students currently studying at the CQUniversity Sydney campus. These students (who have an IELTS score of 6.0 or equivalent) will be tested using the English Language Measurement and Placement Test developed by Learn.ed solutions and preferred by CQUniversity due to high quality reliability and validity as well as online access options.

• Individual referrals of students experiencing communication difficulties to the LSU remains a constant resource at all campuses and the LSU achieve excellent results working with such students. The LSU are always highly commended by students and are available to assist all students regardless of their English competence or discipline.

Universities use evidence from a variety of sources to monitor and improve their English language development activities.

• Students are encouraged to provide feedback on comprehensive services, including English language support, in an annual online Student Survey. In addition they are asked to provide evaluation of all courses and teachers also by online survey at the end of each term.

• In addition, students are included on Campus Environmental Committee, OH&S Committee and an Academic –Student Liaison group which is called for a meeting at least once a term to discuss academic issues and services from the students' perspective. Campus newsletters.

• Research of English language competence of international students and related issues across the sector is conducted as an ongoing project involving Senior Research Associates at the international campuses. They attend and present at major conferences and events around the issue in Australia and overseas including the AUQA managed Good Principles Seminar, IEAA and AEI events. Several academic staff research and publish in the area of second language student comprehension, learning styles and cultural challenges. Academic staff professional development is regularly offered to all teaching staff and always includes topics related to improving learning outcomes for culturally and linguistically diverse students.

Our preference is therefore to look at outcomes, although we recognise that inputs can provide early signals, and indicate a need to individualize the experiences of students.

Recommendation/s

1. Develop outcome measures of success which recognise there are various ways of achieving a desired outcome or level.
2. Consider the impact of both input or starting point, plus subsequent processes or interventions and experiences on the ability to reach particular outcomes.

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

Comments

Re: p.7-8 in s.4 of Issues Paper, National Code Standard 7 already stipulates the need to have in place relevant Monitoring Academic Progression (MAP) policies and / or processes and the reporting of students for failure to meet requirements serves as much to protect students' interests as much as maintaining academic integrity of institutions and / or the education industry.

CQUniversity has implemented a Monitoring Academic Progression policy for students since 2003. We initially applied this to international students only, but very quickly applied it to all students, as we find it a very effective way of engaging with the students who are being challenged by their academic studies. We are thus able to provide personalised, direct and early intervention to assist students and, for international students, take a range of measures which will minimize their risk of failing to make sufficient progress to meet visa requirements.

Regardless of any requirement of ESOS or the visa, CQUniversity believes this is good practice.

The ESOS legislation already in place is sufficient, but DIAC should endorse institutional reporting of cancellations and support the process rather than allowing excessive and frivolous appeals, and overturning of institutional decisions, forcing institutions to retain students who have breached visa or National Code regulations.

Recommendation/s

1. We believe the student visa program works well, and does not require change. Implementation processes could be improved through:
   a) Ensuring all providers have a rigorous MAP policy and process.
   b) Ensuring DIAC follows up and actions VISA reports in a timely fashion.

2. Where DIAC is well aware of our processes for MAP, it would assist us all if there were a limit to the use of Section 20 investigations. Either the appeal process to DIAC should be removed, or DIAC should be more supportive of institutions who are following compliant processes.

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 regulatory system, combined with the AUQA processes for the higher education area, are the envy of other countries throughout the world. It would be short-sighted to make wholesale changes based on a small number of recent closures of small private providers. The TEQSA structuring of these processes will strengthen and improve our assurance.

Sustainability of the international education industry needs to be seen as a partnership of experienced industry providers, state governments, federal government, accommodation industry, tourism industry and other relevant stakeholders. It is interesting to note that neither the tourism industry nor the meat industry have to contend with a hostile media, or a government sector which appears to distrust all providers. It is also interesting to note recent media speculation that the "Indian incidents" were raised in the context of the Andrew Symonds incidents in international cricket!

The industry needs also to be self-preserving. The AVCC Code of Conduct established that institutions would not use the denigration of another institution, or another group of institutions, to promote their own position. CQUniversity has had to ensure that our standards, processes, support of students and every aspect of our operations, are of the highest possible standard, to withstand comments from institutions which are not informed or knowledgeable of our standards, and who have no sound basis for their comments. Once such statements are made, either to students, agents or parents in other countries, or in our own press, the mud will stick, and this affects our reputation. Worse still, this internal savaging of the sector in public does nothing to improve the reputation of the Study in Australia branding.

The various departments should meet with sector providers on an ongoing basis particularly re emerging issues … not just when issues crop up and they seek re-active input.

Providers should have a diverse range of programs and the role of ESOS should be more focused on quality education and less on VISA and /or migration issues.

Recommendation/s

1. That DEEWR works with the industry as professional partners, and use the established forums to allow this to happen, allowing appropriate time for meaningful consultation.

2. That state and federal governments and other authorities consult and either develop centralised systems, or consistency and clarity of responsibilities among the parties.

3. Each provider should provide quality education via appropriate facilities, resources, a diverse range of equitable programs, and robust policies and processes.

4. Each provider should be audited on an ongoing pro-active basis including a provider's financial viability.

5. DEEWR needs to show solidarity with providers who are attacked from within the system, and, if investigated and found to be sound, this should be made known publicly.

General Comments

The Government and the sector have to avoid being influenced in regard to review and policy changes by mis-informed media and/or media with its own agenda. To "Not reporting the news but making the news".

The industry may benefit from annual reporting from all providers to show the growth, viability, student satisfaction of a provider, and this could be used to detect at an early stage those providers that may be at risk of closing (DEEWR to be proactive rather than reactive?)

To provide clear an unambiguous positions to students, there needs to be shared and agreed interpretations of regulations across providers, TEQSA, DIAC and any other party. Decisions, particularly in relation to DIAC, need to be consistent across all DIAC counsellors and offices.