

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:

City of Sydney

Sector:

Local Government

Prepared by:

xxxxxxxxxx

Contact details:

xxxxxxxxxx

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

During 2008, the City of Sydney (the City) undertook research into the experience of international students. The Research Report 'Needs Assessment of International Students in the City of Sydney' aimed to explore the experiences of international students and to reveal details regarding the difficulties and challenges they faced and current support available to them. The research report identified a number of trends and issues facing international students. The Research Report suggested there is a lack of coordinated approach to information development and dissemination to meet the needs of international students. Various education service providers and government departments produce information for international students without making reference to existing information and identifying information gaps for international students. This results in duplication of information and resources and thus a lack of effectiveness in meeting the needs of the international students. There are also anecdotal reports that suggest information provided by overseas agents were not accurate and information provided by the government, specifically regarding the cost of living, does not reflect the real cost of living in Australia, particularly in capital cities .

Recommendation/s

The City recommends that the Education Services for Overseas Students Act 2000 (ESOS) could play a governing role in ensuring information provided by education service providers and subsequently by education agents is accurate, and penalise those that provide misleading information.

The City recommends that ESOS could prescribe minimum requirements for providers to supply information to their prospective and current international students, for example information regarding accommodation, community safety, transport etc.

The City recommends that ESOS prescribe conditions to ensure that providers work with local government and non-government organizations to provide information and information seminars for current students.

The City recommends that there needs to be a coordinated approach at the National, State and Local government levels for information development and dissemination to prospective students; both here and overseas.

The City recommends the establishment of a central web-based portal for international students and providers coordinated by the Federal government and contributions to content made by State governments.

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

Comments

As a matter of urgency, the current Tuition Assurance Scheme (TAS) needs to be addressed. The TAS was established under ESOS, but is independent and with minimal legislative monitoring systems. Contributions to the TAS should be compulsory for all providers with adequate coverage to ensure students receive protection if a provider closes.

Recommendation/s

The City recommends that TAS contributions should be compulsory for all providers and the amount they contribute should provide adequate coverage in the event a provider closes.

The City recommends there should be legislative mechanisms to govern and monitor the effectiveness of the TAS.

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

Comments

Different mechanisms are needed to support international students to resolve complaints effectively due their extra vulnerability because of language barriers, lack of understanding about how Australian systems works, lack of support networks and limited access to information. Additional complaint mechanisms are needed to protect the interests of international students, and we would recommend that this is also communicated via Consulates and Embassies to ensure that international students are given accurate information.

Recommendation/s

The City recommends the establishment of a position that performs the Ombudsman's role to investigate students' complaints of the quality of education and exploitation issues experienced by students.

The City recommends the government to establish roles such as a student advocates

to empower students to report exploitation or malpractice and make complaints to relevant bodies.

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

Comments

International students, just like local students should have the same right to change their education service provider if they found the service to be unsatisfactory. This right to change their education provider for international students would empower them to put pressure on providers to deliver a quality service.

Recommendation/s

The City recommends that ESOS should remove restrictions on international students ability to change their education provider.

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 City welcomes the idea of the establishment of the Tertiary Education Quality Standards Agency (TEQSA) to bring together the regulatory and quality assurance functions across both universities and private providers of higher education. The City believes there should be one overall body to govern the Vocational Education Training sector and the Higher Education sector to ensure consistency in policies. Its implementation and monitoring would minimise duplication of resources and compliance burdens on providers to report to multiple agencies and governments.

Recommendation/s

The City recommends the establishment of one overall agency to monitor and enforce the ESOS and the National Code in the Higher Education sector and Vocational Education sector.

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

Comments

International students are potentially a vulnerable group. The City of Sydney Research Report 'Needs Assessment of International Students in the City of Sydney' identified some of these extra vulnerabilities and show that the life of an international student in Sydney can be very challenging. Specifically, accommodation seems to be very difficult to find, especially around the campus where students prefer to reside. All students interviewed, as part of the research project commented on their struggle with the cost of public transport and their disappointment in not being eligible for a NSW government travel concession. Some of the major issues reported by both service providers and International students included: accommodation, public transport, safety, social isolation, financial hardship, lack of support services. Therefore additional regulation is required to protect the interests of international students.

Recommendation/s

The City recommends that additional regulations are needed to protect the interests of international students, particularly in terms of information provision, complaint mechanisms and accreditation of staff teaching and supporting international students.

The City strongly encourages the harmonisation of travel concession regulations across all states and territories, as there are inconsistencies between jurisdictions.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

The City believes current ESOS compliance and enforcement is not adequate.

Recommendation/s

As stated in previous recommendations, compliance and enforcement are essential. This is a sector that would benefit from strengthened regulation.

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

Risk can be better addressed through strengthening registration requirements and better targeting of compliance and enforcement action. Risk can be managed through an adequate and compulsory Tuition Assurance Scheme.

Recommendation/s

The City recommends an adequate and compulsory Tuition Assurance Scheme for all providers under ESOS.

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

Comments

There needs to be a balance between both input and prescription to ensure there are minimum standards that are met by providers, and outcomes that provide some flexibility when providers comply with all minimum standards.

Recommendation/s

As above.

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

Comments

ESOS should not give providers the power to recommend cancellation of a student's visa. This would put a student into a vulnerable position due to the potential for coercion by providers. Providers should only have the responsibility to provide information on a student's attendance and student's academic performance. However, under no circumstance, should a provider have the power to recommend cancellation of a student's visa.

Recommendation/s

The City recommends that decisions to assess a student's compliance, and investigations of visa condition breaches should be the responsibility of the Department of Immigration and Aboriginal Affairs, and that decision shouldn't be made lightly due to the serious implications for a student, and their supporting families in countries of origin.

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 regulate education service providers to ensure there is diversity within their student population, allowing students opportunities to gain cross cultural experiences, generate greater understanding and acceptance of others, and develop an appreciation of local cultures, as well as provide an environment for them to improve their English language.

ESOS needs to address the current phenomenon in which providers and students focus on short term visa outcomes instead of educational outcomes. The sharp growth in vocational education and training mainly reflects that trend, and it does not promote Australia as the destination for attracting the best students. If the education provider is only interested in the short term gain and taking advantage of the students wish to obtain a visa outcome, they're less likely to invest and improve their capacity to provide a quality education service.

Recommendation/s

The City recommends the review of the current link between the educational objective/outcome and the migration outcome.

General Comments

The City welcomes the opportunity to comment on this review and recommends a coordinated approach between different levels of government and the community sector to work together to enhance an international student's experience in Australia.

We strongly support an approach which regulates this industry to ensure that exploitation of international students does not occur.

The City of Sydney Research Report 'Needs Assessment of International Students in the City of Sydney' recommended the provision of travel concessions in all States and this was a key recommendation from the students and service providers. This would complement the ESOS review in improving the overall experience of international students in Australia. We can provide a copy of this report for your reference upon request.

Thank you.