

Federation of Indian Students of Australia

Submission for the Issue Paper on

Review of the Education Services for Overseas Students (ESOS) Act 2000

Prepared by

Neeraj Shokeen

Coordinator & Research Officer

Federation of Indian Students of Australia, NSW

E: sydney@fisa.org.au

Table of Contents

Introduction.....	3
Issues.....	3
Education Agents	3
Education Providers	4
Recommendation	4
Education Agents.....	4
Education Providers.....	5
ESOS Questions.....	5
Supporting the interests of students	5
Delivering quality as the cornerstone of Australian education	8
Effective regulation.....	9
Sustainability of the international education sector	9

Introduction

Past few years have seen an unprecedented growth in international student numbers in Australia. International education services industry is now the third largest industry with revenues of AUD 16.6 billion. With increased growth, student dissatisfaction with the quality of education and support services has also increased. In past five years we have seen a rapid increase in reports of exploitation and harassment of students by education agents and education providers. Some of these providers are now forced to close. A close syndicate between education agents, migration agents and education providers is the root cause of degree mill colleges. Significant growth in number of Migration Services providers is also a cause of concern. Sometimes when there is no business these agents create business by cajoling students into changing providers. The migration agents/education agents earn a hefty amount on each student transferred. We have also seen students who have completed ELICOS but cannot read or write in English. We believe that strict regulations are required to make sure a bogus business is not made out of nothing which is the case with ELICOS. Research is needed to gauge the benefit of ELICOS on student. Independent testing should be made mandatory after ELICOS to ensure effectiveness of the course. In certain cases where provider has closed students were not given access to their transcripts and payment records. This leads to more frustration when proving their eligibility for ESOS fund. We hope that this review will bring much needed changes to the regulatory requirements and provide enhanced support services to students both overseas and in Australia.

Issues

We would like to point out some issues apart from those mentioned in the answers to template questions.

Education Agents

1. The **Association of Australian Education** Representatives in India (AAERI) has failed to enforce ethical code of conduct on its members.
2. We have seen incidences where students were mis-informed and advised to enrol with a provider with little or no support facilities and in a completely irrelevant course of study with no forcible career advancement.

3. There is no way for students to ensure that the information they have received is credible.
4. There are also reports where agents offered to arrange for fraudulent documents if additional amount is paid to them.
5. We see serious regulatory gap governing education agents.

Education Providers

1. Providers with little or no support facilities are allowed to solicit international students.
2. There is no mechanism to complain against harassment and exploitation by education providers.
3. We have received many reports where providers blackmail students to cough up more money or risk CoE cancellation and face deportation.
4. Providers fail to maintain current academic and payment records of students.
5. Very few compliance checks to ensure providers meet necessary infrastructure and support requirement.
6. No constant support to students in case a provider closes.

Recommendation

Education Agents

1. Strict registration requirement for agents.
2. Compulsory disclosure of infrastructure and support services available to students in 'Provider Disclosure Statements' (See Page 4 & 5)
3. Compulsory disclosure of commission percentage from each provider to agent. This will ensure students know the stakes for agent.
4. Independent testing of every student after finishing ELICOS.

Education Providers

1. Increased regulatory strictness and requirements.
2. Increased and more frequent compliance checks.
3. Independent database management through PRISM of student academic and payment records. This will ensure records are kept current and updated timely.
4. Education Ombudsman should be made available to students in case a provider closes.
5. Case Management and tracking of each student until he/she is successfully placed with a new provider by the Education Ombudsman.

ESOS Questions

Supporting the interests of students

1. 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 & Recommendations

Providers and their agents should be made liable for the information they provide to students. To ensure the accuracy of information and to be able to assign responsibility of mis-information ESOS can implement something similar to 'Product Disclosure Statements' where the provider and their agents are required by law to disclose factual information. This information template should be consistently implemented to ensure easy comparability of quality of education provided by educational institutes and their agents. The information required to be presented to students may take the form of following:

- a. Current demographics of the provider: How many nationalities are represented in the course offered? How many local Australian students have enrolled for the course?
 - b. Infrastructure:
 - i. Computers per student
 - ii. Teachers per student
 - iii. Full-time Support Services available to students
 1. On-site Medical Practitioner
 2. Full time course counsellor
 3. Printing facilities
 4. Sports facilities
 - iv. Financial and Mental Health Assistance available to students in distress
 - c. Quality score of the provider
 - d. Financial soundness of the provider
2. How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?

Comments

Sterling College closure has raised serious question about efficacy of government in handling crisis situation. The college closed on 30 July 2009 but students have not received their COE (Confirmation of Enrolment) as of 16 October 09. The government promised - at least the students were made to believe - resolution and re-enrolment of students within 28 days, the time frame has long past with students future still uncertain. Even though government action after a provider has closed is a reactive one we believe there is a merit in such plan of action. Providers are the direct beneficiaries of revenue and they should resource any plan to protect international students if a provider closes.

Recommendations

- a. Regular inspection of finances available to the provider to ensure that the provider will be able to meet its liabilities.

- b. Professional bodies and government agencies should proactively look for signs of mismanagement and be able to share information with DEST.
 - c. ESOS should appoint a case officer to handle student inquiries as soon as a provider closes.
3. Are different mechanisms needed to support international students to resolve complaints effectively? Are additional complaint mechanisms needed?

Comments

We believe the core issue is complacency when it comes to international students and not lack of regulation. There are regulations in place for provider registration and professional accreditation but they are useless if they are not enforced and regular compliance checks are not conducted. It is shocking to believe that DIAC continued to grant student visas against the COE issued by the provider while the provider did not even have infrastructure and registration to support one tenth of the students enrolled. We believe that utter disregard of international students and institutionalised apathy within the government is the root cause of current crisis.

Recommendations

- a. Funding Not-for-Profit organisation like FISA to keep a check on complacency by government department.
 - b. Constituting an independent body for centralised “International Student Support Services”.
 - c. Increasing information sharing between DIAC, DEEWR, VET regulatory and registration bodies.
 - d. Compulsory multicultural education programs for the staff of government authorities.
4. Should an international student’s ability to change their education provider be limited, if so in what way?

Comments

We think any regulation to stop international students to change their education provider is counterproductive. Students should be free to change their course providers if they valid reason to do so. If the provider is flouting regulation and offering very poor quality of education then the students should be able to change providers rather than wait for authorities to close the provider and suffer.

Delivering quality as the cornerstone of Australian education

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

Comments

The main difference between international student and local student is their vulnerability and lack of family support. Students aged between 19 and 20 year are most vulnerable. They need constant care and support from their family and friends. To support oneself without a guardian and be able to manage household chores with studies at this age is a tricky business. International students need greater access to support services such as:

- a. Accommodation help
- b. Visa queries
- c. Counselling
- d. Part time employment
- e. Workshop on Australian culture and values

To ensure that education experience of international students is enhanced ESOS has to guarantee availability of these services for every student.

Effective regulation

6. Is ESOS compliance and enforcement adequate?

Comments & Recommendations

Clearly ESOS compliance and enforcement is inadequate otherwise the present crisis would not have taken centre stage in India and other countries. We believe law is being followed in letter but not in spirit. ESOS reforms should start at increasing the frequency of compliance check and ensuring that complacency is penalised.

7. 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 & Recommendations

The risk of Australia losing competitiveness in international education market can be addressed by providing tools in ESOS to penalise non compliance, increasing frequency of compliance check to at least twice a year, ensuring stringent registration requirements are met. The risk can be better managed if a feedback mechanism is established to collect information directly from students. Students do not have a readily available mechanism to report poor quality of education experience at the moment. Not all providers make complaints and feedback policies available to students.

Sustainability of the international education sector

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

Comments

To start discussion about the sustainability of international education in Australia we should begin by identifying issues faced by international students that may have adverse affect on sustainability of Australian education. FISA has been working with international students for over seven years. We have developed a strong

understanding of issues and concerns students face while they pursue their studies in Australia. Some core issues identified by FISA are following:

- a. Inaccurate pre-departure information
- b. Lack of support during initial one month and on arrival
- c. Poor quality of course delivery
- d. Poor infrastructure facilities
- e. Little or no essential support services
- f. Complacency in dealing with and resolving international students issues

Recommendations

- a. Establish strict rules to ensure factual, consistent and comparable information is provided to students. Developing a template of such information something akin to product disclosure statements or balance sheets for financial institutions.
- b. Ensuring that providers are able to offer accommodation and complete settlement services to students for first few weeks.
- c. Regular and more frequent compliance checks
- d. Making essential support services to students compulsory for providers
- e. Penalising complacency by authorities