

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 current ESOS act already binds providers and their agents by a standard that requires transparency of information and appropriateness of marketing. The fundamental issue remains with the enforcement of the code for non compliant agents and providers

There are deficiencies in the current system as evidenced by recent events impacting quality and student services– it appears that agents are providing inaccurate information purely in order to recruit students. These agents are a minority and should be dealt with appropriately through all channels available to prosecute them.

Reputable providers develop close relationships with each pending student, understanding the importance of client support before a client/student enters their institution.

The recruitment and movement of large numbers of international students once they arrive in Australia is also impacted through poor information and unscrupulous agent behaviour.

Recommendation/s

GCIT recommends

DEEWR to develop and maintain information accessible to both prospective students and their families, such information to be supplied in a number of forms to include details about studying in Australia, living costs, visa and work conditions, and cultural briefings specific to Australia's major study destinations.

Students be required to acknowledge reading the content and sign as a pre-condition to applying for a student visa (including options for online pre departure tutorials where an audit check is able to be traced.)

Providers should translate pre-departure material into key source market languages to ensure comprehension by students with low English language proficiency.

Mandate in legislation that all agents must complete the Australian Agents online Training Course and commit to annual professional development program

DEEWR and state CRICOS offices accept and welcome feedback from providers in cases where they report misconduct by other providers and agents in the market (providers are better placed than government to see this happening at the front line) Continue to support the Indian Federal government's initiative to legislate the conduct of their education agents within India and promote similar arrangements with other source countries of international students.

Require providers to disclose information about agents fees / commissions and include sanctions if providers fail to do so. Other industries that rely on a referral network (insurance and banking for example) have mandated commission structures that are transparent and known by all parties.

That the National Code be upgraded to establish new minimum benchmarks and

standards for Homestay programs for all students whether under 18 or over 18 years of age.

Note: Current standards under the National Code are clear so any amendments must be equally as clear.

The proposed introduction of an agent register is supported however its management should not be through a peak body (Australian Council for Private Education and Training)

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

Comments

The current financial viability tests are not sufficiently robust for private providers to enter the market. The high proportion of international ownership in private colleges is also an issue for accessing funds in the case of closures. In cases where colleges have experienced financial difficulty and gone into receivership or administration, the actions of receivers place the needs of students at the bottom of the list. One college closure has immense ramifications for the entire international education industry. With significant changes in the industry including more robust audits and new regulation the likelihood of more college closures is inevitable.

The current arrangements related to the Tuition Assurance Scheme (TAS) are unsatisfactory as the level of funds available to cover defaulting providers may be insufficient. The "ownership" of TAS schemes within peak bodies for the purpose of overseas students needs to be reviewed. The fragmentation of the TAS schemes into the hands of 3-4 private sector organisations is not viable or sustainable.

Recommendation/s

Tighten financial viability requirements (both at initial registration and throughout the period of registration) in an effort to minimise the risk of providers closing due to financial failure.

look into the feasibility of providers to establish a trust-fund, specifying levels of student fees paid in advance to be secured. Such Trust Funds to be audited similar to requirements by the Queensland Law Society for legal practitioners in Queensland.

Overhaul the current TAS arrangements to evaluate its capability to respond to potential closures flowing from the re-registration process; as well as the current cost to industry in the case of provider closures.

Replace the TAS with a new scheme that is financially self sufficient and that assesses risk appropriately.

Where the TAS is activated ensure that timelines are adhered to, including the requirements to communicate with students about alternative course options.

In case of provider closure, affected students should be placed within a recommended time frame with an alternative providers that have the capacity to

accommodate the students at that time (not only a private provider who can keep the "business" within the private sector (as is many times currently the case) .

Registration of new RTO's to receive the displaced students should be prohibited, unless is the only viable solution where all other options have been considered.

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

Comments

Currently there is a high level of confusion around appropriate external appeals bodies for both providers and students.
Given the significance of the industry it is vital that there are open, transparent and accessible mechanisms to resolve complaints.

Recommendation/s

Clarify current legislative requirements around complaints and appeals (including listing explicitly the external appeals body and process)
Establish an International Student Ombudsman

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

Comments

International students, like their domestic counterparts, are entitled to exercise consumer choice at any stage of their enrolment. However, this freedom has been exploited by unscrupulous agents and providers who are poaching students and benefiting from regular student transfers between providers.

The 6 month ruling has had a severe impact on TAFE institutes. Our marketing efforts and significant offshore investment have been undermined through active poaching strategies of agents and private providers seeking to attract students on a range of promises including cheaper fees and fee payment options, free lap tops, guaranteed employment etc.

In the VET sector, particularly movement from a TAFE to a private provider the choice is often motivated by anticipated better opportunities for migration outcomes or an offer of cheaper courses from unscrupulous agents and providers rather than a focus on the best education provision. Monitoring education agents is critical to ensure information provided to international students is accurate and focused on the best education outcomes possible.

Recommendation/s

GCIT recommends:

Mandatory counselling or advice be provided to the student, from a reputable source, as a pre-requisite to changing education provider. This recommendation is based on anecdotal evidence that some agents encourage students to change providers, with no benefit to the student, but a financial benefit to themselves or the provider.
Conditions under which students are able to change education provider should be

clearly stated and documented.

Students and providers should be able to report cases where this is not upheld and know that the regulatory bodies will act on this information

Agents activities and their involvement in the change of providers should be monitored. Clear and resolute actions to be taken against non-compliant agents. A database of agent's onshore transfers should be recorded so as to see patterns of transfers and to deal with issues of non compliance.

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 domestic VET quality assurance framework, in its current form, does not differentiate between domestic and overseas students. Element 2.4 (of Standard 2) of the Australian Quality Training Framework (AQTF) prescribes an RTO must ensure that learners receive training, assessment and support that meets their individual needs.

Properly applied, this standard is sufficiently robust.

Auditors need to be multi skilled in both the ESOS and AQTF in order to understand the requirements and intersection of both.

Recommendation/s

GCIT recommends:

Development of stronger and more explicit links between compliance of both AQTF and ESOS.

Continuation of the current strengthening of the AQTF as the benchmark for access to the VET system.

Integration of monitoring and auditing activities for both domestic and international audits to ensure compliance

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

Comments

International students' have special needs that are characterized by their language ability, industry experience, work rights, cultural understanding, accommodation transport and social needs.

International students are dependent on the ongoing support of education providers in maintaining a student visa and therefore residency rights within Australia until the completion of their qualification. This makes international students vulnerable to exploitation by unscrupulous education providers and less likely to bring concerns in relation to the quality of a course to the attention of the responsible government

entity.

Recommendation/s

GCIT recommends:

Requirement for all staff working with international students to undertake cross cultural training

Inclusion of requirement for any new CRICOS provider to have two years in the delivery of education and training to domestic students prior to commence delivering to international students (ELICOS providers to be exempted).

Improved promotion and coordination of a range of support services offered to students

ESOS revisions to be explicit about the student support services to be offered for international students.

That ESOS improves and clarifies its commitment regarding the entire 'international student experience' including all ancillary services (accommodation, safety, orientation, induction etc.).

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

ESOS Act compliance and enforcement are inadequate. The growth in VET providers and the complexity of the industry has not been met with any increase in resources in audit offices. High and unrealistic workloads for auditors has put further strains on the ability to ensure enforcement. GCIT would argue that the current requirements on the whole are sufficient, it is the combination of the inability to enforce them (through lack of resources or other red tape) but also the inconsistency of enforcement across state jurisdictions.

Recommendation/s

The link between compliance with domestic quality assurance frameworks and ESOS should be strengthened to allow breaches of the domestic quality assurance framework to be taken into account in ESOS regulation.

The amendments proposed in the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 are potentially too open to interpretation in relation to the new registration requirements for providers.

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

All the states / territories and the Commonwealth must work closely together to ensure a nationally consistent quality system that provides all students with a positive

educational experience.

The mix of responsibility / accountability and differing legislation across jurisdictional boundaries exposes the system to opportunities for misconduct. This has been evidenced in previous cases of college closures where closures have taken much longer than required and impacted the students welfare where jurisdictions have both protected their own interests.

Risk mitigation needs to be strengthened at both the registration point but also through more targeted compliance action.

Risk could also be managed on the basis of institutional ownership - government vs non government.

Recommendation/s

Establish a single Commonwealth Act to cover the entire education services to overseas students sector (removing State / Territory legislation) and place the management of this legislation under one (Commonwealth) authority (eg TEQSA).

Implement a more coordinated approach to enforcement, drawing on industry experience (provider market intelligence), as well as active involvement by other government agencies with a vested interest in the international student sector (such as Immigration)

Invest more in the student interview process in our offshore posts

Require that, in future, new providers must have established a successful track record of delivery to domestic students (a qualifying period of two years is suggested).

Publish relevant details of sanctions imposed on CRICOS registered providers and agents.

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

Comments

The more prescription in regulation, the more resources will be needed for monitoring and compliance. Increased regulatory burden is not desirable. This will have a cost to the system that may not be sustainable, particularly in an environment encouraging reduction of the regulatory burden.

A focus on good practice and sharing of this across the industry should be encouraged. The lower end of the market will continue to find loop holes and ways around a robust system , we should be mindful to not be over prescriptive and limit quality providers ability to perform in the market.

Some Universities are able to report on the completion rates and academic achievement of domestic and international students who come through a VET pathway and are able to identify how students from specific VET RTOs perform

(Griffith University, Qld)

Recommendation/s

Consideration should be given to outcomes such as student satisfaction, retention and completion rates.

Clear policies, guidelines and good practice guides will need to be developed to ensure providers are able to comply (For example the issue of external appeals bodies introduced in the new National Code 2007 still have not be rectified in 2009)

Ensure a timely (and transparent) response where providers are found to be significantly non-compliant.

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

Comments

ESOS Act is just one component to manage Australia's student visa program. The interface with DIAC is crucial.

The link between education and migration is a vital link and one that should remain. The issue is not (should not) be about migration outcomes, it should be about low quality providers who only focus on the migration outcome.

Australian universities and public VET providers have successfully balanced the two for more than 20 years. This should not be lost in the need to tighten quality controls on new private VET entrants.

Study should be the main purpose for the granting of a student visa. A number of factors should be taken into consideration to ensure the integrity of the student visa program, such as but not limited to English language requirements and work limitation.

Removing the monopoly from IELTS for all English testing should also be actioned immediately, Entry of new service providers include TOEFL and Pearsons needs to be prioritised.

The suggested changes to the MODL list and overhaul of the General Skills Migration points test will have a significant impact on the private college market. When these changes are announced a large proportion of single focus migration only providers will not be able to survive.

Improved communication between DIAC and DEEWR is desirable to better align changes and ensure consistency in policy development.

Recommendation/s

Investigate the lack of rigor in the current visa system which allows fundamental requirements, such as a student's language ability as a requirement to a successful completion of the qualification, to be compromised.

Student visa conditions and requirements should be enforced more vigorously in order to ensure students are compliant (especially cohort of international students

from countries identified at high risk by DIAC).

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 vast majority of providers are keen to, and do take, responsibility in order to ensure the sustainability of the industry. Only a very limited number of non-compliant providers pursue a quick return on their investment without any intention of delivering quality education outcomes.

Any changes to ESOS will have a direct impact on the sustainability of the international education sector. The current consultation process has been rushed and has not offered sufficient time to analyse possible options and changes, As has been evidenced through the previous changes to the National Code (when consultation commenced in 2005 and introduced in 2007) the unintended consequences of the changes. The 6 month rule has severely impacted good quality TAFE providers in favour of private providers.

Sustainability of the industry will also depend on Transition arrangements associated with any new legislation that will need to be carefully managed (ie being careful to allow providers sufficient opportunity to comply)

Recommendation/s

ensure appropriate transition arrangements for any changes
continue to consult with industry in the new changes

General Comments

Thank you.