

Appendix B

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:

IDP Education Pty Ltd

Sector:

Prepared by:

xxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxx

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

There is a need to improve the accessibility of information to international students about study in Australia. At the moment, although information is publicly available, it is not always easily accessible.

Generally, students need to be able to access information in the following areas:

- Educational: educational institutions, courses of study
- Living and working in Australia: cost of living, availability of jobs, accommodation, transport etc, rights at work
- ESOS: rights and responsibilities as an international student under the ESOS Act
- Immigration: student visa rules, work restrictions, permanent residency rules

Quality educational information is widely accessible through education providers, their agents and through sources such as the Australian government Study in Australia website.

Information about living and working in Australia is also available from a similar range of sources.

Information about the ESOS Act is available on the Australia Education International website. However while the information is complete, there is no comprehensive plain English guide for students, which outlines in detail their rights and responsibilities under ESOS. It would be very helpful to students if such a guide were to be provided.

Immigration information is available on the Department of Immigration and Citizenship website. Although the information is necessarily complex, the website does a good job of explaining visa eligibility and obligations.

Under current ESOS arrangements, education providers are responsible for the actions of their agents, including the dissemination of information by agents to students. Given that a majority of agents are based off-shore this method of regulation is appropriate although we believe that independent probity checks on agents are desirable (see section xi below).

Recommendation/s

Create a comprehensive plain English guide for international students which outlines their rights and responsibilities under the ESOS Act in appropriate detail.

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

Comments

Currently there are two levels of protection for international students whose provider closes. Firstly, there are industry-based tuition assurance schemes in which places are found for students in equivalent courses offered by other providers. Secondly, there is the government-backed ESOS Assurance Fund which offers a refund of fees if an equivalent course cannot be found. The Minister for Employment, Education and Workplace Relations, the Hon. Julia Gillard, has said that this constitutes a guarantee to international students and that the government stands behind the guarantee.

In a press conference on 31 July 2009 the Minister said: "[W]e have a guarantee scheme for international students. So if an international student is here and the college that they're enrolled in closes for whatever reason, then we guarantee that we will find them a comparable place or we will refund their fees ... the Australian Government stands behind the scheme, and our guarantee is clear."

The ESOS Assurance Fund is resourced by a levy on providers, and the Fund must be seen as a stable and reliable guarantor if it is to fulfil its purpose. For this reason it is appropriate that the Australian government should stand behind the scheme.

We see no reason to significantly alter the current tuition assurance arrangements. However we note that ESOS currently has no requirement regarding financial capacity of education providers or ongoing monitoring of financial viability. We believe that such monitoring would serve a useful purpose by minimising the likelihood that providers would suffer financial failure and making it less likely that the ESOS Assurance Fund would need to be called on.

Recommendation/s

Introduce requirements into the ESOS legislative framework regarding the financial capacity and ongoing financial viability of education providers.

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

Comments

International students are in a different position to other students in that they have less ability to use available legal remedies should they have a complaint about their provider. Given that their student visa is of limited duration and is valid only while they are studying, they have a reduced ability to pursue a complaint against their provider.

For this reason we support the establishment of an international student Ombudsman which would have powers to investigate student complaints under the ESOS legislative framework.

Recommendation/s

Establish an international student Ombudsman which is empowered to investigate student complaints under the ESOS legislative framework and recommend action to regulatory authorities.

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

Comments

Currently, in most circumstances, international students are restricted from changing their educational provider in the first six months of their course. We see no reason to change this provision.

Recommendation/s

None

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

Australia's success in attracting international students is built on the reputation for quality enjoyed by the Australian education system in serving domestic students at all levels. For this reason the establishment of the Tertiary Education Quality Standards Agency (TEQSA) and the moves to set up a national VET regulatory body are welcome because they will strengthen the quality assurance in the higher education and VET sector and directly benefit international students studying in these sectors.

In a sense, these broad education quality assurance frameworks underpin the system and ESOS adds extra quality assurance in areas where international students have different needs.

Although there is the potential for crossover between the main quality assurance framework and ESOS we do not expect this to cause undue problems. Certainly it is better to have ESOS as a distinct legislative framework focussed on international students rather than try to wrap quality assurance for international students into the main education quality assurance framework which applies more broadly.

However there is potential for the federal and state levels of government to co-ordinate audit and compliance activity and/or share audit and compliance information to reduce inconvenience and disruption for providers.

Recommendation/s

The appropriate agencies of Federal and State governments should ease the regulatory load on providers by co-ordinating audit activity and compliance visits to providers where possible and sharing audit and compliance information.

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

Comments

The most significant difference between international and other students which affects education outcomes is English language proficiency. A lack of English proficiency reduces the effectiveness of teaching and detracts from quality, not only for students with poor English, but for all students in the class.

We believe it is important for international students from non-English speaking backgrounds to achieve a benchmark standard of English before commencing their course. It would be appropriate for such English proficiency levels to be set through the ESOS framework.

Further to this, we believe that English language tuition should be embedded in the curriculum for international students from non-English speaking backgrounds studying in higher education. This will ensure that students continue to improve their English while they are studying in Australia. Such ongoing English training will help produce high-quality, versatile graduates who are ready for employment.

We also believe that English language tests on graduation are a very effective means of encouraging international students to improve their English and also allow students to demonstrate their English language skill to potential employers.

Recommendation/s

The ESOS regulatory framework should require international students to achieve a proficiency level in a globally-recognised English language test which is appropriate for their course before commencement.

English tuition should be embedded in the curriculum for international students from non-English speaking background who are studying in higher education.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

Lack of enforcement of existing regulations on poor quality education providers has been a major contributor to problems affecting international education in Australia. However most of these issues are a matter for State-based regulators, and not related to enforcement of ESOS legislation.

It is noted that in 2007-08 DEEWR issued 55 enforcement notices, placed conditions of registration on six providers and cancelled one provider's registration. We suggest that such actions be made public including naming the parties involved. We believe this will increase confidence in the system, both among good providers and among international students who will see the ESOS system working.

Recent IDP research shows that international students have more confidence in the Australian regulatory system than they have in the systems of other countries. Our recent survey of over 6,000 international students shows they believe Australia has better government policies in place to offer them protection than other major student destination countries - the US, Britain, Canada and New Zealand.

This outcome was seen in the overall research (6,160 students in eight countries) as well as among Indian students (1,130 students) and Chinese students (1,576 students).

Recommendation/s

Increase the transparency of ESOS regulatory activities so that regulatory action is made public.

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

We support the move announced by the Australian government to require providers to re-register for CRICOS which is expected to sift out poor quality providers. However in the longer term we see the better targeting of compliance and enforcement action as the most effective way of managing risk.

We also support the greater use of other sources of information to complement the data in the Provider Registration and International Student Management System (PRISMS). We agree that cross-checking PRISMS data with information on education quality, financial assessment and student complaints, and using data from other education regulatory agencies including those at State level, will help better identify risk and focus available resources on high-risk providers.

Such a risk management approach will enable regulators to operate with a 'light touch' on low risk providers.

Recommendation/s

We recommend that a wide range of available data be used to identify risk and focus available audit and compliance resources on high-risk providers.

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

Comments

No comments

Recommendation/s

None

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

Comments

There is a need for better co-ordination to ensure that student visa rules support one of the key outcomes sought by ESOS, ie provision of reliable information to students

For example, the Study in Australia website gives potential students a realistic figure for living costs in Australia, saying that an international student could expect to spend about \$360 a week (with the proviso that the amount may vary). However student visa rules suggest that a substantially lower amount is adequate. For example some student visas require the student to have \$12,000 a year available (\$230 a week) for a purpose which is described as "living expenses". Although students are informed that this figure does not necessarily represent the cost of living in Australia, there is potential for confusion.

Recommendation/s

Examine student visa rules to check alignment with ESOS objectives. Where they do not align the Department of Immigration and Citizenship should be asked to make appropriate changes.

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 legislative framework has been very effective and, as a result, Australia is a world leader in consumer protection for international students. International students endorse this view (see recent IDP research cited in section vii). As a result ESOS is making a major contribution to the long-term sustainability of the international education sector.

Overall we do not see a need for major changes in ESOS and our comments and recommendations reflect this. Generally speaking, ESOS has performed very well.

We believe a key challenge for the future will be to co-ordinate ESOS with other regulatory frameworks in education, eg TEQSA in higher education, the proposed national VET regulator, and State governments.

However there is a need for ESOS to address the role played by education agents. As recent events have shown some agents are not acting in the best interests of students and institutions, and we advocate independent probity checks on agents, repeated on a regular basis. Agents should pass the probity check in order to act for a CRICOS-registered provider. There are reputable providers of probity checks available which could be used to provide this service.

Overall, IDP estimates that nearly 5,000 agents represent Australian international education providers and it is clearly difficult under current arrangements to ensure agents are behaving responsibly. Over 4,000 of these agents are small operations, with only one office in one country. In the higher education sector most universities use between 50 and 100 agents with some using over 150 agents.

While it is a matter for individual providers to determine how many agents they use, current ESOS arrangements make providers responsible for the actions of their agents and it is clearly easier to quality assure a smaller number of agents than a larger number.

Recommendation/s

Independent probity checks, repeated at regular intervals, should be mandatory for education agents. Agents should meet a required standard on the probity check in order to act for a CRICOS-registered provider.

General Comments

ESOS alone is not able to meet the challenges which are faced by Australian international education in the regulatory area.

The issues which have caused problems for international education were largely due to inadequate audit of education providers by State governments and permanent residency rules which were too lax.

As a consequence a minority of dodgy education agents and poor quality colleges threaten student interests and have harmed the reputation of Australian international education. Stricter enforcement within the current regulatory structure together with better checks on agents is able to achieve the aim of removing these operators from the industry.

The Commonwealth and the States have begun action which is proving effective.

Thank you.