

Submission template

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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.

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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:

Intern Staff of the Australia-Taiwan Business Council

Sector:

Prepared by:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Contact details:

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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

International students invariably use the internet to search for the education agents and education providers' information. Mostly, agents have been acting as intermediates between schools and individuals to deliver information, other education resource deliver will be the public media release, and publishers.

Currently, it is thought that many people go through agents to find education providers for different reasons. For example to overcome language barriers, and to seek education/courses information on the internet. Agents become education consultants especially to help and advise those international students to apply schools or course trainings. Other education resources can be media, newspapers, magazines, and publishers. However, the regulation by government may be one means of protecting international students' rights and to ensure that students receive the correct information.

Because of the pervasive nature of the internet, information provided by some operators may be deceptive with an outcome of adversely impacting on the image of Australia's education system.

Recommendation/s

1. Approved and certified (by government) service providers should be listed on official government web sites.
2. Information on government websites should be made available in English and other major languages with mechanisms imposed on service providers to ensure that all resources are current.
3. Inter-government arrangements should be put in place through the consular network to ensure that information provided is accurate and not misleading.
4. Information issued by various media and publishers should be subject to checking and approval before public release.
5. Special booklets for local international students should be published. Booklets content can cover local living experience sharing from other students, work, accommodation, and entertainment, thus adding to the 'welcoming' experience.

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

Comments

In the event of providers defaulting, resulting in the closure of the institution or students' courses being removed, this will clearly have the impact of reducing the

study environment conditions and the reputation of Australia as an education provider.

Currently there are three ways that government protects international students. ESOS Act will help students to be placed in a comparable course when a provider cannot provide a refund. The ESOS Assurance Fund will endeavour to place students in alternative facilities, however if this is not successful, students may receive a refund payment from ESOS Assurance Fund.

Other options are worthy of consideration.

Recommendation/s

6. A dynamic ranking listing of service providers (by country and by states) based on annual performance.

7. External Auditors could be required to check each quarter the providers' financial position on a quarterly basis.

8. Consider a higher level of regulation of the industry to ensure compliance with prevailing statutory requirements including the ESOS Act.

9. Consider establishing a customised quality assurance program under the auspices of international standard bodies such as ISO.

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

Comments

It has been pointed out by one of the ATBC interns that at her institution, a coordinator (who is also one of the lecturers) is appointed for students to reflect any of questions, complaints to by talking in person, email and phone. However, from her point of view, she did not believe that the provision of one person to deal with all international students is very effective.

Recommendation/s

In order to make access easier and more efficient for both parties, the following suggestions are proposed.

10. Each department of the service provider should have at least one representative to be in charge of receiving ready feedbacks from students, instead of having just one person to have regard to all of the matters. This way, the solution can be worked out in a shorter timeframe.

11. Because the internet is the easiest and most common tool that students use, an online complaint mechanism could be established to have well categorised functions. This will enable students to have a guide to express their concerns and will be easier for the provider to be immediately aware of emerging issues.

12. The provider should provide multiple language assistance so as to facilitate the

lodgment of complaints. This type of service is commonplace for government agencies operating in Australia.

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

Comments

Under the ESOS Act, international students are able to change providers after they have commenced courses for six months.

It is considered that six months provides sufficient time for both parties. International students usually will not change providers easily because of many of matters such accommodation, adjustment for new training environment etc. unless serious issues force them to make the change e.g. the student judges that the provider is not offering quality education.

It is not recommended that these existing arrangements be limited or constrained in any way.

Recommendation/s

It is not recommended that these existing arrangements be limited or constrained in any way.

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 overlapping audit between ESOS and the underpinning education quality assurance frameworks can be improved in two aspects, standardisation and through a rating mechanism.

Recommendation/s

13. Recommended standardisation of the contents of audit in diverse frameworks, such as national protocols and ESOS, will serve to eliminate overlapping auditing sections.

14. The adoption of a suitable rating system to award compliant and higher achieving tertiary education institutions will enhance competition.

Even though auditing may cause inconvenience to education institutions, an adequate and standardised audit (and rating) system will improve quality of education and guarantee students' benefits.

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

Comments

With regard to "information being key" (as outlined by the ESOS review issues paper), the way the information is delivered and presented is just as important. Also the point of international students being away from family and friends support is also a valid issue. Not having advice on hand can affect the peace of mind of international students and their ability to focus on their studies.

Recommendation/s

15. Introduce regulations that help student service providers and educators provide easy access to friendly legal advice for any issues that may arise for international students.

16. Regulate the pricing for this legal advice to protect students and advisors.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

There is still need for improvement in ESOS compliance and enforcement.

The issues highlighted and actions taken through the 'ESOS Issues Review Paper' and 'Inaugural meeting of MCTEE - 28 September 2009 – Communiqué' indicate the need for improvements in ESOS compliance and enforcement. There is a need to further explore the option "for a national VET Regulator to be considered by COAG in December." (Ministers Media Centre, 28 Sept 2009).

There is a valid concern that international students are admitted to courses without having the language ability to complete the applied for qualification. Graduating international students should be equipped to communicate well in their second language (English) to enhance their ability to work in Australian businesses as well as abroad. Communications is a very important part of the success of a company in any country and graduating students should be equipped to communicate well in order to work successfully in environments in cases where English is the common language of communications for a multi-national workforce.

Regulating diversity may be necessary for international students to receive all the benefits of being educated abroad and truly broadening their horizons.

Some international students are paying for their own education and need a means to fund their education.

Recommendation/s

17. Establish coordinated actions between: the government, Australian education and training providers to support the compliance of international students to fulfill the

assessment and attendance requirements to be qualified in their chosen vocations. This can be achieved through improved accessibility of information and the co-ordinated efforts of educators and the government.

18. Having regard to “exploring the option for a ‘National VET Regulator,” (Ministers Media Centre, 28 Sept 2009) and ‘TEQSA’, these new regulators should consist of independent heads of universities and VET organisations to ensure that assessment of the standards is objective. Additionally these bodies could look at qualifying entrance and exit exam results of international students ensuring they truly have the ability to work in their chosen career or vocational training course.

19. Explore the option of enabling eligible post graduate international students the option of working the same hours as Australian students for those who are funding their own education or those who maintain good results throughout their course at VET or higher education organisations.

Adoption of this recommendation (number 19) could add value to the international students’ qualifications and help international students contribute to the economy of their host country by being able to earn a living whilst studying and investing some of their salary towards living in Australia. This may also assist in making the Australian workforce more competitive as they will have further exposure working with international students and be able to succeed on a global level having worked with international students.

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

According to the ESOS Act, it is intended that risk is managed across three different areas:

- 1) The risk of provider collapse.
- 2) The risk of disreputable providers to the sector’s reputation.
- 3) The risk of non-genuine students to the migration program.

It appears that the ESOS regulatory system manages these risks as outlined below.

- 1) Manage the risk of provider collapse.

According to the ESOS review, there is very limited scope for keeping out poor quality providers from entering international education once they have passed through state or territory procedures at the Commonwealth level. For instance, there is no ESOS requirement on registration concerning the financial capability of the education provider and no ongoing monitoring of financial viability at present.

It is suggested that the application of ESOS regulation involves compliance monitoring may be applied differentially on the basis of risk. Low risk providers tend to be focused more on educative methods and less frequent on-site checks. High risk providers tend to be subject to more frequent monitoring. This risk management method allows regulators to target resources to problem areas. Further more, risk can also be managed with stricter standards applying for those considered to be of

high risk.

The ESOS review indicated that the advantage of a risk management method depends on identifying the right factors at the right moment and accessing to reliable information and verification to guide the assessment process. At present, the Provider Registration and International Student Management System (PRISMS) is the primary source for risk-assessment data. This system records a range of information relating to providers and students' enrolments changes and source countries. It is suggested that cross-checking and complementing this data with other resources, such as education quality and financial assessments and detailed complaint handling procedures may assist to better identify risk.

The ESOS review specified that a major function of ESOS is consumer protection. When a provider cannot fulfill their obligations to their students, the provider's Tuition Assurance Scheme (TAS) and ESOS Assurance Fund would be required to assist the ESOS Act manage the risk of provider collapse by providing financial and tuition assurance to overseas students for courses they have paid for.

2) Manage the risk of disreputable providers to the sector's reputation.

The ESOS review specified that the ESOS Act requires registration of all providers and their courses for delivery to international students. In addition to meeting the requirements of the ESOS Act, registration requires that a provider must meet the standards set out in the National Code.

According to the National Code, CRICOS-registered providers must comply with 15 standards that ensure their quality of education and professionalism is adequately high standard to register international students. These education providers must demonstrate their compliance with the standards at the point of CRICOS registration and throughout their CRICOS registration period.

3) Manage the risk of non-genuine students to the migration program

The ESOS review pointed out that the ESOS Act helps protect the integrity of the student visa system. It makes sure that study is the main reason of the student's stay in Australia by stipulating course attendance, progress and completion requirements, and by requesting providers to report certain information to the Australian Government to support the administration of the student visa program.

The National Code supports the integrity of the Australian Government's immigration laws by requiring students to complete their course within its expected duration. This duration is to be based on the normal time required to complete the course. In order to comply with the National Code, registered providers must monitor the progress of students and their attendance where applicable. This monitoring enables students at risk of not progressing, or participating, where applicable, to be identified and offered support so that they are assisted to achieve their educational goals.

In order to minimise the risk of non-genuine students to the migration program, the ESOS Act aims to complement Australia's migration laws by ensuring providers collect and report relevant information to the administration of the law relating to student visas.

Recommendation/s

20. It is recommended that the ESOS ACT should have requirement on registration relating to the financial capability of the education provider and ongoing monitoring of financial viability to support the management of the risk of provider collapse.

21. Risk can be better addressed through strengthening registration requirements by improving and revising the National Code to provide greater clarity through more detailed and extensive requirements and ensure nationally consistent provider registrations and to strengthen standards and effective regulation under the framework.

Furthermore, risk can be better managed through better targeting of compliance and enforcement actions on the education providers under the supervision of DEEWR which is responsible for registration, monitoring, compliance and enforcement activities and supporting the provision of consumer protection mechanisms.

22. Complaints may indicate that there is a compliance issue with a particular provider. Therefore, it is recommended that the ESOC should establish special regulations and systems to attend to student complaints. In addition, risk can also be managed by other mechanisms for investigating and resolving students' complaints.

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

Comments

It is difficult for an educational institute to avoid focusing on outcomes rather than concentrating on inputs. The reasons can be attributed to two major factors, the eagerness of the institution to attract more foreign students based on better result in ranking table (and hence receive a higher level of revenues) and the competing pressure on academic staff to produce more journals and research papers.

Even though studying abroad nowadays is common, foreign students are usually not familiar with education institutions and education systems in other countries. The only information they are able to obtain are mainly from the internet and seminars held by the local education export agents. Therefore, an education institute ranking table issued by well-known and trustworthy organisations or press, such as the Times, is a convenient way to rank these institutions. Hence, some of the new emerging universities may be tempted to pressure their academics to make a higher effort to raise their position in ranking tables.

To emphasise the input and prescription by national code, the regular auditing of tertiary education institutions' research and quality of teaching is essential. Furthermore, to publish the standards of audit and results annually will provide students information to make informed decisions of selecting the school. For example, in the UK, Research Assessment Exercise (RAE) provides direction for foreign and local students to assist selection of appropriate education institutes.

In conclusion, seeking for a balanced point between input and result is not a 'silver bullet' solution. To achieve this goal, both auditing framework and education institutions need to put effort into ethical and teaching quality (input and prescription) and also the production of high quality research.

Recommendation/s

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

Comments

The ESOS Act requires education providers to report breaches of attendance and course progress and must report students who do not achieve satisfactory attendance, withdraw from a course, or do not maintain satisfactory course progress.

However, there are also important matters which should be included into visa breach evaluation - students involved in serious misbehavior, crime or violence.

Available websites suggests that the ESOS Act provides important safeguards for overseas students in Australia. However, it is reported by one of the ATBC intern students, that the service provider did not provide any of information about the ESOS Act to international students on the occasions such as orientation or enrolment. Also, it seems that many students that are studying in Australia seem not to be aware of the Act; this observation suggests that the educators did not fulfill their obligation to disseminate the information.

Recommendation/s

23. Since the ESOS Act provides protection for the benefit of overseas students, it is recommended that sufficient resources be allocated by government to communicate these benefits to overseas students.

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 review indicated that the long-term sustainability of the international education sector depends on meeting students' expectations of a quality education and a positive student experience and producing international graduates with highly required qualifications and skills. It is suggested that the Australian Government through implementation of ESOS needs to take account of the changing environment and look to improve the international education sector's reputation as well as through improved regulation.

The ESOS review pointed out that there are also challenges to international education in the increase of off-shore education and online learning. If Australia wants to sustain a destination of choice, the education sector will need to offer not just high quality education results but other benefits such as language immersion, cultural experiences and an opportunity to build international networks in order to attract more overseas students to come and study in Australia. It is suggested that positive educational experiences not merely sustain the Australian international education sector, they should also support long-term business, diplomatic, research and cultural ties.

The role of the ESOS Act is to ensure Australia's regulatory framework delivers the best consumer protection and maintains rigorous standards for education providers wanting to enter and deliver quality courses in the international education sector.

Recommendation/s

24. In order to provide positive education experiences for overseas students in Australia, the ESOS Act should ensure that provider's Tuition Assurance Scheme (TAS) and ESOS Assurance Fund and consumer protection mechanisms are effective and in place to support and protect international students' interests.

25. With the aim of maintaining the ongoing sustainability of the international education sector, the ESOS Act and regulations should set out the legal framework to further enhance the education quality and protection of international students.

General Comments

The main function of the ESOS Act is to govern the obligations of education providers and guide DEEWR to conduct compliance monitoring and enforcement actions effectively with the purpose of improving the quality of education providers.

Given the challenges to be faced in the future in supporting the ongoing sustainability of the international education sector, the role of the ESOS Act should be to facilitate and provide sustainable international education strategies, enhance the CRIOS registration process, and to support and regulate the international education sector, thus enhancing long-standing benefits for international students, education providers, and the Australian education and training system.

Thank you.