

Appendix B

Submission template

Please note that the Department reserves the right to publish any written submission received in the course of this consultation process.

If you consider certain information in your submission should be treated as confidential, or if you wish to remain anonymous please clearly indicate this and provide reasons for the request.

The Australian Government reserves the right to accept or refuse a request to treat information as confidential. 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 (only the name of the institution or individual providing the submission will be made public):

Institution / organisation

Name (will be made public unless requested otherwise and agreed):

James Cook University

Sector:

Higher Education

Prepared by:

xxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxx

Student / individual

Name (will be made public unless requested otherwise and agreed):

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

Maintaining a register of approved agents in all countries would be too inflexible and resource-intensive to manage, so the approach should be rather to focus on non-compliant agents and institutions .

The rules governing AEI should be changed to allow them to share the details of agents known (through DIAC) to be engaged in fraudulent practices.

Recommendation/s

1. Establish a national Registry of non-compliant agents where there is evidence of fraudulence and complaints that have been upheld. Such agents to lose e-visa granting status if that is applicable.
2. Nationally approved training for agents required e.g. expansion of PIER with industry-based incentives to increase participation rates.

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

Comments

We recommend a more proactive, preventive approach of closer monitoring of providers whilst still in operation and earlier intervention to remove the need for provider closures wherever possible.

Recommendation/s

1. Closer monitoring of institutions
2. More frequent site visits
3. More comprehensive new Provider registration requirements to ensure capacity to operate on a business and educational level.
4. National help-line established to assist students in the event of an institution's closure.

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

Comments

The current mechanisms are adequate in principle however sometimes fall over in practice; an Ombudsman appointed specifically to deal with international student grievances in a timely manner would alleviate this problem.

Recommendation/s

1. Establishment of an industry specific ombudsman specifically for timely resolution of student complaints and grievances.

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

Comments

Institutions' interests should be protected in some way to recoup at least the costs of recruiting and administering the enrolment of a new student, however we recognise students' rights to change provider given that they are a paying customer. While support should always be given/offered to a student to enable them to stay on at the initial provider, we recognise that sometimes expectations do not match up with reality or that student and university circumstances change.

Recommendation/s

1. We support the maintenance of the 6-month period before a student can change provider but we would like to see this applied consistently across Australia by State and Federal bodies including DIAC.

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

Individual providers can only continue to flourish and to maintain Australia's strong presence in the global education industry, if the perception and reality of underlying quality is maintained and strengthened. ESOS is the underpinning element of this and it must be resourced and prioritised, applied consistently and promoted around the world.

Recommendation/s

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

Comments

The regulatory framework is sufficient in most cases, however some refinements could be made to ensure students, their families and providers are given the best operating environment.

Recommendation/s

1. OSHC should include compulsory cover of repatriation costs and life insurance, and should be made program-length.
2. More effective and explicit guidelines are required to manage international students who are permitted to remain in Australia when they suspend/defer/leave of absence.
3. Clarification of Institutions' responsibilities in specific areas when students suspend/defer/during leave of absence, i.e. critical incidence response where DIAC allow students to remain onshore without notifying the Provider.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

It appears that many higher education providers do comply fully with ESOS requirements, at great cost in terms of financial and human resources. There appear to have been many cases, mainly within the private sector where compliance has been weak and the perception at least has been that ESOS had no teeth to enforce compliance. A more consistent approach to monitoring, and earlier action to address shortfalls would be beneficial.

Recommendation/s

1. Conduct forum for Provider Compliance staff to workshop compliance issues and ESOS review.
2. There is an anomaly in PRISMS regarding the reporting of letters of transfer where a "negative" letter of release is provided to the student and unscrupulous providers record this in PRISMS as a release letter obtained even though the student has not been released by the original provider. By so doing, the unscrupulous provider is able to issue a new eCOE. This happens with regularity.

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 recommend a more proactive, preventive approach of closer monitoring of providers whilst still in operation and earlier intervention to remove the need for provider closures wherever possible. This would minimise the risk to the industry as a whole.

Recommendation/s

Conduct a forum to allow Provider Compliance staff to workshop compliance issues and ESOS review and make specific, practical recommendations.

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

Comments

We recommend a more proactive, preventive approach of closer monitoring of providers whilst still in operation and earlier intervention to increase compliance wherever possible.

Recommendation/s

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

Comments

Recommendation/s

1. There needs to be greater consistency across National, State and other industry bodies to provide consistent, reliable information and interpretation of legislation to Providers.
2. More resources need to be allocated in compliance, industry training and prevention to proactively address industry issues e.g. Australian policing bodies and government providing guidance and support to education providers proactively regarding the management of Indian student issues prior to student injuries, negative media releases and extensive damage to markets.

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

Individual providers can only continue to flourish and to maintain Australia's strong presence in the global education industry, if the perception and reality of underlying quality is maintained and strengthened. ESOS is the underpinning element of this and it must be resourced and prioritised, applied consistently and promoted around the world.

Recommendation/s

Public voice to advocate on behalf of industry to State politicians and education providers to lead discussions in the industry to identify and resolve issues prior to a crisis occurring.

General Comments

Investing further resources in staff to actually monitor compliance by ALL education providers across the industry is vital to help protect Australia's third largest export industry and reputation worldwide as a leader in providing quality education to international students.

Thank you.