

# 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](mailto:esosreview@deewr.gov.au).

About you:

### Institution / organisation

Name:

Joint Submission on behalf of Cambridge International College, Education Access Australia, Ozford College, Carrick Institute of

Sector:

Vocational Education and Training (VET)

Prepared by:

xxxxxxxxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxxxxxxxx

### 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

The awareness level among the agents about ESOS is very limited. In many cases, it has been found that they have no idea about ESOS and how it is related to international education in Australia. The providers should ensure that their agents are aware of ESOS and in certain cases should explain ESOS as well as the National Code in simple terms. Often, the legalese of Legislation becomes difficult for agents and counsellors to understand and hence properly inform prospective international students. Use of simple examples can achieve this as well.

### Recommendation/s

1. Compulsory attendance by Agents at Australian Government auspiced seminars would assist here.
2. Agents should be encouraged to complete the EATC examination available online (refer to <http://pieronline.org.qeac>).
3. Providers should develop a training kit in simple languages for agents which explains the role of ESOS with international education in Australia.

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

### Comments

Immediate information about the closure of any provider should be made available on the DIAC website as very few Agents know sufficient information about the ESOS website. Information about how international students are protected through Tuition Assurance Scheme should be readily available on the DIAC website. The most important issue is that every education agent should be aware of this process. The certification to EATC examination can be made compulsory for all agents who would have a formal agency agreement with a provider. This will compel them to get familiarised with the system and would enable them to train their staff or authorized sub-agents. In the process, the information could flow on to the prospective international students.

### Recommendation/s

1. A list of suspended private providers needs to be published at some point soon - again to permit Education Agents both overseas and on-shore and prospective international students to differentiate between good providers and bad ones.
2. It is currently inequitable to expect good quality large private providers to enrol, at no cost, students from suspended providers. It is not well-known, that the OSTAS Student Insurance Scheme provides no financial benefit to a college which enrolls students who have already paid tuition fees to the suspended college.

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

**Comments**

Information about complaints and appeals should be readily available to international students. In many cases, the students are not aware of their rights or don't know who to approach if they have a problem. The main fear for an international student is the cancellation of their student visa. Hence, they become victims of dodgy providers, dodgy employers etc. They are afraid even to speak to the police as they think that this might have a detrimental record against their visa. Information sessions from relevant authorities dealing with complaints will assist international students to enhance their knowledge about the process. Availability of this information in the orientation program conducted by education providers should be an important mechanism to assist the international students' knowledge base.

**Recommendation/s**

1. The response time to student complaint from the relevant authorities like DEEWR, VRQA and State Government Authorities should be much quicker.
2. A face to face session with an officer from an external complaint and appeal authority would assist the international students to address their issues clearly and thereby increase the confidence level regarding such authorities.

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

**Comments**

International students should be allowed to change their education provider only when they have completed 12 months of their study. This would stop the "student poaching" by dodgy providers and unscrupulous agents who transfer students from one provider to another. These dodgy providers make all kinds of false promises, no exams, minimum classes and flexible timetables. The on-shore dodgy agents are promised large percentages of commissions by these dodgy providers to transfer students from good providers. The end sufferers are the poor international students as well as the good quality private and public education providers.

**Recommendation/s**

1. The six months no change of provider rule must be changed and students should not be allowed to change providers for 12 months, unless there are some genuine reasons.
2. The tuition fee of 12 months should be paid up-front from overseas to the education provider at the time of enrolment.
3. Responsibility should be vested in some Government authorities to monitor and regulate and enforce this rule strictly, as at present there is nobody to ensure that students do not change providers within 6 months without a release letter.
4. Restrictions on misleading advertising encouraging students to change providers should be introduced. Restrictions on misleading advertising encouraging students to change providers should be introduced.

## 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 present National Code of Practice 2007 adequately intersects the AQTF 2007 standards. The subjective interpretation during audits of the education provider and inadequate re-enforcement of the said standards seem to be the problem. This leaves the gap for a dodgy provider to continue its operation of exploiting international students at the cost of good providers.

The proposed new re-registration guidelines and their objective enforcement will hopefully fill these gaps.

### Recommendation/s

1. Availability of trained auditors to enforce the standards and take necessary quicker action against the non-compliance issues.

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

### Comments

International students need better pastoral care being away from their home country, family and friends. This is the responsibility of both education providers and the Australian Government. They are often misled by dodgy on-shore agents in terms of course, education provider and part-time/casual jobs, etc.

There is a huge difference in culture and way of life which becomes a major issue for most international students. Fluency in English seems to be another barrier. This becomes a major hindrance in finding affordable student accommodation. Another big difference is the non-availability of student concessions in public transport in certain States. This becomes a significant burden for international students who largely depend on the public transport system.

### Recommendation/s

1. Student welfare services with qualified staff should be compulsory for an education provider.  
2. Students should not be allowed to change providers before 12 months except for exceptional circumstances to keep them safe from dodgy agents.  
3. Enforcement agency should oversee the onshore agents as part of the regulation.  
4. Real Estate associations and the Government should seriously address the shortage of affordable student accommodation problem.

## Effective regulation

vii. Is ESOS compliance and enforcement adequate?

### Comments

ESOS compliance is adequate and is capable of distinguishing between a good provider and a bad one. It is the insufficient legislation and lack of resources that is compelling everyone to believe that the system is not working.

### Recommendation/s

1. Amendment of legislation to take action against non-compliant dodgy private providers quickly.
2. Adequate resources to be allocated to the relevant regulatory authorities to enable them to operate efficiently and quickly.

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

Yes, risk can be better managed by making the initial registration requirements more robust. Inspection of education facilities and infrastructure should be mandatory and there should be parameters in place to pass this facility audit.

### Recommendation/s

Risk of provider non-compliance can be better managed by requiring providers to demonstrate financial viability, educational background and motives of the business owners, requiring providers to have an academic board or a board of directors and an appropriate management structure, and compliance with all relevant Commonwealth and State legislation including the BCA Code (9B). In addition, strict corporations law should be enforced. It is currently far too easy for dodgy private providers to declare voluntary administration after taking students tuition fees just prior to closing their doors.

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

Comments

No comment.

Recommendation/s

N/A

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

Comments

The greatest challenge currently faced by private providers is DIAC "turning off the tap/flow" of student visas being granted mainly from Level 4 countries – particularly the Sub-Continent, Vietnam, China, Cambodia and Mauritius. Since August this year, public providers have only been experiencing a 15% student visa rejection rate while private RTOs have experienced an 80 to 90% visa rejection situation. This is not sustainable and is also inequitable.

Recommendation/s

1. The student visa interview both telephonic and personal should not be biased based on public or private provider enrolment.
2. The guidelines to pursue a visa application and documents for a public and private provider should not have a varied requirement and hence the visa officers should be more objective about the quality of providers.

### **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**

ESOS should continue to have the primary role as a legislative framework.

#### **Recommendation/s**

N/A

#### **General Comments**

There must be an acknowledgement by all levels of Government and regulatory authorities in Australia of the difference between good quality private providers and bad providers. Currently, all private providers are being put into the same basket.

Thank you.