

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:

National Quality Council

Sector:

Vocational Education and Training

Prepared by:

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Contact details:

xx

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

As a Committee of the Ministerial Council for Tertiary Education and Employment, the National Quality Council (NQC) oversees quality assurance and ensures national consistency in the application of the Australian Quality Training Framework (AQTF) standards for the audit and registration of training providers. The NQC is committed to ensuring that prospective students have a realistic and fully informed view of life in Australia. Better market information about quality providers in the VET sector will provide a service to students (including that of international students), will lead to improved choice in the VET system, and will allow high quality RTOs to demonstrate to students the quality of their offering to international students. To contribute to this the NQC has supported a program of voluntary certification of RTOs against the AQTF Excellence Criteria. The program will be implemented by TVET Australia across the national training system in early 2010 and will provide an objective measurement of quality and make better market information about the performance of providers available to students. The NQC is also examining the AQTF standards for registration and supporting guidelines to ensure they maximise the quality of the educational experience for international VET students. The project is investigating how quality assurance of education agents can be built into the regulatory framework. The NQC suggests the development of a cross-sectoral certification scheme for education agents or agencies, with entry to a public register granted based on a demonstrated understanding of the requirements of the ESOS framework, the AQTF and the Australian education system.

Other suggested strategies to support the interests of students include:

- investigating the capability of the current visa system to by-pass the education provider and supply key information directly to the student during the student visa application process
- providing continued support to the Indian Federal Government's initiative to legislate the conduct of their Education Agents within India
- negotiating similar outcomes with other source countries.

Recommendation/s

That the Australian Government capitalise on existing initiatives and research of the National Quality Council, particularly the AQTF Excellence program and the examination of the AQTF, to ensure international students can make informed choices about studying and living in Australia, and RTOs can make informed choices about the education agencies they choose to engage.

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

Comments

Suggested strategies include:

- Appropriate and consistent financial viability clauses on a provider's registration to minimise the risk of provider closures due to financial non-viability (similar to the W.A. legislative requirements around financial viability)
- Investigating the establishment of a trust-fund model that requires international providers to retain unearned income until tuition is delivered.
- Reviewing the current Tuition Assurance Scheme (TAS) system to determine its capability in dealing with potential closures as a result of the re-registration process, as well as the current cost to industry in the case of provider closures.
- Developing national guidelines for provider acceptance into TAS schemes (to be developed with industry consultation to be employed by all industry groups involved in TAS).
- Financing the consumer protection mechanism within the ESOS framework through both industry and government contributions.

Recommendation/s

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

Comments

The National Quality Council oversees quality assurance and national consistency in the application of the Australian Quality Training Framework, including the 'National Guideline for Responding to Complaints about VET Quality'. The national guideline, which includes protocols which registering bodies must observe in managing complaints, state that students 'with special needs, such as people with limited English language or literacy skills and those with a disability will not be disadvantaged in the complaints process'. The NQC is assessing the national guideline to ensure it better supports the needs of international students. The Council will complete this work by December 2009 and appropriate refinements to the guideline will be implemented as a priority in 2010.

Complaints mechanisms must be simple, transparent and easy to access by all students, including international students and students that come from non-English speaking backgrounds. One suggested strategy is to develop a single, nationally consistent, accessible and transparent complaints system for international students.

Recommendation/s

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

Comments

In principle the National Quality Council agrees that international students, like their domestic counterparts, should be entitled to exercise consumer choice at any stage of their enrolment and must be given the freedom to transfer out of poor quality educational environments. The ability to switch providers however provides an opportunity for unscrupulous education agents and RTOs to lure students away from high quality providers using promises of lower fees, shorter course durations and limited class contact. Closer regulation of education agents may be required to prevent undue influence that is not in the best interests of students in terms of their educational and employment aspirations. The NQC has asked Registration/Course Accrediting Bodies (RCABs) for advice on how the AQTF risk assessment guidelines could be improved to help address this issue. As referred to above, the Council is also looking at strategies that can address issues around the quality of education agents within RTO registration requirements.

Recommendation/s

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

All legislation relating to the provision of education must be complementary and support an effective regulatory and quality system. Clear policies and guidelines to support the frameworks and legislation must be available to education providers to assist them in understanding and complying with the system.

The partnership between ESOS and the underpinning quality assurance frameworks, in VET's case the Australian Quality Training Framework (AQTF), is essential to effectively quality assure delivery to international students. Providers intending to deliver VET to international students must first register as an RTO under the AQTF. The AQTF requires that State Registering bodies have proper risk management frameworks in place so that focus is given to these areas; for example in international education this could include country of beneficial owner, proposed qualifications to be delivered, standards of training facilities proposed for delivery as well as the existing risk ratings around the source country of students proposed. In examining the AQTF standards for registration the NQC will ensure that any proposed changes are complimentary to ESOS and CRICOS arrangements.

The AQTF Essential Standards do not differentiate between RTOs that deliver to domestic students and those that deliver to international students however under the AQTF Essential Standards for Registration Standard 1 makes it clear that the RTO must provide quality training and assessment across all of its operations. The NQC is committed to ensuring the AQTF protects not just the unique interests of international students, but that the standard of quality is raised to benefit all VET students. Further work should be conducted to consider how non-compliances against the AQTF are managed in relation to international education. One suggestion is that non-compliances against the AQTF to be taken into account in ESOS regulation and this could be best achieved by implementing the Bradley recommendation that ESOS regulation be undertaken as part of single national regulation of VET and not as part of eight State and one Commonwealth separate regulatory arrangements.

Recommendation/s

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

Comments

International students have the need and right to the same quality educational experience as domestic students, however they require more and different information about studying in Australia than their Australian counterparts. International students' needs differ in terms of:

- Language ability.
- Restrictions on periods of residency – providers must ensure students can complete the qualification within the approved visa duration.
- Choice of education provider prior to enrolment – students cannot easily 'view' an education provider prior to enrolment (dependent on marketing material and education agent recommendations);
- Dependency 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 more vulnerable to exploitation by unethical education providers and less likely to bring concerns in relation to the quality of a course to the attention of the responsible government entity.
- Vulnerability, particularly if studying at a college that only offers courses to international students and are unable to draw on experiences of domestic students in determining the quality of their educational experience.

The AQTF applies equally to all providers delivering vocational education and training and the National Quality Council is committed to the quality of education for all students studying Australian VET. There are however there are a number of strategies under consideration by the NQC that will address the unique needs of international students including an examination of the AQTF Essential Standards and its supporting guidelines to require new providers to meet more rigorous prequalification, and how the role of education agents in International VET might be addressed through the registration process.

Recommendation/s

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

The National Quality Council believes that ESOS compliance and enforcement must be supported by a rigorous and consistently enforced underpinning quality assurance framework. To support this, the NQC has recently developed a set of quality indicators for Registering/Course Accrediting Bodies (RCABs) which will be used to measure their performance against the AQTF Standards for Registering Bodies and AQTF 2007 Standards for Course Accrediting Bodies.

The Council is also working continuously to identify improvements to the AQTF through a range of strategies including the formative evaluation of AQTF 2007, the work of the NQC National Consistency and International VET Action Groups, and a review of the AQTF scheduled for 2010. More detail about these strategies can be provided through the National Quality Council Secretariat at TVET Australia. The formative evaluation of the AQTF highlighted the lack of consistency in implementation of the AQTF (2007) by a number of State regulatory bodies.

Recommendation/s

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

As RTOs are required to register under the AQTF before they can apply for CRICOS registration it is essential the AQTF registration process is robust and complimentary to CRICOS registration. The risk assessment tools applied by regulators during the registration and audit process are currently under review to ensure they take adequate consideration of providers who intend only to deliver to international students.

An underpinning principle and responsibility of the NQC is the nationally consistent application of regulatory frameworks, and the Council is supportive of any initiatives that will promote this important principle. National consistency is in the interests of not just students (who must be assured of the same quality educational experience regardless of which jurisdiction they study in) but in the interests of the education sector as a whole. Greater consistency in the application of standards and regulatory frameworks reduces risks and helps preserve the sustainability of the international education industry. All State and Territory regulators, the National Audit and Registration Agency (NARA) and the Commonwealth must work closely to ensure a nationally consistent, quality system that provides all students with a positive educational experience.

Further suggested strategies for managing risk and strengthening registration requirements include:

- A more coordinated approach to enforcement, drawing on industry experience and active involvement by government agencies with a vested interest in the international student sector, such as immigration.
- Development of a system that would allow industry to become more accountable for its members and the intersect between industry and the international education sector.
- The integration of CRICOS registration requirements into one single national VET regulatory framework

Recommendation/s

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

Comments

The NQC is committed to an outcomes-focussed regulatory framework, recognising that the more prescriptive the system the greater the burden of auditing and monitoring of that system. Further prescription has an added cost to the system that may not be sustainable, and may be no more effective. The Council acknowledges however, that the outcomes focus of the registration process can prove problematic for regulators when trying to determine a new RTO's capability and capacity to deliver quality education.

One strategy being considered is the possibility of 'probation' periods for new RTOs where they must demonstrate capability to deliver quality training for a period of time before being granted 'full' registration. This practice is undertaken already in some jurisdictions and is worth exploring in more detail. A further strategy for consideration is for CRICOS registration to be contingent on the outcome of this probation period, essentially requiring RTOs to deliver to domestic students for a period of time before being granted the right to enrol international students.

Recommendation/s

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

Comments

The ESOS framework includes a number of key requirements to ensuring a positive experience for all international students, based on an informed decision. The National Quality Council is supportive of those initiatives that enhance the quality of the student experience and student outcomes, particularly by improving the information provided to prospective applicants to Australia's student visa program. The Department of Immigration and Citizenship must become more aware of the consequences immigration policy has on the international education sector in influencing a student's choice in qualification, particularly where it intersects with permanent residency outcomes. The current visa system has provided the overwhelming incentive for provision and uptake of courses targeted to facilitate a permanent visa outcome

Recommendation/s

That the Department of Immigration and Citizenship work collaboratively with the education sector to fully understand the implications of immigration policy on the quality of education and training delivery, and act to mitigate any resulting risks.

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 key to ensuring the ongoing sustainability of the international education sector is to ensure the quality of the student experience, and the quality of student outcomes. The effectiveness of any legislation is in its clarity of purpose and the ability and willingness of regulators to enforce its provisions if necessary. The National Quality Council will work to ensure that the quality assurance framework for VET supports and strengthens ESOS, and will continue to promote national consistency in the application of the current AQTF arrangements.

Recommendation/s

General Comments

The National Quality Council supports the Australian Government in addressing the challenges facing the international education sector. Revisions to the ESOS legislation, and any other reforms to regulatory frameworks, must:

- make the quality of the student experience and the quality of student outcomes the primary objective;
- build upon and complement underpinning quality assurance frameworks such as the AQTF, not duplicate or contradict them;
- be implemented in a nationally consistent, transparent and measurable way by one single national regulator; and
- be subject to review and ongoing continuous improvement.;

The National Quality Council is committed to working with the Australian Government to ensure its responsibilities, particularly the AQTF, are mutually supporting of the ESOS legislation. It will also carry on working collaboratively with other agencies and sectors to develop a cohesive and mutually strengthening international education system. The Council will continue to bring together key stakeholders in the vocational and technical education sector - industry, unions, governments, equity groups and practitioners - to oversee and support the current and future quality of VET in Australia.

Thank you.