

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.

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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:

Southern Cross College of Vocational Education

Sector:

Vocational Education and Training

Prepared by:

xx

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

It is important to note that ALL RTOs should be monitored more closely to ensure they are providing accurate data to prospective students.

Yes, we have the risk rating of RTOs but this needs to be revisited to ensure compliance is continually maintained at or above the level of previous rating.

How do RTOs fall through the cracks? refer recommendation below:

Recommendation/s

More robust auditing is required! and

The designated authority should provide more training, support and development to RTOs.

To avoid the possibility of 'non complying RTOs' falling through the cracks it is a recommendation that auditors should also be monitored, scrutinized and held accountable for circumstances where they have passed an RTO in the areas where the RTO would otherwise have been assessed as non compliant.

Auditors should be audited by external auditors to ensure they are following standards and not their own definition of the standards, their own definitions has and will cause continued problems.

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

Comments

The National Board of ACPET in November 2008, approved the introduction of additional measure to protect student fees where an applicant for OSTAS coverage was considered to be operating in a high risk area. The risk assessment is based on the nature of courses offered, student number, fee and administrative arrangements. The key form of tuition protection is a bank guarantee and is reviewed annually. The Board's decision was based on a desire to ensure that the TAS could meet its legislated obligations and to protect the interests of existing members who may be impacted by the closure of colleges operating in areas of the industry where the policy environment is particularly volatile eg MODL

The above decision made by ACPET is one choice, however if implemented it does pose a significant financial burden on providers and the outcome may/will reduce the number of providers. In this form, the outcome will help to remove Australia as a competitive country and choice location for international students.

We need to offer other choices. My solution as provided below, will require a significant budget to plan, develop, resource and implement, however I see it as a necessity and the outcome will enable Australia to maintain its standing as a high quality provider of education to local and international students with a reduction in the

area of risk should an RTO close.

Recommendation/s

Other option: All RTOs must have a trust account set up to secure and manage student fees paid in advance, and they can only access student fees at set times (less agent commissions and general fees such as: material fees and enrolment fees) the remainder of fees can only be transferred to general account when training has been completed at end each term.

This would need to be monitored by an external auditor (much like the Real Estate Industry), there would be strong/stringent compliance requirements and penalties (e.g. refer to Estate Agents Act 1980) for non compliance.

e.g. Penalty amounts are set at \$116.82 per penalty unit for 2009/2010 and will increase at the beginning of each financial year in accordance with the Monetary Units Act 2004. Set points for non compliance in elements of each standard.

Note: The interest accumulated from the fees maintained in the trust account would be used by the Government in cases where a provider has closed with significant losses to students (this should not be the case).

The outcome of this recommendation would ensure RTOs maintained compliance... In addition, to allow healthy competition the government should tender to set up another national industry body/association (same as ACPET), - RTOs should have a choice on who to join, this will indeed make the current provider more competitive and offering improved support to its members.

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

Comments

I feel that staff and external complaints managers should be formally qualified in complaints and dispute procedures.

Recommendation/s

All staff in this field must complete a course in complaints/dispute resolution.

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

Comments

Maintain Standard 7 of National Code.

Recommendation/s

Ensure that RTOs who breach Standard 7 of National Code and enrol students who have not completed 6 months of principal course are held responsible.

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

Our organisation provides professional development in many areas to all staff including: ESOS ACT, National Code, AQTF 2007, Effective learning Practices, Continuous Improvement and Employability Skills.

Not all RTOs provide this training..
My question is WHY NOT?

Recommendation/s

Auditors should check/validate that the professional development courses provided by RTOs are authentic and have been completed, i.e. review the resources used and sight the evidence of completion.

Also the regulatory authority should develop their own training and development programs for RTOs and auditors, this should be rolled out throughout Australia.

The excellence criteria should be revisited for all RTOs, at end of each audit report the RTO should be provided a formal risk rating or in fact a gold star rating for the benchmark providers.

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

Comments

Financial burden seems to be one of the most prevalent factors involving international students

Recommendation/s

Stringent guidelines to ensure students do in fact have the ability to meet and maintain an adequate lifestyle whilst attending education provider in Australia.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

As above, I have offered my points and recommendations.

At the moment, our external competitors such as USA, England, Canada are watching Australia to see what we do. They are hoping that we (Australia) change our immigration/ESOS/Nat Code policy/laws in respect to international students and

make it harder for students to gain a Student Visa and/or RTOs to gain and maintain compliance.

I believe that the system needs to be improved and that the improvement must then be actualised by all stakeholders.

And, consistency is required with all RTOs including TAFE.

Recommendation/s

I believe that both Private and Public Providers should be penalised for serious non compliance, and maintaining that the regulatory authority must be consistent with all providers and not only Private. Aligned to above there must be a stringent complaints and appeal policy and procedure provided to RTOs (simple and yet robust), this will ensure that all stakeholders maintain and follow the new processes consistently and are fairly treated.

In addition: whatever other changes are made, we must ensure they do not make Australia an unacceptable choice for 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

The registration requirements are acceptable, but I do recommend that the regulatory authority should also audit the nine conditions at the same time as normal compliance audits. Especially insurance (4), financial management (5), accuracy and integrity marketing (8).

I have already stated in previous answers how compliance should be better managed.

Recommendation/s

All senior staff in the RTO must have educational qualifications at least to a CERT IV TAA.

The CEO must be qualified at least to a Diploma TAA50104 or Diploma VET Practice

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

Comments

The problem with too much flexibility is that this allows scope for non compliance or compliance when the opposite is true. It also provides the auditors with too much scope for their own version of what constitutes compliance/non compliance.

We need to be flexible and innovative in our outcomes for students, however this involves the correct inputs. Complexity may be a necessity to ensure that all parties are on the one page.

The industry has many non complying providers both private and public, this group gives a bad name to everyone else. Many are not known to the regulatory authorities due to ineffective auditing in some areas and inconsistencies of auditors.

Recommendation/s

More compliance is required within the realms of necessity, i.e. a new provider should be audited twice within its first year and this should also include auditing the nine conditions of registration.

Small to medium RTOs should be audited every 18 months, and larger RTOs (more than 500 students) should be audited every second year and a closer investigation must be completed into high risk areas.

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

Comments

The reporting responsibility in regards to standards 10 or 11 National Code are adequate from this perspective.

Recommendation/s

N/A

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

As per listed throughout document

Recommendation/s

Ensure that all stakeholders are held accountable and consistency prevails with all stakeholders.

General Comments

For the sustainable future of Australia and its education industry we need to protect our students and offer world class education.

Providers should be in the industry primarily to offer excellence in education to its

local or international students.

Those that are in the business only to turn a profit should seek for another business, education should only be provided by people who have a passion for the industry to help people to learn.

If rigorous standards are needed which encompasses: penalties for non compliance, setting up trusts with financial auditing etc... then so be it, this will certainly sort out the 'real educators' from the pretend operators.

Thank you.