

**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:

Southern Cross University

Sector:

Higher Education

Prepared by:

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

**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

All providers are required to provide accurate and reliable information to prospective students. This is both in the form of hard copy and on the university website.

It is the provider's responsibility to ensure their agent network is well informed, provided with current information and have systems in place to ensure outdated marketing materials are no longer available.

Often the university sector is making offers for programs up to two years in advance. Wherever possible, course advice and fees are available well in advance however, there must be provision for the ability for an institution to change offerings based on a number of institutional internal factors such as staffing, changes in accrediting bodies etc. This must be clearly outlined prior to application and acceptance of offer.

### Recommendation/s

Agents should have a registration process approved by the Australian Government where the registering body has the ability to de register an agent who has proven non-compliance with ESOS. This register of approved agents should be available to all providers.

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

### Comments

Provision must be made for provider default and financial support provided to another institution to take over the delivery of programs to the affected student cohort. However, closer and more rigorous scrutiny of providing CRICOS to providers and maintaining a continuous audit regime would be a more proactive approach to ensure only providers who have the ability to deliver programs in a sustained manner should be considered for CRICOS registration.

Sudden expedient growth, overnight change of discipline offerings – especially when MODL changes precede this - facilities not meeting the needs of discipline offerings, should all be considered warning signs for operations seeking only the migration outcomes of students.

### Recommendation/s

Providers should be registered under different categories of risk:

Low Risk – such as providers who have operated for some time under CRICOS, have a proven sound track record, are not in the industry for migration purposes,

successfully maintain other quality assurance monitoring regimes.

To

High Risk – Migration driven operations. Providers with no recorded track record.

Consideration should be given to the background of the institution. If a course has been offered for several years under CRICOS registration at a provider with a sound track record of compliance the audit process should reflect the historical compliance of the institution.

Recognition should be given to providers who have complied with the National Code of Practice 2007 over a number of years.

Government funding should be made available for the relocation of students (or refunds) where an existing provider has defaulted on their program delivery.

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

Comments

External complaints mechanisms differ from state to state which compounds issues with Providers such as SCU who deliver programs across three states. The complaints and appeals process becomes complicated and confuses students.

International students are restricted by the duration of their student visa to bring any complaint to a resolution. Therefore the complaints and appeals process much enable international students to ensure resolution in a timely manner within their visa duration. For an institution such as SCU which operates on three study periods (with shorter between semester breaks) the 20 day limit to access the appeals process means that appeals run well into the next study period.

However, if the appeal process takes an extended amount of time by default it can be a method for students remain in country beyond the appropriate duration. This can encourage some students to abuse the system and draw out any complain process as long as possible.

Recommendation/s

Providers should report students at the conclusion of their internal appeals process as often the provider may not know an external appeal has been sought.

The Ombudsman of the state the university's main campus is registered should reside over all external complaints of students from that provider regardless of which state they study in.

Provision for providers to report students at the conclusion of internal appeals process.

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

#### Comments

From application to offer our University invests substantial financial and staff resources. From marketing in the student's home country, to processing the application, liaising with the student, agent and often family the process may take several months and many work hours of admission and marketing staff.

The average cost to recruit an overseas student is anything up to \$3000 for a commencing student.

Institutions provide a range of information regarding location, lifestyle, cost of living, accommodation, transport, local schools, university facilities, clubs and societies, as well as up to date course and fee information. For a regional university such as Southern Cross University we are clear about what we have to offer. This assures compliance with the National Code of Practice 2007 standards 1 & 2 and on a common sense practical perspective ensures we are not counseling students where expectation has fallen short of reality.

The ability to change institutions prior to commencement or within the first six months will encourage less scrupulous agents to get their students in "anywhere" as a means to get a visa and decide on a permanent place later. This has the potential to exploit providers who put in all the ground work only to have their student transfer on arrival.

#### Recommendation/s

National Code of Practice 2007 remain unchanged. Provision made that no agent can claim commission if their student is released in the first six months of commencing their study.

#### **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

AUQA reviews institutions' compliance to AQF framework and ESOS for self accrediting institutions therefore there is a cycle of audits which focusses on quality and compliance already in practice.

#### Recommendation/s

In line with domestic students 75% EFTL should be considered a full time load to ensure students are able to pace their study at an appropriate rate.

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

## Comments

International students generally do not have the benefit of family support while overseas. They are unable to take advantage that family networks provide such as assistance with: accommodation, part time jobs, welfare support, cultural support etc. International students are also purchasing a service and product which remains largely unknown and untested.

This can result in a dependence of the ethnic community where they live. While this can provide support and community it can also lead to exploitation of a vulnerable cohort of Australian visitors particularly with suitable housing and part time jobs.

For international student two semesters of more than 50% failure can result in visa cancellations so intervention for these students at an early stage in their study is vital.

## Recommendation/s

International students should have access to the same transport concessions that all students enjoy.

Local council and state governments need to work with providers to ensure suitable accommodation for international students.

### **Effective regulation**

vii. Is ESOS compliance and enforcement adequate?

## Comments

It would appear that the enforcement of adequate compliance for the high risk end of the industry has not been sufficient and has placed the entire industry under scrutiny.

If the quality and compliance check at the registration stage of the process was more stringent it would prevent the high risk providers operating in the first instance.

## Recommendation/s

Compliance enforcement resources should be directed to sectors where there is documented non-compliance.

Agents and providers not meeting the ESOS compliance should be named and de registered. There needs to be public recognition in Australia and overseas that our Government is serious about addressing the current issues.

Systems must be in place to prevent unscrupulous agents, providers and any member of their board of directors, from setting up under another operating name.

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

High risk providers should be monitored closely and be de registered from CRICOS when in continual breach of ESOS.

## Recommendation/s

Monitor current provider compliance and raise the bar for new registration on CRICOS.

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

## Comments

The current National Code of Practice needs some refinement but does not need additional standards.

## Recommendation/s

Rather than only acknowledge non compliance providers should be noted for consistent compliance and commitment to the industry.

Providers who invest substantial budget commitment in staff training and engagement in best practice industry workshops to promote further understanding to compliance, quality and best practice should be acknowledged.

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

## Comments

It appears the degree of fraudulent financial documentation to successfully obtain a student visa is rife. This results in students coming to Australia without sufficient funds forcing them into the labour market to support their studies.

## Recommendation/s

Unsure more rigorous investigation in determining appropriate financing for visas.

## **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

Recommendation/s

Only providers with existing proven compliance should be able to reregister on CRICOS. New providers need to be under more scrutiny before CRICOS is provided.

**General Comments**

Thank you.