

# 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:

TAFE Directors Australia

Sector:

Vocational education and training

Prepared by:

xxxxxxxxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxxxxxxxx

### Student / individual

Name:

n/a

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

TDA supports the establishment of a one-stop-shop for information regarding studying in Australia. This online facility should include key information in multiple languages covering topics such as choosing a provider; choosing a course of study; living in Australia (accommodation, transport, living costs, health, safety and security), role and selection of agents; customer protection. TDA members already cover most if not all this information on their own web sites and publications and TDA can assist in collating this material into a coherent whole.

Education agents should undergo mandatory training to ensure they understand and can implement the relevant aspects of the National Code.

All providers should ensure agents acting on their behalf comply with the National Code. TDA supports the introduction of financial penalties to be applied to providers whose agents are in breach of the Code and who have not been de-registered by that provider within 6 months of a notified breach.

TDA supports the establishment of a National Register of authorised education agents and supports the requirement that all providers list the agents who are acting on their behalf.

### Recommendation/s

1. Establish a national one-stop-shop for international students with links to state and territory versions where appropriate
2. Establish a national register of approved education agents
3. Mandate the satisfactory completion of an agent training program prior to registration as an education agent for international students. Include penalties for providers who employ or associate with unregistered agents

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

### Comments

TDA is concerned that the current management of the ESOS Fund does not have any representation from education providers. The role of the ESOS Fund manager requires an understanding and knowledge of vocational education and training provision in Australia including the following:

1. Training package structures and requirements
2. Recognition of prior learning processes
3. Certification and trade recognition processes
4. Modes of delivery and assessment
5. Enrolment procedures and timelines across the VET system

Recent closures have seen the current ESOS fund manager and the relevant Tuition Assurance Scheme administrators attempting to place displaced students into colleges who do not have the appropriate course on the scope as a Registered Training Organisation or the endorsement of the relevant industry body.

When a private college closes, TAFE institutes and colleges are often seen as a last resort by the administrators of the TAS and the ESOS fund managers. In worst case scenarios, students may find themselves being relocated with a new private provider who several weeks or months later, also goes into administration or loses their registration through non-compliance with the Act.

The priority should be the welfare of the student, not the containment of the student within the private training sector market.

### Recommendation/s

1. Review the current administration contracts for the management of the ESOS Fund
2. Ensure that any new contract for the management of the ESOS fund include representatives of the education sector, including the VET sector

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

Comments

TDA believes the current mechanisms which are mandated through the ESOS Act and the National Code for the resolution of complaints should be sufficient and effective if properly resourced and monitored, both at a provider and regulator level.

TDA notes the establishment in South Australia of a Government supported Office of the Training Advocate with a focus on supporting international students. There is some concern within our membership that such an approach adds yet another level of bureaucracy to an already complicated system.

However, an independent evaluation of the South Australian model should be funded immediately with a focus on its effectiveness from a student and provider perspective and the practicalities of extending such a service to all states and territories.

Recommendation/s

1. Recommend to COAG that the South Australian model of an Office of the Training Advocate be evaluated for its effectiveness from both a student and provider perspective

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

Comments

In a perfect world where all providers offer the highest quality provision, there should be restrictions on the ability of students to change their education provider in the first year of study. This protects and rewards those institutions who have invested significant amounts of money in both recruitment and service provision.

In the current situation, locally based agents actively recruit students from other providers after the initial six months of study, offering discounted course fees for future semesters, employment opportunities which may or may not be legitimate or ethical, and even the promise of certification leading towards permanent residency without the need to attend classes at all.

TDA recommends the ESOS Act be amended to extend the period before a student can transfer to 12 months from the commencement of studies in Australia.

To ensure no student is disadvantaged by such an amendment, in situations where they have been misled about the type or quality of provision they have been promised prior to commencement, appeals could be made within the first 12 months to the state or territory regulator.

This appeal process should set down the grounds on which an appeal can be made and the type and range of evidence required to gain approval to change providers.

TDA offers its support in developing such processes and guidelines.

Recommendation/s

1. Extend the period before an international student can change providers to 12 months

2. Provide an appeals mechanism for students who have legitimate reasons for requesting a change within the 12 month period

## 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 Australian Quality Training Framework and the National Code underpin the ESOS Act.

There is a current review of the AQTF which is exploring ways in which to strengthen this Framework and TDA believes that any improvements to the intersection between ESOS and the AQTF must be informed by the results of this review.

### Recommendation/s

1. Ensure any improvements in links between ESOS and the AQTF are informed by current reviews into the AQTF

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

### Comments

TDA believes that the ESOS Act and the supporting National Code of Practice clearly set out the additional requirements needed to support international students prior to arrival, on enrolment and during their time in Australia.

A common complaint voiced by international students on their experience as a student in Australia is the lack of opportunity to meet and engage with domestic students and the broader Australian community. Often the students' perception of Australia is not entirely accurate and they are surprised at the multicultural nature of our communities, especially in the major cities. Accurate and honest information about Australian communities should help alleviate such misconceptions.

Quality providers in the VET sector ensure they have dedicated international student welfare officers on site and this should be mandatory. A ratio of 80 students to one full time welfare officer should be considered as a reasonable benchmark.

TDA would caution against any additional specific regulation which suggested that international students were treated any differently to domestic students. The essence of social inclusion is that all students are treated equally, including equal access to support, facilities and quality of provision.

### Recommendation/s

1. Ensure accurate information on Australian communities easily accessible to all prospective and recently arrived international students

2. Consider mandating the requirement for all providers to employ dedicated international student welfare officers, to a ratio based on research and consultation with providers and welfare agencies

## Effective regulation

### vii. Is ESOS compliance and enforcement adequate?

#### Comments

No.

There is a distinct lack of resources allocated on an on-going basis to compliance and enforcement, including the number of adequately trained auditors.

The recent flurry of activity in auditing simply reinforces the lack of attention and resourcing given to this area in recent years.

Regulators should focus as a priority on auditing those RTOs that have an unbalanced cohort of nationalities (ie students only from India for example) and/or have rapidly expanded their numbers and/or offer only those courses that attract permanent residency points. Audits for this group of providers should occur annually and not just when their CRICOS registration expires.

We recommend that the Commonwealth conduct all audits with nationally adopted audit requirements. Audit has become more about the sighting of documentation (forms and checklists) and less concerned with the actual learning outcomes for students. We would like to see greater emphasis on teaching and learning outcomes for students and negotiation with providers around how best practice may be achieved in audit regimes.

#### Recommendation/s

1. Recommend to COAG that a fixed allocation of resources to compliance be set in relation to the number of enrolled international students. Such allocations to be set on a bi-annual basis

2. Recommend to COAG that a national set of audit requirements be adopted which include a strong emphasis on the teaching and learning experience as well as the provision of appropriate resources and facilities

### 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 best way to manage risk relating to compliance is to ensure prospective providers can demonstrate their ability to meet all requirements of their registration before they gain registration.

Too many providers are given a ticket (CRICOS number) to operate without adequate investigation of their financial viability, their facilities, their teacher or trainer qualifications, their record keeping systems and their recruitment practices.

The ownership and management of private providers should also be carefully scrutinised, including the use of shelf companies, offshore company registration, links with migration agents and the directors' and managers' track record as providers of education and training under different company structures or entities.

The proposed amendments to the ESOS legislation, which include the requirement for all providers to re-register by December 2010, include a self-assessment process which TDA regards as inadequate for certain categories of providers.

TDA believes that the introduction of a tiered or ranking system for VET providers will recognise quality and encourage lower ranked providers to aspire to a higher level of provision.

#### Recommendation/s

1. Strengthen registration requirements, drawing on the principles of the existing Higher Education Protocols

2. Ensure the ownership and management of current and prospective providers is scrutinised to ensure they are fit and proper organisations to deliver education and training to international students

2. Establish some form of tiered or ranking system for VET providers which recognises quality and promotes continuous improvement

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

Comments

There is a distinct lack of data on the international student experience within the vocational education and training sector. Very few providers carry out any collection of data on student outcomes beyond the completion of their course of study. Destination surveys and post course satisfaction surveys are very rare.

TDA, with a co-contribution from DEEWR, has recently engaged the services of i-graduate, an international benchmarking and survey company, who are carrying out a survey on the international student experience with TAFE institutes and colleges around Australia.

Based on an evaluation of this project, TDA is keen to extend and embed such a data collection and analysis process which focuses on outcomes rather than the current pre-occupation with enrolment and commencement data.

Recommendation/s

1. Allocate specific annual funding to the collection and analysis of post course outcomes

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

Comments

Most of our responses to the other sections in the submission relate to improving ESOS to support the Australian student visa program. TDA has no other specific comments or recommendations for this section.

Recommendation/s

## 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

For the industry to be sustainable, it must do more than simply treat international students as consumers and protect their most basic rights. If Australia's reputation as an education destination is to be maintained, then the welfare of students must be protected in a more encompassing way.

This means monitoring and auditing providers for the whole quality experience they provide students: the number and quality of teaching staff, the facilities offered, the breadth of courses, the ongoing pastoral care of students, support to find accommodation (beyond providing a list of real estate agents), ensuring students have health cover for the duration of their stay, engagement practices with local students and the wider community. There should be minimum requirements for student support at each provider, depending on enrolment numbers. Any organisation offering education must have as its primary purpose high quality education including a substantiated record of providing equivalent education and training to domestic students

In addition, all complaints that have been substantiated against providers should be publicly known and all penalties imposed should also be publicly known.

### Recommendation/s

1. Include as a requirement for registration substantiated records of having provided the equivalent education and training to domestic students for a to-be-specified period of time
2. Publish a list of all upheld complaints and all penalties imposed on providers under the AQTF and/or the ESOS Act

### General Comments

Australia has built a strong and competitive market for students from overseas wishing to gain an Australian qualification. Our vocational education and training system is widely recognised as world class and many countries are actively engaged with Australia in adopting or adapting our system to develop their own capabilities. Unfortunately there has been a failure in monitoring and managing this market. This failure is not because of inadequate legislation or supporting frameworks and codes of practice.

The failure exists on a number of levels:

1. The inadequate resourcing of state based regulators who are responsible for registering providers and ensuring compliance
2. The lengthy processes and appeals mechanisms which delay and in many cases thwart the ability of regulators to ensure compliance or de-register providers
3. The failure to distinguish between providers on the basis of their quality of provision and financial security
4. The failure to stamp out exploitation of students by agents and providers, including the offering of permanent residency based on their course of study, the advancement of loans by agents to students to satisfy the financial viability of the prospective student, and the employment and accommodation of students while in Australia under conditions which break numerous laws and regulations
5. The failure in communication between DEEWR and DIAC which has enabled numerous private providers to significantly exceed their approved number of enrolments
6. The failure of both state and federal governments to recognise that government investment in the sector is the only way to ensure the on-going viability and growth of the international student market. This investment is required in transport concessions, student accommodation, professional development for agents and providers, accurate and up to date information through web portals and offshore representatives, and well trained and sufficient auditors, regulators and advocates.

TDA also wishes to emphasise that its members continue to provide the highest quality education and training to all their domestic and international students. The 'market failure' is in the private sector and TDA welcomes this review and other similar initiatives which we trust will restore and enhance the reputation of Australian vocational education and training.

Thank you.