

(Baird) Review of the *Education Services for Overseas Student (ESOS) Act 2000*

Friday, 30 October 2009

Dear Mr Baird

I pleased to provide you with TAFE SA's response to the discussion paper on the review of the Education Services for Overseas Student (ESOS) Act 2000. We look forward to meeting with you during the November consultation period and reviewing your draft report over the coming months.

Regards,

Adrian Marron
Managing Director, TAFE SA Adelaide North Institute and TAFE SA Principal Education Officer (PEO) for TAFE South Australia

Institution / Organisation

TAFE South Australia ("TAFE SA") CRICOS Provider Number 00092B

Name:

Adrian Marron, Managing Director, TAFE SA Adelaide North and TAFE SA Principal Education Officer (PEO)

Sector:

Primarily Vocational Education and Training (VET) but also Higher Education and ELICOS

Prepared by:

XXXXXXXXXXXXXXXXXXXXXXXXXX

Contact details:

XXXXXXXXXXXXXXXXXXXXXXXXXX

DEEWR Discussion questions

TAFE South Australia feedback on the Sept 2009 Issues Paper

Supporting the interests of students

i. A) How can the quality and accessibility of reliable information be improved? B) 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

- Currently the CRICOS website is a central source of CRICOS registered course information for prospective students, however, it currently doesn't allow students to compare courses offerings to assist in the comparison and decision making process
- CRICOS website does not allow a student to differentiate between a private (non-government) and government provider, which should be provided as basic consumer information
- The CRICOS website also does not disaggregate (itemise) courses fees to allow current and prospective students to assess the fees of each element of a course (tuition fees, other learning materials/uniforms, industry placement fees, OSHC, all described as "*course monies*" in the Act
- The CRICOS website also does not list "non-compulsory fees" (application fee, airport pick-up, accommodation placement, industry placement (where it is not non-compulsory aspect of the course)
- CRICOS also does not include the facility to differentiate between different years i.e. where a provider is offering the same course over two or more years and different fees
- The CRICOS website also does not detail the minimum entry requirements for a course to prospective overseas students
- As the central course / fees database for all registered CRICOS courses, the CRICOS course database should be able to exchange (via XML) core CRICOS course data with other databases to a) allow cross checks of course data in both CRICOS and the institutions systems and b) minimise duplication of information

Recommendations

- That the CRICOS website allows students to compare courses offerings, including course cost to assist in the elevation and decision making process
- That CRICOS website allows students to differentiate between a private (non-government) and government provider
- That the CRICOS website itemises courses fees to allow students to compare the cost of each compulsory fee to be charged (tuition fees, other learning materials/uniforms, industry placement fees, described as "*course monies*" in the Act
- That the CRICOS website also list "non-compulsory fees" (application fee, airport pick-up, accommodation placement, industry placement (where it is not non-compulsory aspect of the course) that a provider may levy
- That the CRICOS website add the ability to differentiate between courses offerings over different academic years i.e. where a provider is offering the same course over two or more years for different fees, e.g. price of a course in 2009 = 10,500, 2010 = 10,500 and 2011 = 11,000
- That the CRICOS website list the minimum entry requirements for prospective students to gain entry into a course (Academic, English or other criteria)

- That as the central course / fees database for all registered CRICOS courses, the PRISMS / CRICOS course database be enabled to exchange (via XML) core CRICOS course data with other databases to a) allow cross checks of course data in both CRICOS and the institutions systems and b) minimise duplication of information
- That PRISMS be enabled to generate both the Letter of Offer (LOO) and Confirmation of Enrolment (CoE) to ensure consistency of course description, entry requirements and all compulsory and non-compulsory fees associated with undertaking a course
- That a national register of DEEWR 'approved' agents be maintained, in a similar manner to the CRICOS course / institution database and that this approval process requires agency's to endorse an approved agent code of conduct
- That each counsellor in an agents office be individually registered and linked to that agent to prevent unscrupulous counsellors moving from one agent office to another
- That all overseas student visa processing be undertaken by e-Visa processing and rates of non-compliance / fraud be reported to providers in the same way student visa breaches / issues are reported to DEEWR via PRISMS to assist providers in maintaining their ESOS compliance obligations

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 current ESOS Act mandated Tuition Assurance Scheme (TAS) is a good model, however, the potential risk of not being able to 'guarantee' tuition due to the number of potential RTO closures is of concern

Recommendations

- That the Commonwealth government undertakes greater scrutinisation to the financial projections / capacity of new providers during CRICOS registration and business plan assessment
- That this scrutinisation includes the risk / exposure to courses linked to occupations listed on MODL, the proportion of domestic to international students and/or the range of countries and relative proportion of students from any one country that will make up the institutions international student cohort
- That the Commonwealth government be prepared to underwrite the TAS in the advent it becomes financially unviable to maintain Australia's standing as a quality provider of international education and training services

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

Comments

- Currently the ESOS Act stipulates that institutions will provide an independent appeals tribunal, but it does not prescribe what this body will look like
- This is a significant administrative requirement, particularly for smaller to medium size education institutions to establish and maintain such appeals bodies

Recommendations

- That DEEWR establish an independent appeals tribunal and/or ombudsman in each Australian State / Territory to confidentially and impartially address international student grievances / complaints

- That this appeals body be coordinated by DEEWR using consistently applied standards and processes
- That the findings of the tribunal be record as "notes" within PRISMS against the student to ensure a single consistent student file is maintained

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

Comments

- Yes, as this current provision prevents the aggressive and overt 'poaching' of students by education providers that have not invested any time / effort / resources to legitimately recruit a student to study with them

Recommendations

- That the current provisions that students are required to study for a minimum of 6 months with the institution that their visa is tied to be maintained

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

- There are major issues with the AQTF 2007 and the manner in which Training Packages / Courses are registered individually and as 'packages' within PRISMS / CRICOS that make the offering of courses to students more difficult that is the case in other education sectors
- This relates to the construction of certain training packages and what was formerly referred to as 'nested' (embedded or pre-requisite) qualifications. For Higher Education programs, a single PRISMS generated CoE is required for a Bachelors Degree, whereas a VET qualification may require several individual CoE's for each stage of the course to legitimately offer students parchments for each stage of program that's been successfully completed. E.g. Advanced Diploma that includes Certificate III , Certificate IV and Diploma

Recommendations

- That the definitions within the ESOS Act be tightened to better clarify course what is meant by standalone course, what was previously referred to a 'nested qualification and/or 'a package of courses'
- That modifications be made to the manner in which courses can be registered on PRISMS / CRICOS to streamline offer's to international students for the VET sector to address these issues

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

Comments

- Overseas students generally differ from their domestic counterparts due in relation to

- their requirements for additional pre-course mobilisation, initial in-country establishment and orientation, and access to ongoing social, sporting and wider community engagement activities, counselling and employment assistance services.
- This primarily relates to overseas students lack of prior knowledge of the host country and/or lack of establish networks that most domestic students having access to be virtue of growing up in their local environment

Recommendations

- That the ESOS Act continues to require education providers provide to a minimum standard of pre-departure, on-arrival support / orientation as well as continuing 'pastoral' care support
- That DEEWR coordinates the development and maintenance of a State / Territory (regional area specific if required) website that acts as a one-stop-shop information portal for overseas students on local points of interest, international clubs and society, bulletin board for part time jobs, sporting clubs etc that individual providers to contribute to, without needing to replicate the same information

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

- Great effort is required to streamline the application of the ESOS Act (registration for a RTO and/or addition or amendment to a CRICOS registered course should be possible via an online form, that submitted to a transparent vetting / approvals workflow
- More resources are required to ensure the consistent and continuous application and enforcement of the guidelines is achieved across all jurisdictions – e.g. Victorian model of prioritising audits bases on risk of non-compliance

Recommendations

- That the tools required to maintain compliance be streamlined and great use of technology (online applications and process vetting / approval workflows) be used to expedite the processing of CRICOS course registration(s) and RTO applications
- That greater resources be devoted to ensuring the consistent and continuous application and enforcement of the guidelines is achieved across all jurisdictions

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

- Consideration should be given to the development to a risk management matrix and assessment when registering RTO's and/or reviewing existing RTO's registration that gives consideration to the providers education focus, diversity of student population (domestic to international and proportion of a single international population as a percentage of the whole), the business model (very high commissions, low fees and the requirement for significant throughput (student volumes), and financial viability) should be key criteria to be addressed as part of the risk assessment process

Recommendations

- That DEEWR develop and introduce a risk management matrix for the assessment of RTO's applying for CRICOS registration and/or reviewing existing RTO's CRICOS registration that addresses the providers education focus, reliance on courses linked to occupations listed on the MODL, to diversity of their student population (domestic to international and proportion of a single international population as a percentage of the whole), the business model (very high commissions, low fees and the requirement for significant throughput in terms of student volumes, and the impact that this may have on an organisations financial viability) as key criteria to be addressed as part of the risk assessment process

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

Comments

- There is generally a very high compliance burden due to the lack of systems that can exchange data and the over reliance on hardcopy forms and associated procedures that make ongoing compliance more difficult that is required
- The ESOS legislation and associated National Code needs to tighten definitions around the meaning and interpretation of "course monies" and "course packaging" guidelines so that they reflect the current practice as it relates to domestic students, especially in the VET sector

Recommendations

- That DEEWR reduce the compliance burden on CRICOS registered providers by developing ICT systems (PRISMS / CRICOS / National Agent Database) that can exchange data and this replace the current hardcopy forms and associated procedures to that make ongoing compliance more efficient
- That the ESOS legislation and associated National Code tighten definitions around the meaning and interpretation of "course monies" and course "packaging" guidelines so that they reflect the current practice as it relates to domestic students, especially in the VET sector

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

Comments

- While generally robust, DEEWR should establish and maintain a national agent register (Legal name, trading name, locations and addresses, business owner etc) and that individual counsellors be linked to a agent to prevent an agent's registration being comprised by the actions of an individual counsellor
- DEEWR could require all agents to use e-Visa processing and also share agent statistics (rates of fraud / rejections) with providers linked to that agent

Recommendations

- That a national register of DEEWR 'approved' agents be maintained, in a similar manner to the CRICOS course / institution database and that this approval process requires agents to endorse an approved code of agent conduct
- That each counsellor within an agents office be individually registered and linked to an agent to prevent unscrupulous individuals moving from one agent to another,

thereby potentially jeopardising the entire agents registration

- That all overseas student visa processing be undertaken by e-Visa processing and rates of non-compliance / fraud / rejections be reported to providers in the same way student visa breaches / issues are reported to DEEWR via PRISMS to assist providers in maintaining their ESOS compliance obligations

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

- Many of the issues have already been addressed above, but key recommendations are detailed below

Recommendations

- That DEEWR tighten the some of the definitions in the current ESOS act, with the intent of enhancing compliance for quality providers, (course monies, course packaging rules, etc)
- That DEEWR develop a more robust risk matrix for assessing and auditing CRICOS providers
- That DEEWR develop more streamlined tools, underpinned by technology to make the ongoing provider and course registration easier and more transparent
- That DEEWR redevelop the CRICOS course portal to allow students to make meaningful comparisons between providers using course fees, other fees, entry requirements and non-compulsory costs in keeping with the aims and intent of the consumer protection nature of the ESOS Act