

Submission to the Department of Education Employment and Workplace Relations Review of the *Education Services for Overseas Students (ESOS) Act 2000*

Institution / organisation

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Sector: Higher Education

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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

Universities have arrangements with hundreds of educational agents and subagents. It is very time consuming to deal with them and it can be difficult to ascertain quality before dealing with them. For example, many agents have not completed any training at all.

Recommendation/s

Establish a centrally administered database of agents who have completed specialised training, and encourage providers to consult the database for current information on agents.

Encourage providers to notify DEEWR about agents who do not honour their agreements, and improve communication to and between providers about which agents have been problematic.

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

Comments

Resources should not be raised through further levies on providers as this may actually increase closures of providers with limited cash flows.

Risk of provider closure should be managed by directing resources to a single agency accreditation process.

Providers who are asked to accommodate displaced international students should be assisted so they can provide the extra resources this requires.

Recommendation/s

Establish a centrally managed agency accreditation system.

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

Comments

There are many existing complaint systems, but they are highly complex and difficult to navigate. Universities for example may differentiate between a complaint, an appeal and a grievance, and have different processes and time lines depending on the category. This is difficult enough for domestic students to understand, let alone international students. Additional complaint mechanisms may well increase this complexity.

Students may also be reluctant to complain in good time about a provider because they do not know where best to pursue their complaint, and fear jeopardising their course progress or visa status.

Recommendation/s

Develop a simplified and rapid response complaints system which is easily understood by the people who may need to use it.

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

Comments

All providers wish to avoid situations where students accept an offer but have no intention of undertaking the course. This practice appears to be a result of very lengthy visa processes which incline students to accept the first offer they are given so they can get the process underway or, of students accepting an offer so they can move immediately to a course which offers permanent residency points as soon as they arrive.

The current system, which allows student movement if there is a substantive reason, offers providers some safeguards against the above.

Recommendation/s

Retain current system

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 connection between points towards permanent residence and course of study inclines students towards courses for which they may have little interest or aptitude. This in itself compromises the quality of their educational experience. It also apparently encourages 'dodgy' providers to offer the courses du jour, with scant attention to ongoing curriculum development or provision of adequate resources.

Recommendation/s

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

Comments

The odds are much higher for international students, and their daily lives more complex. They face significant challenges in acculturation to the social and academic environment. Their visa status (student or permanent residency) is contingent on their choice of course and academic success. They are regulated by DIAC, and DEWR,

their attendance and course progress is reported on by their educational providers. If anything, students need less regulation and more clarity of information on existing regulations and requirements.

Recommendation/s

Require providers to provide adequate orientation programs to assist international students to settle in.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

The standards are adequate and there is no evident benefit in introducing additional layers of compliance. However, the monitoring of compliance needs improvement.

Recommendation/s

Improve monitoring of existing standards

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 commented above, risk could be better managed through more effective monitoring of existing compliance requirements. This would require strengthening and streamlining current administration processes in the regulatory bodies.

Recommendation/s

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

Comments

This very much depends on the outcomes required.

Recommendation/s

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

Comments

International students need timely and accurate information on what to expect in Australia, but its provision could be significantly improved. For example, the DIAC estimate of cost of living in Australia (\$12,000 pa) has not changed since 2001.

Reconsider the negative language in the existing legislation. For example a student who has failed part of their course has not made the choice implied by the legislative categorisation of them as 'non-compliant'.

Reconsider the mandatory cancellation of visas if students cannot undertake a full load because of course failure.

Recommendation/s

Provide more accurate and timely information to prospective overseas students.

Reconsider the fit between legislative language and categories, and student experience.

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

While there is always room for improvement it is important to acknowledge that many thousands of international students have had very positive experiences in Australia. ESOS should support the ongoing sustainability of the sector, not by imposing more regulation but by improving the administration and monitoring of existing regulations.

Legislation and regulation also need ongoing review to keep pace with changes in the education sector. For example, online learning has become a key tool in education delivery but until very recently international students were specifically prevented from enrolling in courses/units delivered online.

Recommendation/s

Improve administration and monitoring of existing regulations

Conduct ongoing review of legislation and regulations.