

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.

About you:

Institution / organisation

Name:

The University of Melbourne

Sector:

Higher Education

Prepared by:

xxxxxxxxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxxxxxxxx

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

Melbourne supports the Universities Australia response to the Baird – Education Services for Overseas students (ESOS) Review, and the emphasis on improving the support for international students through strong consumer protection and enforcement.

Melbourne supports Universities Australia (UA) recommendations below:

Recommendation/s

UA1. Increase the enforcement of compliance with existing ESOS National Code requirements relating to the provision of accurate information and management of agent relationships.

UA2. Establish and maintain a register of accredited/recognised agents.

UA3. Establish a peak body for Australian education agents (globally) via seed funding.

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

Comments

Support UA recommendations.

In addition, Melbourne would suggest that there be a mid-way solution that is more realistic through use of higher levies on providers to create a support or quality improvement fund. This would provide clear incentives for providers to commit to quality improvement activities, and support greater intervention and a managed solution.

Recommendation/s

UA4. Exempt fully controlled university entities from compulsory membership of a TAS.

UA5. In the event of mass closures, governments (state and federal) contribute to the cost of placing students or refunding fees.

Increase initial registration fees to act as barrier to low quality and financially weak providers. Additional revenue could be used to establish and support a quality improvement fund.

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

Comments

In response to international student complaints, the current adjunction time frame from Victorian Office of the Ombudsman is between 4 to 6 months offices. This time delay disadvantages both students who may wish to pursue other study options and educational institutions who must maintain a student enrolment until the matter is resolved.

The establishment of a national independent education ombudsman with state based offices would expedite the hearing process and would maintain nationally consistent processing and decision making practices. There is a UK higher education example with the Office of the Independent Adjudicator for Higher Education ("OIA") which operates an independent student complaints scheme pursuant to the UK Higher Education Act 2004 (<http://www.oiahe.org.uk/>).

In addition, students are permitted 20 working days in which to lodge an appeal/complaint against a decision to terminate enrolment. Decisions to terminate enrolment are made after extensive internal consideration and review that involve the student and to prolong the decision process further by another 20 days waiting period frequently disadvantages genuine students who may wish to pursue other study options.

Recommendation/s

Established an independent national office of the education ombudsman with state-based offices.

Reduce the 20 working days to appeal a decision to terminate enrolment to 10 working days.

UA7. Require providers to report students at the conclusion of internal appeals processes, with students able to access external appeals processes and advise DIAC of outcomes.

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

Comments

Melbourne supports the UA recommendations (below)

Recommendation/s

UA 8. Retain the restriction on transfer within 6 months/one study period.

UA 9. Enable providers to grant leave to transfer at any point.

UA 10. Enable students to appeal to an external body a providers' decision regarding transfer within the restricted period.

UA 11. That consideration is given to allowing transfer within visa class within the restricted 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

"Recognise full-time study at seventy-five percent load for international students to equate with domestic students"

The National Code does not require students to be enrolled in a 100% full-time load, students can for instance reduce their load and take additional subjects in non-compulsory study periods. However, providers must ensure that students complete their course within the registered duration which is based on a 100% EFTSL load. The concern is not that DEEWR recognise full-time as 75% EFTSL but that course durations be permitted to be registered based on 75% EFTSL.

However, using the 75% EFTSL load still falls short of equating international students with domestic students. Legislation related to domestic students indeed defines full-time study load as 75% EFTSL (primarily for the purpose of government benefits or entitlements), but does not impose a minimum study load. Domestic students still have a choice to enrol as a full-time or part-time student. To be consistent with domestic student policies, international students should also be permitted to enrol as either a full-time or part-time student.

Strengthening coordination and achieving greater coherence between Commonwealth and State legislative frameworks is crucial to achieving improved compliance with the National Code. High quality outcomes and the sustainability of the international education sector will only be achieved if all sectors are working in a seamless way promoting Australia as a high international quality education provider where excellent educational services are provided to students. A strong regulator and quality body is needed and we expect that Tertiary Education Quality and Standards Agency (TEQSA) will undertake this role.

Recommendation/s

Higher Education course durations be permitted to be registered based on 75% EFTSL.

Melbourne recommends that Commonwealth and State Governments improve coordination of the legislative, visa & immigration, compliance & quality assurance and resourcing functions to provide a strong national framework for the provision of international education services and international engagement.

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

Comments

There can be no alignment of visa implications for international students with domestic student penalties. Penalties, such as suspension or terminations, are set by providers and apply to both international and domestic students. Visa cancellations and public interest criteria are legislated by DIAC and only applicable to international students.

Domestic students can seek admission to another provider, but an international student whose visa has been cancelled cannot be granted a visa to study in Australia for three years.

Consideration needs to be given to migration legislation related to the harsh three year exclusion period. Students who have had their visa cancelled should be permitted a second chance by allowing them to apply for another visa to study in Australia.

This "second chance" opportunity is current practice for students who over-stay their visas. Students who have overstayed their visa with less than 28 days; migration legislation allow these students to renew their student visa, but can only be granted a visa if they have not overstayed their visa with less than 28 days before.

Melbourne supports Recommendation 12 from the Review of Career Development Services in Australian Tertiary Institutions that employment services and career development for international students be strengthened, recognizing the specialist skills required to address their needs both in Australia and in their home countries. Our experience is that international students need significant specialised assistance with their preparation for their job market, which requires university career services to allocate additional resources to this. International students are high users of all seminars and workshops, particularly those international students who chose to stay on using the skilled graduate temporary visa (485) or those on a bridging visa for PR who are seeking graduate employment in Australia.

Recommendation/s

Remove or reduce the 3 year exclusion period for cancelled student visa holders and permit students to reapply for another visa to study in Australia

UA 15. Maintain the ESOS Framework to ensure the unique needs of international students are met in legislation. Commonwealth, State and providers should work together to improve employment services and career development for international graduates

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

Melbourne supports the Universities Australia response to the Baird Review, and its contention that the major issue is ensuring stronger compliance with the existing ESOS National Code rather than increased regulation.

A number of recommendations have been proposed by UA and Melbourne would stress that achieving stronger coordination between Commonwealth and State Governments is crucial to achieving sustainability of the international education sector. We also support the recommendation that the initial regulation of providers needs to be stronger covering both quality standards and financial viability.

Recommendation/s

UA 16. Revise Part B of the National Code to explicitly state roles and responsibilities of various governments including measures to enforce appropriate resourcing of responsible departments.

UA 17. Review the initial registration requirements to ensure greater demonstration by providers of quality and financial viability

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

Melbourne supports the view that the initial registration of new providers is too low, allowing providers with no track record in educational provision to establish themselves.

We also support the recommendation that the initial regulation of providers needs to be stronger covering both quality standards and financial viability.

Recommendation/s

UA18. Adopt a risk management approach to ESOS compliance and enforcement activity, including ongoing monitoring of high risk and new providers as a condition of registration.

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

Comments

It is important that the high international reputation of Australian universities be protected. Having a strong compliance regime needs to be recognized and funded by all players in the international educational market. The mechanisms for demonstrating educational quality and financial viability needs to be agreed between Commonwealth and State legislative and regulatory structures and rolled out in an effective and efficient manner for providers.

Melbourne agrees that educational quality should be measured in terms of academic attainment standards and graduate outcomes.

Recommendation/s

UA 19. Enhance compliance against existing requirements.

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

Comments

At a student level there is often lack of alignment of the administration of the visa program driven by the Commonwealth agenda and the State and provider level for issues related to academic progress and student services. An outcome of the review would be to focus greater effort to coordinate policy frameworks and provision of services for prospective and current students.

A stronger requirement to demonstrate financial resources for a students would ensure that they have the resources to undertake full-time study.

Recommendation/s

UA 20. Review and strengthen the financial requirements of student visas.

UA 21. Establish and publicise a facility for reporting unethical or non-compliant practices.

State and Commonwealth coordinate policy frameworks and provision of services for perspective and current students.

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

The Baird Review of ESOS provides the opportunity to strengthen the reputation of Australia in providing high quality international education and to move to a new level of global engagement and partnership.

The advantages for local students and the richness of the educational offerings from having international students are enormous. These education experiences of local and international students will increasingly provide the context for international partnerships and collaboration.

Melbourne is concentrating on diversifying its international recruitment to ensure a wide diversity in its international cohort. As the University moves to a stronger postgraduate focus, it will look at increasing the number of international postgraduate and research students.

The University is looking at increasing the number of scholarships available to international students and developing equity targets at PG level relating to social attainment of different cohorts including international equity cohorts.

In moving to this next phase of international education provision, Australia will need to demonstrate its high quality teaching and research status and broader partnership and collaborative aspirations. Having academically strong and financially viable institutions across all sectors - public and private, and at all levels of the AQF - is essential.

Recommendation/s

UA 22. Only those providers demonstrating a commitment to quality education and enhancement of the student experience should receive registration and re-registration under ESOS.

General Comments

Thank you.