

Submission template

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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:

University of New South Wales

Sector:

Higher Education

Prepared by:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Contact details:

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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

a) More needs to be done by government to differentiate and protect the higher education sector from private trainers. ESOS is trying to cover too diverse a sector and so imposes unnecessarily onerous obligations on the higher education sector and leaves too little resourcing to properly monitor the private trainers which are the largest cause of problems for the industry. The legislation should be split – with far more stringent requirements for private trainers.

b) In-country accreditation of agents on an annual basis is essential to ensure that they are operating in a highly professional and ethical manner with respect to prospective students. Countries such as China and more recently Singapore operate at world best practice and they take a close interest in the operations of education agents, Providers and other brokers and they suspend their operations if they fall in breach of any legislation. The Australian Government should be involved in the agent accreditation and re-accreditation process, through the AEI, and should maintain an official register of agents who are accredited to represent Australian education providers.

c) Providers and Agents should provide reliable and accurate information to prospective and current students. This information should be provided both on the Provider's website and in hard copy publications. Providers should provide regular briefings and workshops for their Agents and should ensure that hard copy manuals (that are easy to access) are available in Agent's offices. Providers should have to demonstrate how they ensure professional, ethical and reliable performance of their agents. Spot audits should occur. Stakeholders should be obliged to report unscrupulous or unprofessional practice. Mechanisms should be in place that make it easy for clients (prospective students etc) to easily lodge a complaint if they believe the accuracy and appropriateness of information provided by both providers and/or agents is questionable.

d) Where misleading or inaccurate information is provided to prospective students formal warnings should be made in writing to education providers and their agents. The warning should be followed by a written response from the Provider/Agent that clearly demonstrates that the situation has been rectified. Should the problem continue then an official audit should be undertaken by an ESOS Team.

e) It should be a basic requirement that providers and agents have to meet stringent standards in relation to the quality and reliability of all information provided to prospective students. Annual review processes should be in place.

f) Breaches should be punished. In the case of agents they should be removed from the Register; providers should be officially warned and given time to improve. They should have to demonstrate compliance. If they fail to do so a more exhaustive audit should be undertaken.

Recommendation/s

- 1) In-country accreditation of agents on an annual basis is essential to ensure that they are operating in a highly professional and ethical manner with respect to prospective students. The Australian Government should be involved in the agent accreditation and re-accreditation process, through the AEI, and should maintain an official register of agents who are accredited to represent Australian education providers.
- 2) The ESOS legislation should differentiate between the sectors and between providers in the government and non-government sectors to account for the differences in quality assurance and legislative regimes that Providers operate under.
- 3) Providers should have to demonstrate how they ensure professional, ethical and reliable performance of their agents. Spot audits should occur. Stakeholders should be obliged to report unscrupulous or unprofessional practice. Mechanisms should be in place to enable Clients (prospective students etc) to easily lodge a complaint if they believe the accuracy and appropriateness of information provided by both providers and/or agents is questionable.

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

Comments

- a) The purpose of the ESOS Assurance Fund is to protect the interests of overseas students and intending overseas students of registered providers by ensuring that the students are provided with suitable alternative courses, or have their course money refunded, if the provider cannot provide the courses that the students have paid for.
- b) As with most issues related to ESOS, all providers should not be treated the same. Institutions that operate under an Act of Parliament should not be dealt with in the same way as private and/or smaller providers.
- c) It is not appropriate for providers to be asked to provide resources in the event that another provider closes. It is appropriate for such resources to be provided by the Australian Government (possibly a percentage of student visa fees could be earmarked for a special fund) who should then ensure that the ESOS Code is better enforced and that more stringent registration and re-registration processes are instituted. Providers who do not operate under an Act of Parliament should be required to pay a significant bond that they forgo should their institution close. The bond can be used to partially offset student tuition fees at another provider in the event of a closure. If Providers cannot afford to pay a bond of this amount then it is clear they are not in a financial or operational position to be opening in the first place.
- d) International Students need to be covered if a provider closes. More stringent accountability processes should be put in place to ensure that providers do not admit students if they are not able to provide the services they are offering. Given the recent events more stringent auditing should be undertaken.

Recommendation/s

- 1) Ensure that the ESOS Assurance Fund has adequate funds from the Australian

government to provide international students with alternative courses and/or providers in the event that the primary provider fails.

2) Providers who do not operate under an Act of Parliament should be required to pay a significant bond that they forgo should their institution close

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

Comments

a) Each provider should have to demonstrate a robust student complaints process that not only exists, but contributes to improving the institutional processes. It should not be sufficient to 'tick the box' that says a process exists. Each provider should be able to demonstrate how the complaints process works effectively, and influences operating procedures and practice. It should also include feedback from students concerning ease of use and effectiveness (from the consumer's point of view).

b) There should be institution specific complaint handling mechanisms

c) In addition a centrally funded/operated International Student Helpline should be considered to provide advocacy support and information on the rights of international students in the event of unsatisfactory local resolution.

d) Consideration should be given to creating an International Student Ombudsman type position within each State ,that specifically addresses individual concerns/complaints of International Students that have not been able to be resolved at the level of the enrolling institution. This Office should have a role in providing feedback to the sector and tiers of Government on systemic and or emerging issues in relation to International Students/International Education

Recommendation/s

1) Establish a centrally funded and operated International Student Helpline to provide advocacy support and information on the rights of international students in the event of unsatisfactory local resolution.

2) Create an International Student Ombudsman position within each State ,that specifically addresses individual concerns/complaints of International Students that have not been able to be resolved at the level of the enrolling institution.

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

Comments

a) The default position should require international students to remain enrolled with the original higher education provider for at least 12 months. Unfortunately some agents try to encourage movement between institutions to receive additional commissions.

b) Clearly there needs to be a mechanism for this requirement to be waived, in

exceptional circumstances that can be clearly justified. The Provider would be required to provide a student with a letter of release as per current guidelines.

Recommendation/s

1) International students should remain enrolled with the original higher education provider for at least 12 months, with a mechanism for this requirement to be waived, in exceptional circumstances that can be clearly justified.

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

a) There should be clear synergies between Quality Assurance agencies and ESOS within terms agreed by relevant education sectors.

b) Audits and review processes need to be such that it is difficult for providers to 'pass' by simply 'ticking the box'. There needs to be greater emphasis on demonstrating fitness for purpose, competency and indeed best practice.

c) The university sector would be better served by greater separation from other providers in terms of both compliance and branding .

Recommendation/s

1) There should be clear synergies between Quality Assurance agencies and ESOS within terms agreed by relevant education sectors.

2) Audits and review processes need to be such that it is difficult for providers to 'pass' by simply 'ticking the box'. There needs to be greater emphasis on demonstrating fitness for purpose, competency and indeed best practice across all sectors.

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

Comments

a) International students who have just arrived in Australia require a higher level of support, especially during the first semester of their enrolment. International students are in a foreign country and culture, away from family and normal support networks which creates special challenges, especially during the first semester of their enrolment. In addition, as student visa holders they are subject to different legislative, administrative and welfare conditions. Since they are paying full tuition fees they both expect and require a higher level of student support. Appropriately trained International Student Advisers are aware of these special needs and circumstances and are able to provide specialised services, especially in the periods of transition and at other times.

b) International students also benefit from the full range of academic enrichment and student development services that can be provided to ensure an enhanced student experience; one that ' adds value ' to the academic pursuit. Not all international students require additional academic language tuition; not all students require assistance with welfare/living needs; not all students require career related advice. International students are not a homogenous group. Support services and assessment processes are required to ensure that each student (or cohort of students) is provided with access to the appropriate service. This might be assistance with making friends, learning about Australian culture, or it might be provision of support or counselling to deal with anxiety around relocating, shyness etc. They also require facilitated opportunities to gain the most from their international education through programs and events that connect them with local students.

c) International students need to know where to obtain assistance and service providers need to be aware of both the needs of international students and the ways they access services. Services do not necessarily have to be dedicated to international students, but must be culturally appropriate and professionally staffed and managed. Wherever possible integrated service provision models that facilitate smooth referral and timely response to issues are to be preferred.

Recommendation/s

1) All providers should ensure a minimum standard is set for the provision of pre- and post-arrival information and orientation (including arrival services, realistic cost of living, accommodation, safety, etc.)

2) International students should have access to trained International Student Advisers and an appropriate range of student support services

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

a) There has been a failure of Government when it comes to both ESOS compliance and enforcement. This stems from the fact that ESOS is a national responsibility, however compliance and enforcement of ESOS is a State Government responsibility. It is essential that these processes are managed nationally within a consistent and coherent framework that is rigorous and protects the Australian Education brand.

b) Some sectors have been held to greater account than others, however currently with recent negative publicity from the Indian students issue all sectors are being tarnished in the process.

c) One of the biggest failures has been to allow private trainers to ride on the coat tails of a high quality higher education sector and market us all as one big "Education Industry". There must be much greater differentiation so that the higher education sector is not damaged when a private trainer does not operate with integrity.

d) Greater rigour needs to be applied to compliance and enforcement. It is currently too easy for providers to 'tick the box' when it comes to compliance.

Recommendation/s

1) The Federal government should be responsible for the national enforcement of the ESOS act , ensuring consistency across all providers, in all states and territories.

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

a) Risk should be managed at all stages. Strengthening registration requirements is one component of this.

b) It should be very difficult to achieve registration and once registered, providers should be rigorously monitored and scrutinised. Providers found wanting should be warned and counselled so that they reach appropriate standards or have their registration cancelled.

c) Some differentiation within the industry re types of providers would be useful as it is not a 'one size fits all' situation. Issues relevant to the Higher Education sector are different from those of the VET and the Schools sectors. Targeted compliance and enforcement strategies need to focus on the sector and make allowance for the size and performance of different providers.

Recommendation/s

1) There should be more stringent requirements for registration of new Providers with ongoing monitoring of service provision.

2) Non-compliant Providers should be de-registered and a black-list of companies and individuals that are habitually non-compliant.

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

Comments

a) There is a need to consider both inputs and outcomes in providers achieving and maintaining CRICOS registration. Educational quality should be measured in terms of educational standards and graduate outcomes.

b) It is time that the focus is moved away from the size of international education as an export industry towards the quality of the student experience and the quality of outcomes (ie jobs and study pathways) for students after they have completed their relevant programs. Governments in the US and UK, never promote International

Education in terms of revenue or economic benefit. Instead they focus on student quality and the quality of the student experience, together with intellectual and national benefits accrued from attracting the best and brightest students and scholars to their campuses.

Recommendation/s

1) There should be an increased focus on educational and employment outcomes for international students and less focus on income generated, since that is irrelevant to potential international students.

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

Comments

a) It is critical that ESOS and Visa requirements are geared towards supporting long term, high quality students who are coming to Australia, primarily to receive an education of the highest quality.

b) The Higher Education sector has long suffered as a result of their students not receiving their visas on time due to the system being clogged with VET applications and a severe backlog. As a result of this, the student is often lost to the US or the UK as they are not prepared to wait another six months for the following session to begin.

c) Consideration should be given to decoupling the student visa program from ESOS altogether. ESOS should be about protecting the interests of students, whereas the visa program is about border security.

d) The student visa program should be separated out from those seeking permanent residency. Many complaints by students relate to issues around gaining permanent residency. Education providers should be concerned with providing quality education and training, not geared towards ensuring permanent residency.

e) If a further uncoupling is not to occur here, there needs to be a greater onus on providers to be held accountable for any claims or inferences around the likelihood of gaining permanent residency based on a particular course of study.

f) Education providers should not have to monitor their students possible breaches of visas. Education providers should be focussed on education.

Recommendation/s

1) The ESOS legislation should be first and foremost, focused on protecting the interests of international 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

- a) The recent crisis involving students from India emerged when visas were being granted indiscriminately and in large quantities for study in Private Education providers which was being pushed by some agents who appeared to be motivated more by money than by student satisfaction. Some of these agents were receiving commissions in the order of 35% (industry norm is 10-15%) of the first years tuition fees.
- b) The cost of living standards used by DIAC in assessing the financial bona fides of international students need to be realistic and up to date, in regard to actual living expenses in Australian cities. These are currently too low .
- c) ESOS should also promote consistency of approaches across States to ensure that international students in all States have access to travel concessions (either full or off peak) on public transportation and that children of sponsored students undertaking HDR programs are exempt from tuition fees in Public Schools
- d) ESOS fails if it cannot effectively regulate and ensure consistently high provision of quality education.

Recommendation/s

- 1) ESOS should provide consistency of approaches across all states and territories to ensure that international students have fair and equal access to services enjoyed by local domestic students.

General Comments

Thank you.