

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.

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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 England

Sector:

Higher Education

Prepared by:

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

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

The regulatory framework already exists for this but it is up to the providers to ensure that their information is frequently updated and that agents are briefed on changes. Perhaps working with relatively few agents and monitoring them more closely may be an option.

Information overload and low English language proficiency mean that many students don't read or comprehend what is given to them and so we need to ensure that they have it in a form that is easy for them to read, accessible and encourages them to read.

Important and complex information (particularly relating to refund policies etc) should be provided in potential students' own languages. This is particularly important for those coming to study English language development courses, who may not have a high level of English.

Recommendation/s

The currently regulatory framework is adequate for quality providers. However, implementation/regulation of the framework needs to be applied more rigorously in order to detect and remove providers not complying with the letter and spirit of the legislation and regulations. Providers should constantly monitor their information provision and also their agents to ensure quality provision.

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

Comments

Rather than looking at ways to accommodate students once a college closes, why not make it more difficult for dubious private providers to enter into the market in the first place?

Providers should be required to have trust-provision in place with a bank, an insurer in order to operate - it is not / should be the role of the government to be an insurer of last resort for providers that cannot operate effectively, however it is important for government to establish the standards / requirements. In short, the sector / industry must have the funds necessary to provide insurance to operate its own business.

ACPET will provide advice on the difficulties in a tuition assurance scheme when faced with placing students in other institutions when very large institutions close - near-by institutions may not have the same course(s) further dislocating students, the sheer number may overwhelm associate partners delivering similar courses, ec.

Recommendation/s

Private providers should have to pay an upfront bond to a government endorsed authority - e.g. private bank, insurer, etc. to ensure that students are covered, or to operate within a trust environment consistent with generally accepted accounting rules for recognizing income against the delivery of the asset (education). Refer also NZQA use of trusts.

Where a bond may be used, the size of the bond, trust if used should be based on the actual capacity of the registered provider not just the registered capacity.

Government monitoring of private providers' financial health is essential to ensure that they meet appropriate financial ratios (assets and liabilities). It may be necessary to increase the commission to afford to increase the scrutiny of all providers.

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

Comments

A National Code standard already exists for this; audit of complaints handling as part of ESOS compliance and CRICOS registration may be in order

Recommendation/s

Standards already exist; however, perhaps greater and more timely auditing of complaints processes may be in order.

A centralized register to collate all providers' complaints as aggregate (to determine trends) may be meaningful - not unlike the consumer complaints or broadcasting authority system(s).

Perhaps a national ombudsman type role should be established for consistency and speed of resolution once internal grievance mechanisms have been exhausted by students.

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

Comments

A return to a longer period of being unable to transfer would be wise. 6 months is too short. The cost of a provider's investment in the recruitment must be recouped.

Students must, however, have the right to change providers to exercise consumer choice.

The current process has been highly manipulated by agents, dubious providers and students alike.

The current National Code requirement in this area is confusing in terms of the

freedom allowed institutions to reject transfer applications and is also financially unfair to the institutions that have carried out the initial recruitment of students. Unscrupulous agents have also been known to use the transfer regulations cynically in order to obtain multiple commission payments.

Recommendation/s

Transfers should be limited so only genuine transfers motivated by genuinely compassionate and compelling circumstances, are permitted within the first 6 months; or

Financial penalties (published upfront) should apply to students who transfer early in order that institutions may recoup recruitment costs and to motivate students - and agents - to make the right course choice for the right reason in the first place.

Commissions could be restricted or made illegal for transferring students so that commissions are not paid twice for the same student.

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

Universities have adequate quality assurance frameworks that are integrated with ESOS regulation compliance. If there are quality assurance issues with private providers, then these need to be monitored more stringently and penalised effectively.

Recommendation/s

The compliance regime as applied to private providers, needs to be applied more rigorously, particularly with regard to penalties for defaulting or non-compliant institutions.

The national quality assurance agency will also pick up non-compliance

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

Comments

the nexus between immigration and education especially with low-skilled, low-overhead courses has led to a distortion of the intention to meet Australia's skills gap.

Breaking the link between education course-type and immigration points would go a long way to redressing a major difference between international and Australian students.

Greater attention to the total student, out of classroom experience may be required.

Currently too many private higher education providers escape the full cost of delivery by not offering robust services - e.g. housing, academic skills support, student services, which fully fledged private and public quality providers would offer.

Recommendation/s

require providers to have a a minimum level of out-of-classroom student support mechanisms including accommodation, counselling, migration social adjustment to a new country, academic skills development relative to the size of their international student enrolments.

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

Overall, ESOS regulation standards is not the primary problem, though some tweaking (e.g. 6 months non-transfer, etc) but it's the enforcement by the State regulatory bodies that have been flagrantly abused in some cases - e.g. over-enrolment against limits set when PRISMS can prove that the enrolment numbers will be materially over allowances.

Recommendation/s

Greater Regulatory integration across States - "one country, one system" - would be helpful for operators wishing to operate inter-state, PLUS, eliminating the state-based duplication in regulatory bodies may free resources nationally to increase funds available to resource enforcement.

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

Yes. Registration requirements should be strengthened, greater standards / parameters articulated (E.g. student services) , and enforcement via audit increased. Private providers may need to wear a far greater cost of compliance than (e.g. state based public providers, which are already subject to a greater amount of regulation already). Margins in private higher education providers are huge relative to public, comprehensive providers -t hey do not have to offer research elements, they often don't have full-time staff, they don't have to offer comprehensive student services. With these higher profits, they should be required to pick up a proportionately higher cost that comes with higher scrutiny noting it will be, by and large private (vocational and to a lesser extent higher ed) providers that have brought Australia's education system into disrepute.

Recommendation/s

Registration requirements/ service standard levels should be strengthened as mentioned above, and there should also be a bond, or trust system as recommended in above, to minimise risk to students loss of tuition fees and the consequent reputation of the industry.

If providers change ownership, there should be an audit/regulatory process to check the significance of this change in terms of the quality of the provider.

Auditing needs to be more frequent and audit reports published online to assure stakeholders and the public that quality monitoring and appropriate policing is taking place within the industry.

Breaking the nexus between immigration and courses would be important.

Perhaps reducing points available for recognition of "migration courses" (e.g. hair dressing) that are low-skilled,, and easy for providers and students to access - e.g. low barrier to entry in these VTE areas resulted in a mass proliferation and profit-taking affecting quality greatly..

COnsider UK-/ Scotland (?) style of guaranteed visa > course completion whereby a visa is granted for 18 months in order to allow for a job hunt / employment can be sought. If employment is achieved in one's chosen (area of study) field within 18 months, a further temporary visa could be issued, however, merely completing a course is not sufficient link to education/skills gap - this is proven in the number of accounting students and the failure to bridge the gap in labour supply.

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

Comments

Greater focus on the practical purpose (outcomes) articulated by Australia (employment / labour supply) defacto would be a priority.

The migration points process has dramatically skewed and underpinned the bubble growth in VTE and in H.E. (IT, then accounting).

Shifting points and visas to success in securing employment would enable a wider choice of study to be undertaken, again and return greater genuineness in student pursuits, across a wider range of disciplines.

Inputs should focus on assuring elements of quality - e.g. student services, accommodation, safety, etc.

Inputs should be increased on auditing. Private businesses should wear the cost of greater auditing.

Recommendation/s

as above

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

Comments

ESOS should allow for greater acceptance of distance education / online learning as a legitimate tool of education for both domestic and international students.

an increase in the restriction of online / de learning should be offered, up from existing levels.

This is an input restriction, when the system should be concerned about outputs - how does a student (domestic or international) secure a genuine and meaningful education leading to employment after graduation.

Should a student work 21 hours / week because they are able to study more flexibly in their own time should not be a major limitation in the considerations.

Recommendation/s

Consideration should be given to allowing longer and/or more flexible modes of study under the student visa program.

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

ESOS has a major ongoing role to play, but the key to success in this role lies in directing significant resources to ensure the quality of provision by private providers.

Australia was seen as a leader when ESOS first came out, but we have lost that edge, we believe and others are probably learning from our mistake. Review of what is happening in other countries seeking to control international, trans-national education is important.

Recommendation/s

Some of the National Code standards should be strengthened, especially in relation to the provision of facilities at providers' premises. Standard 14 should be made more explicit. Facilities should be adequate and easily accessible for the training purposes of the provider and appropriate for the amount of students. Providers should either own or have a long-term lease arrangement for facilities to ensure stability and quality of education provision.

Minimum fees (appropriate for various disciplines) should be set for private providers

(as they already are for higher education) to ensure financial viability of the sector and the industry overall.

Institutions should be strongly encouraged to focus on integrating international students into local communities, in order to ensure continued sustainability of the current international student numbers and any future increases.

Providers should be required to demonstrate investment back into international education projects/development that would focus on the long term sustainability of the industry.

Greater focus on employment obligations of providers could be encouraged.

General Comments

The link between MODL, migration and education has been the driver of the growth in VTE and H.E. and this has to be reconsidered in light of the outcomes needed = employment and closing the skills gap to labour supply.

Removing access to Perm Residency by moving to an employment success regime, then leading to PR could be pursued instead, releasing the direct focus on particular disciplines. This would allow a wider range of courses to be viable and attractive again, with the sole determinant being the ability to get work in one's chosen area of study post-graduation.

Greater responsibility by those providers who made the most profit in the last boom is required. Providers enjoyed large margins esp private ones, compared with the public provider, but neither provided the services, nor the outcomes required - e.g. accommodation, safety, employment, counselling, support.

Registering agents, or requiring providers to demonstrate they have contracted with trained, experienced agents is important. The use of sub-agents is problematic where used as it is not known what the sub-agents' skill level is.

Eliminating the private sector right to pay commissions to transferring students could eliminate the 'churn' that has existed with agents and providers benefitting from moving students around unscrupulously.

Requiring trusts, or bonds to guarantee that providers cannot access all a students' tuition in line with generally accepted accounting principles could alleviate providers using all cash when presented at commencement of term, semester, or period of study.

Increased auditing on a national standard, rather than the inefficient state-based systems could release a great amount of duplicate resources and simply standards inter-state.

Thank you.