

30 October 2009

Dear Mr Baird

Thank you for this opportunity to respond to the issues paper for the *Education Services for Overseas Students Act 2000* (Cth).

i Improving the quality and accessibility of reliable information to students

Providers are currently responsible in law for the representations made on their behalf by their agents, so there is no need to regulate agents but to regulate principals more thoroughly. The Australian Competition and Consumer Commission may need to investigate and prosecute allegations of misleading or deceptive conduct in the provision of educational services more actively and it should consider establishing special liaison for international students who will be largely unaware of the commission's role.

Regulating agents would not only be bad in principle it would also damage Australia's position amongst prospective international students since Australia would be the only country to regulate agents. If regulating agents is considered necessary Australia should contemplate doing so only jointly and concurrently with other big English language destinations of international students: US, UK, Canada and New Zealand.

ii Funding additional protection for international students

The best protection for international students is to prevent problems arising. However, if additional remedial protection is needed for international students it should be funded by increasing CRICOS registration fees for providers in categories of high risk of failure.

Students' health

It would be worth reviewing standards for students' medical clearances to reduce the number arriving with pre existing medical conditions which affect their capacity to study and which may potentially expose others to risk.

Some students are not on study visas and so do not have the health insurance that is compulsory for international students on study visas. This has been a problem for some students who become unwell or injured and incur medical costs. The university is not sure how this may be addressed, but draws the issue to the committee's attention.

Students' academic progress

Standard 9.1 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* requires institutions to ensure that (1) at all times students are in a position to complete their program within the duration specified in their confirmation of enrolment, and (2) students study at least 1 subject other than by distance or online learning in each compulsory study period. Implementation of these requirements is onerous and expensive and has increased overheads and staff time in coding, running reports, and monitoring and managing student enrolment practices, particularly in programs with high flexibility and extended electives. The second requirement has limited the university's expansion of innovative blended learning into the curriculum, which is discussed below.

Standard 9.3 of the *National Code* requires institutions to record on the student file a variation in the student's enrolment load which may affect the student's expected duration of study and the reason for the variation. This record keeping consumes considerable resources without any demonstrated improvement in student outcomes.

iii Complaints mechanism for international students

Standard 8.3 of the *National Code* gives students unsatisfied with an internal complaint handling or appeal process access an external appeals process and standard 8.4 requires external providers to maintain the student's enrolment for the duration of the complaints and appeals process. Standards 10.6 and 13.4 give students 20 working days to appeal a decision and prevent providers from suspending or cancelling the student's enrolment until the expiration of the appeal time and process.

Together these standards has a number of negative academic and administrative effects.

- Giving students 20 working days to submit a complaint and then access to a number of levels of appeal, both internal and external, are very generous and do not expedite the timely resolution of students' complaints given that standard teaching semesters are 13 weeks and intensive teaching periods for ELICOS and other programs are 10 weeks.
- These processes raise the expectations of students, often unrealistically, that they will continue to progress through their enrolment unimpeded.
- Virtually no international student's complaint to the Queensland Ombudsman against a decision of Griffith University has been upheld. Consequently almost all such students' enrolments are cancelled after several weeks in which they have attended classes, consuming time and resources of both students and the institution, often uselessly as it transpires.
- The processes delay fee revenue receipting and contribute to administrative overheads in managing communications and business processes for billing, refunds and payment plans. These delays often exacerbate already heightened student concern about their fee liabilities.

Griffith University recommends that the internal appeal period to be shortened to 10 working days.

iv Students' ability to change providers

The current restriction on international students changing providers was introduced following common abuses, such as agents aggressively recruiting new students to different providers as they arrived at airports. There are different views amongst universities about whether the restriction should be retained. It would be helpful if the Australian Government Department of Education, Employment and Workplace Relations could publish information on the effect of reducing the restriction from 12 to 6 months. If this restriction is changed, the period before which a student may change providers should be further reduced as a trial; it should not be removed completely. Institutions should also be permitted to retain a reasonable deposit from students who change providers within the first 6 months to discourage flippant transfers.

v Relation between ESOS and standard quality assurance arrangements

Griffith University prefers the standard arrangements for assuring quality and maintaining standards to be strengthened considerably. The national protocols for higher education approval processes seem to have been administered reasonably rigorously in Queensland, unlike in some other States. This suggests that many of the problems with standards and quality in higher education may be handled by administering the current protocols more rigorously.

However, the Australian Quality Training Framework for vocational education programs has clearly been ineffectual in all jurisdictions, and there does not appear to be any ready way of repairing it. This is presumably why the Australian Government Department of Immigration and Citizenship is planning to introduce a JobReady test in 2010, a development not mentioned in the issues paper. Special additional arrangements for regulating the quality and standards of vocational education for international students will be needed until a robust general mechanism for assuring quality and maintaining standards of vocational education is introduced, but the goal should be to reduce reliance on special arrangements for international students as general arrangements for all students are strengthened.

The special quality assurance arrangements for international students should include stronger and tighter requirements for registration as a CRICOS provider. Just as prospective students have to demonstrate that they have sufficient financial resources to study for a reasonable period, so providers should be required to demonstrate that they have sufficient capital to cover losses over a reasonable period.

Program approvals

Griffith University raises 3 problems about CRICOS program approvals, at least as administered in Queensland: innovative pedagogies, work-based learning and timeliness of approvals.

Innovative pedagogies

At least at Griffith University, it is commonplace for subjects to incorporate within standard face-to-face pedagogies innovative uses of information and communication technologies which together form a study mode often now called 'blended learning'. Yet offices of the Queensland registration authority are apparently unfamiliar with some technologies which are

standard complements to face-to-face learning-teaching. Examples are Lectopia, a leading lecture capture and delivery technology originally developed by the University of Western Australia, and Wimba, a leading collaborative learning software that includes audio, video, application sharing and content display. This results in the Queensland registration authority delaying the registration of programs which are substantially face-to-face but include an element of an information and communication technology unfamiliar to the officer managing the program's registration.

Work-based learning

Standard 8.1 of the *National Code* provides that work-based learning may be approved only where it is a compulsory part of the program and the institution has appropriate arrangements for supervising and assessing students on placements. The Queensland registration authority has required the university to provide information beyond that needed to comply with this standard. The standard results in several programs with optional work-based learning components and a combination of compulsory and optional work-based learning components not being registered and thus not being available to international students.

Timeliness of approvals

The Queensland registration authority takes a very long time to consider programs for approval, sometimes several months.

A national registration authority

A national body for CRICOS registration may reduce delays in registering programs if it is resourced properly. A national authority would at least reduce the inconsistencies in interpreting the requirements of the National Code. A national authority would also hopefully have staff familiar with contemporary learning-teaching methods and the use of information and communication technologies in learning-teaching.

viii Managing risk

The risk of a provider or program failing and the risk of a failure of quality or a compromise of standards is related to the extent to which the provider or the program (1) relies for its revenue on fees from international students (2) from limited source countries and regions. This should be taken into account in managing risk. The Australian Government Department of Education, Employment and Workplace Relations should monitor frequently the financial status and cash flow of the highest risk providers. Risk assessments should also consider the number of students a provider is able to teach and those limits should be tightly enforced, thus appropriately limiting the consequences of provider failure. Providers should be monitored more strictly in their first 2 years of operation.

ix Balance between monitoring inputs and outputs

The Australian Quality Training Framework almost exclusively monitors outputs and has broadly failed to maintain the standards and quality of Australian vocational education. Monitoring standards and quality should therefore rely heavily on inputs until tools for evaluating outputs effectively have been developed.

Improve cooperation between DEEWR and DIAC

The university has found that sometimes the Australian Government departments of Education, Employment and Workplace Relations and of Immigration and Citizenship give different and changeable advice on the same issue. Perhaps a mechanism such as the Australian Tax Commissioner's rulings and determinations might improve the consistency of the departments' advice.

The university looks forward to the review's report and recommendations and to continuing working closely with government departments in implementing changes.