



Thursday, April 26, 2012

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Legcon.sen@aph.gov.au

Submission regarding Migration Legislation Amendment (Student Visas) Bill 2012

Le Cordon Bleu Australia Pty Ltd (LCBA) would like to thank the Senate Legal and Constitutional Affairs Committee for the opportunity to comment on the Migration Legislation Amendment (Student Visas) Bill 2012.

Key Points

LCBA generally supports the Bill but has serious concerns with the proposed changes to Section 19 of the Act in which providers will have to notify within 14 days changes to Student Visa holders' contact details. LCBA recommends that such administrative and financial burden be minimised for providers where possible through one of the following:

1. Providers continue to provide updated contact details on PRISMS for those Student Visa holders who apply for or experience Student Enrolment Variations such as deferment or suspension of enrolment, or in the case of breaches of Student Visa Conditions.
2. Providers be given capabilities to upload bulk data onto PRISMS through reports compatible with PRISMS and provider systems.
3. Student Visa Conditions are revised to require holders themselves notify DIAC directly of any changes to their contact details as well as their education provider.

Le Cordon Bleu International

Founded in Paris in 1895, Le Cordon Bleu (LCB) is a worldwide leader in culinary, gastronomy and hospitality management education in its own right and in alliance with high-profile academic and industry partners. While a private company, LCB works collaboratively with industry, training organisations and university partners to ensure rigour, relevance, and exemplary educational programs.

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Today LCB has a presence in 20 countries with 40 schools located in France, Great Britain, Japan, Korea, Australia, the Middle East, North America and South America. The schools are attended by more than 20,000 students annually from 75 different nations.

Le Cordon Bleu Australia

Le Cordon Bleu Australia Pty Ltd (LCBA) commenced operations in Australia in 1992 with the creation of the International College of Hotel Management in Adelaide. The Le Cordon Bleu Sydney Culinary Arts Institute opened in 1996. Both locations have CRICOS registration to offer CRICOS registered programs to over 2000 Overseas Students.

In terms of student enrolments in culinary programs, Le Cordon Bleu Sydney is one of the largest Le Cordon Bleu culinary schools in the world. The culinary courses remain the cornerstone of the Le Cordon Bleu brand and international reputation. Le Cordon Bleu has also developed a unique range of undergraduate and postgraduate programs whose critical component is industry experience and paid work placement. Each program is pitched at developing high level critical thinking and in-depth knowledge that works for and with industry, taking the industry to new levels of professionalism.

Le Cordon Bleu Australia graduates are highly sought and many go onto exciting careers in leading hotels, restaurants and resorts throughout Australia and overseas. Indeed, a prestigious Le Cordon Bleu qualification can become a passport to hospitality success anywhere in the world.

LCBA response to the Bill

LCBA supports the general purpose of the Migration Legislation Amendment (Student Visas) Bill 2012 being the abolishment of automatic cancellation of student visas for unsatisfactory course attendance or course progress.

LCBA understands that this necessitates the amendment to Section 20 of the ESOS Act to also remove the current requirement for providers to issue notices to students who breach such conditions of their visas. We seek further clarification regarding provider responsibilities when students breach Condition 8202 of their visa and anticipate that the Department of Immigration and Citizenship (DIAC) will collaborate with the Department of Industry, Innovation, Science, Research and Tertiary Education (DIIRSTE) to ensure information is delivered to providers in due course.

It is the proposed changes to Section 19 of the ESOS Act which causes great concern for LCBA, that being providers must notify within 14 days to the Minister (via PRISMS) of any change in

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contact details of Student Visa holders. LCBA agrees that the removal of the Section 20 notifications does present the issue of how DIAC can obtain the most current details for Student Visa Holders but the proposed measure presented in this Bill will cause administrative and financial burden on providers that could be minimised; LCBA presents 3 recommendations on this point below.

Currently, Student Visa Condition 8533 requires Student Visa holders to notify providers within 7 days of any changes to contact details. Many providers allow such notifications through either hard-copy application forms or via online access which then links to provider Student record management systems. Therefore, providers have the capacity to collect and record changes of student details for both Overseas and domestic students. Providers update contact details for Student Visa holders on PRISMS when reporting Student Enrolment Variations such as deferment or suspension of studies, or when issuing notices for breach of conditions regarding attendance or course progression. Therefore, there is currently is a process whereby updated contact details can be provided.

However, the administrative and financial burden on providers to notify within 14 days is considerable. Implications of this change on providers include:

1. The capability of providers to know when changes occur: as per current requirements, this relies on students themselves to notify providers via reporting lines (online capabilities to update information automatically, or via hard-copy application forms submitted to student administration office where staff then manually update records). However, if this Bill is approved as it is proposed, providers will have to spend time regularly generating reports featuring the changes advised by students over a specific timeframe. This in itself is perhaps not too difficult or costly to implement if providers have both the technical capabilities, but ***it will be an additional administrative task on a regular basis and thus will require some ongoing resourcing.***
2. The capability of providers to distinguish which changes are in respects to Student Visa holders: this relies on current provider online systems already capturing categories of student enrolments. If this is not already in existence, providers will have to designate resources to make additions to such systems. In the case of hard-copy application forms, admin staff can update PRISMS at the time of updating provider records, but may need to add an additional component on the form: “are you a student visa holder?” As above, if providers have the capability to make technical changes to systems or application forms, in reality, this component of the requirement is also perhaps easy to implement and not too expensive.

3. The ability to report changes via PRISMS where Student Visa holders have changed their contact details: currently the only way to update PRISMS is manually. Where providers have high Student Visa enrolments, this may mean additional staff being hired for data entry on a regular basis (weekly?) to ensure that details are being updated within the proposed 14 days. ***Therefore this is the step which may cause great concern for providers, especially those with large numbers of Overseas Student enrolments, given the time and resourcing required.***
4. Quality providers will add another step in this process of whereby a review process is also implemented to ensure that the above 3 steps are indeed occurring and in compliance with requirements.

Such administrative and financial burden as outlined above comes during a time of downturn in Overseas Enrolments, but also during a period in which providers have experienced great regulatory and legislative change, notably with the implementation of recommendations from the Baird Review (ESOS) and the Knight Review (Student Visas). LCBA hopes that the Senate Committee understands the concerns of providers as we continually strive to maintain delivery of quality programs and support to students in an era of considerable change.

LCBA recommendations.

1. It is noted that on page 2 of the Explanatory Statement that the rationale for this proposed amendment to Section 19 of the ESOS Act is due to the proposed amendment to Section 20; as providers will no longer have to issue Section 20 notices, there is the assumption that they will not have to provide current contact details via PRISMS. LCBA assumes that Student Visa Condition 8202 will still apply in that Student Visa holders must maintain satisfactory attendance and course progress. Further, it is assumed that providers must report any breaches of Condition 8202 to the Minister via PRISMS. Regardless, a simple extension on this current practice could be for providers to update contact details when reporting these breaches on PRISMS as well as when notifying of any Student Enrolment Variations such as deferment, suspension or withdrawal. An alert can be added to the PRISMS systems that directs providers to the contact details page, and the provider must acknowledge if the details are still current or update where required. ***Therefore, there is only a minor system adjustment to current practice with possibly a one-off resource requirement by the PRISMS Systems Maintenance Team (or equivalent).*** This is LCBA's preferred option for change.
2. Should the above recommendation not be found suitable, LCBA recommends that the PRISMS system be amended to permit providers the capacity to upload bulk data via



- excel reports. LCBA can recommend the current CQR reporting process as required by the South Australian Department of Further Education, Employment, Science and Technology (DFEEST) for South Australian Registered Training Organisations. The DFEEST system allows qualifications information to be uploaded easily and efficiently where report templates are compatible with their STELA system. However, LCBA understands that there are providers without technical capabilities to conduct bulk uploads and therefore our preference in support of our industry colleagues is Recommendation 1 above.
3. Should DIAC and DIIRSTE not approve such bulk uploads onto PRISMS, LCBA recommends that a Student Visa Condition 8533 be amended so that all holders must notify the Department of Immigration and Citizenship (DIAC) directly (as well as the education provider) of any changes to contact details. DIAC could accept such information in the same way as providers currently collect the information: either through an online system or via a hard-copy application form.