

Submission to:

Inquiry into Australia's Tourism and International Education Sectors

From: Kyle Jardeau (contact details provided) 2 December 2022

This submission relates to the International Education Sector, in particular opportunities to strengthen the sector's initiatives to ensure a positive international student experience and support pathways to build their skills and contribute to Australia's prosperity.

The writer of this submission is a teacher of English for Academic Purposes, English as a Second Language and University Foundations with 7 years' experience in private colleges and at Sydney University. The following observations concern private colleges, which I will name if called as a witness. They do not relate to Sydney University.

Overall, the private VET colleges who train overseas students ('colleges') and the Education Agents who attract and place students ('agents') and at times the overseas students themselves ('students') are majorly corrupt due to a totally inadequate system of compliance monitoring.

Three features of the present system stand out:

- Complicity between agents and colleges to rot the system by attracting and enrolling students with little chance of academic success;
- Colleges and universities turning a 'blind eye' to students cheating to create the illusion of academic success and prolong the enrolment of the student;
- Complicity between colleges and student visa holders who have no intention of studying or initially intend to study but cannot earn enough to pay for it.

1 - The education agents are not regulated

The system at present delegates solely to the colleges the responsibility for reporting misconduct by agents. This is obviously absurd: colleges rely on agents to provide them with students and therefore their income. They would never report misconduct of an agent since that agent would never send them students again.

Furthermore, if a college reported an agent for misconduct the agent would be quick to alert other agents that doing business with that college may be commercially risky. The college would never survive since no agency would do business with them.

The solution is for education agents to be strictly regulated and independently audited.

2 - Corrupt conduct by agents

Being effectively unregulated, agents falsely represent the economics of the Australian study opportunity. They tell prospective students they can live and work in Australia and earn enough money to pay their living expenses and tuition fees.

Plainly this is not true, especially as the student's limited English limits their work opportunities to low- paid jobs such as hospitality or cleaning. Do the maths: 40 hours work per week @ \$18/hour = \$720 ... less tax @ \$70, less college fees @ \$400, less modest share accommodation @ \$200, less food @ \$100 and we're down to minus \$50 a week!

Case history: One of my students from Mongolia routinely fell asleep in class. On questioning, he explained that he worked as an Uber earn the money to pay Sydney rent, rent a new car, pay his college fees and send money back to his wife who had recently given birth to a child with serious health problems.

This obviously unviable plan had been sold to him by his education agent to attract him to come to Australia, which he was highly motivated to do because of his sick child and Mongolia's inadequate health care system.

None of this matters to the agent, since the student is required to pay their fees in advance, so the agent will receive commission at very least for the first term of enrolment. Once the student realises their work/study plan is impossible, they may work excessively long hours to meet their living expenses and tuition fees. It soon becomes impossible for them to also attend classes, so they continue working and paying fees without attending classes at all (a situation the college is happy to perpetuate - see later in this submission)

3 - Universities and colleges tolerating cheating

The other option for students caught in the economic bind above is to pass exams by delegating their assignments to the myriad cheating services, who are becoming even more devious and proficient in their methods.

Cheating is rife and widely reported but little or no action taken by the colleges. The reason is, if they comprehensively cracked down on cheating, they would not be the overseas students college of choice!

Cheating has become so widespread in the higher education (university) sector that an honest student would be at an academic disadvantage relative to a student whose essay was written by a fully qualified graduate working for a cheating service.

Even the most respected universities are not exempt. The Sydney Morning Herald reported on 13 November 2022 that “more than 1400 online exam breaches by students were reported at (Sydney) university in the past two years, prompting concerns remote test-taking had normalised cheating’. I can testify that Usyd certainly make some effort to combat cheating. I know second and third tier universities who make no effort at all.

The solution is regulated examination methods. Left to market forces alone, no university could withstand the drop in enrolments from overseas students once word got out that this university eliminated cheating and therefore made it harder to pass exams.

3 - Education agents price gouge

The agents hold all the power. They alone provide the colleges with much-needed overseas students. This forces the colleges into a bidding war which has resulted in agent commissions being as high as 30% of what the student pays, for the life of the enrolment.

This fee is grossly disproportionate to what the agent actually does. Sometimes the agent never even meets the student, since much of the screening is done overseas when the student applies for their student visa. (That system is also corrupt - see below.)

Based on reasonable commercial precedents, it would see proportionate for an education agent to charge 5% commission on fees paid by the student for the life of the enrollment or 30% of fees paid by the students for their first three months.

A 30% commission for the life of the students enrollment is absolutely absurd and totally disproportionate but the colleges have no choice but to pay it since the agents are in a position of total power.

The solution is to peg agency fees to reasonable levels and eliminate the bidding war that robs both students and colleges.

4 - Corrupt conduct by colleges

The term 'ghost student' is used by colleges to describe students who pay their fees but don't attend classes. Perversely, they are a valuable income source for colleges, who receive the fees but don't have to provide the tuition.

When I questioned my former employer about students on my roll who were not attending, I was told not to be too strict in the keeping of my attendance records.

When I made further inquiries I was told the college did not report ghost students because '*you get a reputation*'. This expression meant that agents would not send students to colleges who reported them, since at very least the student would be sent home and the agency would lose an income source and may be investigated.

Another example of corrupt conduct by colleges occurs when a student is transferred from one college to another, sometimes against the student's will. You would expect in this event that fees the student had paid in advance would be credited to their account at the receiving college.

In fact, the school transferring the student keeps the credit balance. I attended a job interview with a respected college that operates in three states. When asked why I was leaving my present college, I explained the conduct in this paragraph. Unhesitatingly, the interviewer replied '*We do that. We keep the money*'. Not surprisingly, I didn't get the job.

5 - Colleges do not pay ESL teachers the award rate

English as a Second Language (ESL) teachers are mostly casuals, covered by modern award MA000075 which provides them with a minimum hourly rate and the following method to ensure they are paid for non-class activities such as marking and preparation:

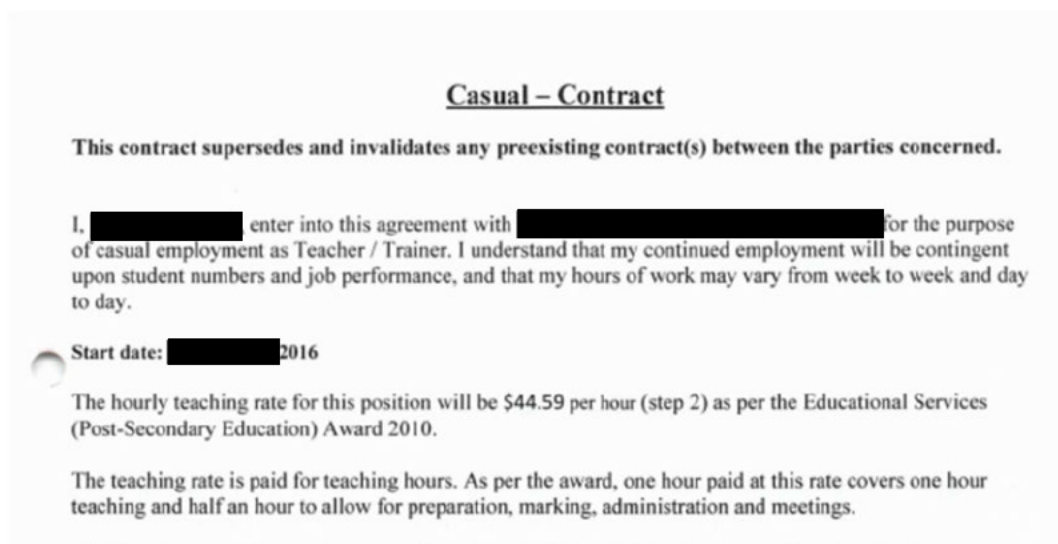
14.3 Ordinary hours of work—teachers and tutor/instructors

(c) For the purpose of determining the number of hours worked by a teacher or tutor/instructor the following apply:

(i) each contact hour of teaching delivery by a teacher will count as 1.5 hours of work, including administration, assessment and consultation;

This clause means if a teacher teaches for an hour they are paid an extra half hour to cover preparation and so on. However, colleges perversely twist the reality - that one hour's teaching counts as 1.5 hour's work - into *one hour's pay counting for 1.5 hour's work!*

To be fair, respectable institutions like Sydney University's Centre for English teaching do not do this, but almost all private colleges do. For example, below is a section from my contract with an ESL school active in three states. Note the last paragraph:



The solution is for the true meaning of clause 14.3 (c)(i) to be tested by the courts through action taken by the Fair Work Ombudsman.

The student visa system is easy to ‘work around’

I have a current student from China who suffers from Asperger's Syndrome. He buries his face into the desk during lessons. He will lift his face up when requested, but soon returns to lowering it to the desk. He speaks only in a whisper and his face is expressionless. He is also visually impaired, seriously overweight and writes English at primary school level.

We already know why the agent was happy to transact this student and why the college is happy to take him. Both have nothing to lose if he fails except perhaps a shorter enrolment period and therefore source of fee income than from a normally abled student.

But the question needs to be asked as to how this student managed to get a student visa in the first place. His prospects of study success and employment in Australia are poor.

However, given that he managed to work around the visa system, it's reasonable to foresee he could do the same with the immigration system, especially as he has family here. Once given permanent residency he could access the welfare and health care system for life.

This is a very good outcome for the student but not for Australia. Outcomes like this mock your terms of reference which include 'ensure a positive international student experience and support pathways to build their skills and contribute to Australia's prosperity'.

The solution is to totally abandon self-regulation by colleges and education agents and put in place rigorous objective regulators with significant penalties for non-compliance.

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Thank you for considering this submission. I have provided my full contact details and am willing and able to testify in person to your committee.