



Australian Education Union

Submission

to the

**Senate Education, Employment and Workplace
Relations Committee**

**Inquiry into the
Education Services for Overseas Students
Amendments**

**(Re-Registration of Providers and other Measures) Bill
2009**

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Angelo Gavrielatos
Federal President

Susan Hopgood
Federal Secretary

Australian Education Union
Ground Floor
120 Clarendon Street
Southbank VIC 3006

Telephone: 61 3 9693 1800
Facsimile: 61 3 9693 1805
E-mail: aeu@aeufederal.org.au

Introduction

1. The Australian Education Union (AEU) welcomes this opportunity to make a submission to the Senate Education, Employment and Workplace Relations Committee's inquiry into the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009.
2. The AEU is a professional and industrial organization with 180,000 members employed across the public education and VET sectors.
3. The AEU represents TAFE teachers across Australia and has been at the forefront of the development of the training system for more than 20 years.
4. According to the explanatory memorandum the stated purpose of the Bill *"is to make adjustments to the operation of the Education Services for Overseas Students Act 2000 to clarify the application of various provisions and to introduce processes that will increase the accountability of international education and training services providers under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007"*.
5. Of particular interest to the AEU are provisions which:
 - Enable re-registration of all institutions that are currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to deliver courses of education and training to international students by the end of 2010.
 - Aim to raise quality by making it a condition of registration that the principal purpose of the provider is to provide education and the provider has demonstrated capacity to provide education of a satisfactory standard;
 - Require the publication by providers of the names of education agents who represent them and promote their education services;
 - Allow discretionary removal of the prohibition on education providers collecting monies from students when a course has been suspended.

Registration and Regulation

6. The AEU believes strongly that action needs to be taken to overhaul the regulatory structure that governs VET in Australia, particularly in relation to international students.
7. It is clear that the quality of education has not been able to be maintained in a sector where the number of international student enrolments increased by 180 per cent between 2002 and 2008.
8. There is no doubt that many of the problems that have emerged are due to the rampant and unchecked privatisation of the sector. Vocational education has been corrupted by shonky private operators using the lure of permanent residency to pursue profits. They have been allowed to prey on those who sought skills and a better life in Australia.
9. There is no clearer indication of the inadequacy of the existing regulatory structure than the fact that it is only now that the Federal Government is moving to make it a condition of registration that the principal purpose of a provider is education and that providers will for the first time be required to demonstrate a capacity to provide education of a satisfactory standard.
10. The AEU supports these new registration requirements but believe they fall far short of what is required.
11. The committee also needs to consider whether it is prudent to proceed with these changes and the re-registration of providers prior to the conclusion of the Baird review which is examining the ESOS Act in its totality and is likely to recommend further reforms.
12. The AEU believes the regulatory structure governing the provision of training and education to international students should be completely overhauled. The purpose of that overhaul should be to put in place a system which has at its heart ensuring the provision of high quality education to every student.

13. The focus, at this crucial time, has to be about getting the standards right – about being sure that what we measure is not just outcomes in terms of quantity, but rather an educational ethos within providers, and an educational and social focus for students.
14. The AEU supports the establishment of a single national regulatory authority. That authority should devise a new National Code which aims to guarantee educational quality.
15. The code should make it a requirement of registration that every provider:
 - Have a track record in successfully delivering programs to domestic students and be continuing to do so. This ensures a much greater knowledge and understanding of the Australian vocational education sector and a genuinely culturally rich and diverse experience for international (and domestic) students. It also mitigates against the ghettoisation of international education and the continuing proliferation of shonky operators looking to target international students for profit.
 - Employ only teachers with a teaching qualification.
 - Provide student support services commensurate with the scale of their operation. This includes welfare (housing, medical, social), but also educational support: language and literacy support, career guidance, and access to libraries, study areas and appropriate technology.
16. To end the culture of secrecy in the industry, all audit reports of the regulator should be made public.

Education Providers

17. The AEU supports the proposed provisions which require the publication by providers of the names of education agents who represent them and promote their education services.
18. However the union does not support the change to allow the discretionary removal of the prohibition on education providers collecting monies from studying students when a course has been suspended.
19. The AEU sees no valid reason why a ministerial discretion should be introduced to enable a provider to solicit or accept money for a course from an overseas student or prospective student while they are suspended. At a time when grave concerns have been raised about the quality of education being provided to international students every effort should be made to protect them from operators whose registration is at risk. As a right all prospective students should be able to access the audit history of providers and be advised of any suspensions or sanctions.

Financial Impact

20. The government acknowledges that there will a financial impact associated with the amendments, in particular in relation to the re-registration process. The government also acknowledges that this will be felt particularly in the two states which have announced fast-tracked audit procedures for high risk providers. The government says that additional resources will be met from existing funding, but also suggests that the financial impact will be reduced by states and territories through risk management approaches, and the redirection of existing resources.
21. The issue of adequate resourcing of state and territory agencies charged with the responsibility of registering and auditing international education providers has been highlighted by a number of stakeholders throughout the current debate. Requiring a wholesale re-registration of all providers will not serve its intended purpose if governments fail to provide adequate resources to ensure that such processes are effective.