

National Tertiary Education Union (NTEU)

Submission to

Senate Standing Committee on Education, Employment and Workplace Relations

on

Education Services for Overseas Students Legislation Amendment Bill 2010

NTEU represents the professional and industrial interest of over 24,000 staff working in Australia's universities. We welcome the opportunity to provide comment on the Education Services for Overseas Students (ESOS) Legislation Amendment 2010 which was referred to the Senate Standing Committee on Education, Employment and Workplace Relations in July this year.

NTEU has argued in previous submissions on the ESOS Act, including the Baird Review of international education, for the need to strengthen the regulation of educational institutions offering education to international students. This is necessary to ensure that all students receive a quality education, as well as protecting the international reputation of our higher education sector. NTEU considers the amendments contained in this Bill as being only the first step in strengthening Australia's international education sector and we look forward to seeing the Government's response to other issues raised in the context of the Baird Review.

NTEU understands that the amendments proposed in this Bill build on earlier amendments to the ESOS Act and are the Government's initial response to some of the recommendations of the Baird Review published in February 2010 and entitled *Stronger, simpler, smarter ESOS: supporting international students*. As described in the explanatory memorandum, this Bill will in part:

extend a risk management approach to all registrations and throughout the registration period. The purpose is to better identify risk and ensure a consistent assessment of risk by all state designated authorities to reduce the number of high risk providers entering the international education sector, or set appropriate conditions on that registration, including for ongoing monitoring to better manage risk.

The NTEU agrees with the general approach that those providers who are assessed as high risk should be subject the greatest scrutiny and where appropriate subject to additional conditions for registration or re-registration.

The failure of current registration and registration framework and the need for tougher registration standards is very apparent from the data reported in the explanatory memorandum that says:

it was estimated 10-20 per cent or between 150 – 250 providers might be considered high risk. (p14)

NTEU not only supports the move to the development of risk profiles for all providers but would also encourage the Committee to recommend a review of the criteria used to determine the levels of risk, as described in the Explanatory Memorandum, to determine

whether the criteria are sufficiently rigorous and whether the risk profile matrix achieves its objective of identifying the appropriate level of risk. Therefore, NTEU is recommending that the Committee consider whether the proposed model of risk assessment sets high enough standards in relation to risk. By way of example NTEU would question whether a provider which has the following profile should be registered at all, rather than being assessed as a high risk provider. According to the Explanatory Memorandum, a provider who fits the following profile would be classified as high risk:

- newly established and has little or no track record in providing education;
- offers a narrow course scope primarily linked to skilled migration policy;
- recruits mainly or only overseas students and from only one or a small number of source countries/regions;
- has large share of foreign ownership and/or education agent ownership; and
- has a history of compliance issues. (page 14)

Ombudsman for Overseas Students

NTEU also supports the amendments to give international students access to an independent external complaints body such the proposed Overseas Student's Ombudsman under the jurisdiction of the Commonwealth Ombudsman. We would also encourage the Ombudsman to report annually on the number and nature of complaints from international students.

Recommendations

In summary NTEU supports:

- the adoption of the proposed risk based assessment for registration on CRICOS, and .
- providing international students access to an Overseas Student's Ombudsman.

We also recommend that the Committee examine whether the current criteria used to assess each providers level of risk are sufficiently rigorous.