

SENATE STANDING REFERENCES COMMITTEE ON EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Inquiry into the Welfare of International Students

- a. Roles and responsibilities of stakeholders (education providers, agents, state and federal governments etc) in ensuring the quality and adequacy in information, advice, service delivery and support, with particular reference to:**

- i. student safety**

Australia is a safe place and just prior to the recent media coverage of student safety issues, in April 2009, the majority of 10,000 international tertiary students who responded to a national survey indicated that safety was not an issue for them. However, like all countries there are localities that contain inherent risks for new comers and therefore students who are unfamiliar with a large city, a regional town, the beach, alpine areas or the bush to name just a few examples need to be informed of these issues. These safety concerns on the whole are off campus issues so there is a need to seek the assistance of state and local government, emergency services organisations and community groups in any unified response.

Education providers and their offshore representatives must provide incoming students and their dependants with adequate safety information as part of a suite of information about living and studying in Australia pre and post arrival as outlined in the National Code. Information needs to be presented in a number of formats –printed, electronic and presentation style to engage the receiver and reinforce the message. This information must be reintroduced a number of times and be available continuously to students – on the web for instance

State and Local Governments have informative websites in place however they are designed to assist local residents and tourists. In cities where international students are present, these websites could reflect the needs of these student residents too. Students have an expectation to find “official” (legislative) information on such pages, such as safety and security matters, employment, consumer, and tenancy rights, public transport and bicycle and driver access details. State based emergency services could contribute to these pages.

State and Local Governments in large capital cities, suburban and regional areas can facilitate resident safety through planning legislation that encourages developers to design communities not tower blocks for residents. In an unfamiliar environment new comers gather local insight through contact with long term residents. Integrated domestic and international student or community accommodation would not only serve to provide a safer environment through the sharing of local

knowledge but also break down social isolation barriers. (See recommendations under social inclusion)

International students as the new comers have a responsibility to read or listen to the information that is prepared for their benefit.

Tertiary education providers and emergency service staff have partnered to seek funding for a safety awareness DVD for international students. The DVD or an electronic message would be available freely to all Australian education providers. The DVD would be scenario based similar to the TAC advertising campaign without the fatalities. The scenarios would cover road, personal, fire and water safety themes.

Recommendations:

1) AIE & DEEWR to fund the production of a scenario based safety awareness DVD for international students encompassing personal, road, fire and water safety issues. (Victorian International Directors Committee has initiative ready but lacks funding)

2) Capital and regional cities encouraged to follow best practice examples of websites that cater for the needs of an international student resident base that would include safety and security information applicable to their Australian locality.

3. State and local governments contribute to resident safety through thoughtful planning legislation that encourages developers to design communities for residents that promote safety.

ii. adequate and affordable accommodation

State and local governments utilise their own research and plan accordingly

In a 3 year ARC Linkage Grant research project titled *Transnational and Temporary: Place-making, Students and Community in central Melbourne*, a comprehensive set of recommendations were tabled.

<http://www.abp.unimelb.edu.au/research/funded/transnational-and-temporary.html>

The study sought to examine how students, particularly students from overseas, utilise the space within central Melbourne given the high concentration of this particular demographic group. Among the recommendations most pertinent to this submission are to:

- Provide a suite of affordable housing in a spread of locations.
- Design housing that provides for well-planned communal spaces with accompanying small unit sizes.

- Provide students with public transport concession that then allow for greater accessibility to a wider selection of suburbs.

While the benefits reaped from this sector of the economy are recognised and valued, it is of utmost importance that a whole of government approach is taken to sustain and continue the growth. The high cost and limited types of housing are potential barriers to students. Combined with the lack of public transport concession, they do not contribute to the welfare of any student.

This submission supports the findings stemming from the Transnational and Temporary project by recommending the following in future housing developments:

Planning - universities/governments/industry must develop a plan to address the housing needs/gaps of changing student profiles (age, income, preferences etc.) against anticipated shifts in the private rental market (availability/affordability).

Facilitate engagement by working with the existing private student housing providers in an inclusive way – bridging the gap between the University and where students live; developing communities.

Diversity of housing options to reflect diversity of needs of students.

Deliberate blending of international/local students to improve cross cultural understanding and opportunities for engagement.

Partnerships – Universities recognise that the provision of affordable, suitable housing that brings both local/international students together facilitates academic and social dialogue.

Explore new and alternative funding models and resources to attract grants, and seeking out resources.

Monitor compliance to legislation such as the Residential Tenancies Act and avoid loopholes that can be exploited.

Improved industry sustainability is a win/win from every angle: economic, educational and well-being.

iii. social inclusion

Social inclusion (and integration between international students, local students and the wider community) is fostered in meaningful environments such as 1) in the classroom and the demands of academia, 2) in shared accommodation and 3) in extra curricula activities. The rapid rises in the numbers of international students and the inception of Voluntary Student Unionism are posing significant challenges in ensuring that international students have the opportunity to be properly engaged with the local community during their stay.

Education providers should aim for best practice in facilitating social inclusion through the classroom. The Australian Learning and Teaching Council project “*Enhancing domestic and international students engagement: changing attitudes and behaviours*” being conducted by staff from University of Melbourne, RMIT University and Victoria University is gathering examples of good practice in teaching and learning contexts to enhance international and domestic student engagement. We expect that the project team will be well placed to provide advice on socially inclusive best teaching and learning practice.

Education providers also encourage international students to engage with the local community by participating in voluntary work. At the University of Melbourne, the development of the Melbourne Model has seen student participation in voluntary work well established at the University. The valuable work of the Leadership, Involvement, Volunteer Experience (LIVE) unit, includes a large annual Volunteers Fair in Wilson Hall profiles volunteering opportunities and the rewards of volunteering. We recognise however that students face many demands upon their time, and many students who would like to volunteer, are unable to due to academic commitments or other pressures.

State and federal government have an important role to play in facilitating social inclusion through the development of affordable housing options and public spaces that appeal to both local and international students, and encourage international and local students to mix. As earlier acknowledged, the *Transnational and Temporary: Students, Community and Place- Making in Central Melbourne* project (which examines the practice of fostering community through place making) also makes a series of important and relevant recommendations on this topic.

If State and federal government provided incentives to encourage national, state and community agencies to introduce initiatives to engage international students, this would be well supported by tertiary providers, as was, for example, the recent City of Melbourne Welcome to International Students. Such an initiative may also contribute to regularising public perceptions of this student cohort.

The introduction of Voluntary Student Unionism had a significant and negative impact upon the social (and thus social inclusion) opportunities available to students on campus. It is important that state and federal government ensure that student organisations can be funded appropriately so that they can continue to offer extra-curricular activities which encourage social inclusion and integration.

The recent media attention to student safety seems also to be having a profound effect on student perceptions of social inclusion and diversity

in Australia. State and federal Government have an important role in providing leadership in support of social inclusion – Australia must continue to seek to be (and be perceived to be) a country where social inclusion is actively encouraged and supported, and where diversity is celebrated.

Social inclusion recommendations:

- 4. That education providers be encouraged to facilitate social inclusion through the classroom via best practice teaching and learning initiatives.**
- 5. That education providers, state and federal government support initiatives which make it possible for more international students to engage in voluntary work and workplace internships**
- 6. That the recommendations from *The Transnational and Temporary: Students, Community and Place- Making in Central Melbourne* be addressed by State and Federal Government**
- 7. That government ensure that student organisations can be funded appropriately such that they can continue to offer extra-curricular activities which encourage social inclusion and integration.**
- 8. That government continue to provide leadership in support of social inclusion.**

iv. student visa requirements

The Student Visa Program has a balanced approach to the various risks involving the entry and stay of non-citizens through the use of assessment level and education sector specific requirements. However the application of Public Interest Criteria (PIC) 4013 and 4014 of the Migration Regulations is an extremely and unnecessarily harsh penalty for students given the profound ramifications. These two PICs stipulate that student visa applicants who have breached conditions related to academic progress or work of a previously held student visa or who overstayed their last-held student visa with more than 28 days cannot be granted another student visa within 3 years of the cancellation of the visa or the student's departure.

Students who have overstayed their visa are often unintentional victims of their own oversight. Many have spent several years in Australia, from secondary to tertiary education, and have established themselves as residents. The daily erosion of their visa expiry date may not figure as they contend with the business of daily obligations. Student who have overstayed their visa, but otherwise have complied with the conditions of their visa, should be given another chance to apply for a new visa off-shore before an exclusion period is applied. Subjecting students to this requirement is an adequate punitive mark.

Condition 8202 of the Migration Regulations is a much debated condition. Merit for and against it have appeared in judiciary reviews,

illustrating the complexity of migration law and the far reaching consequences for overseas students who are subject to Condition 8202. It also presents convoluted compliance requirements for education providers. Where students have breached this condition and the breach was not due to exceptional circumstances, DIAC must cancel the student's visa and consequently the student will be subject to a three year exclusion period under PIC 4013. Condition 8202 in its current form links back to the National Code 2007 which requires providers to report students who have not made satisfactory course progress. Although the attention given in the National Code to consumer protection and transparency of provider policy is welcome, the dire implications for students breaching condition 8202 do not take in consideration that most overseas students are teenagers or young adults who sometimes still lack the maturity to grasp the consequences of their actions.

In situations where a student's failure to achieve satisfactory academic progress is confirmed, a second chance at another provider or in a more suitable course of study is more appropriate. The current exclusion condition needs to be reviewed thoroughly. The existing migration appeal regime subject students, those who attempt to regain their lawful status, to a protracted legal process, is not needed if students are granted a second chance to resume their studies.

Recommendations:

- 13. Review the harsh and punitive implementation of student visa cancellation policy for students with expired visas.**
- 14. Review the harsh exclusion period for further study in Australia following academic failure**

v. adequate international student supports and advocacy

The ESOS Act and the National Code 2007 clearly outline responsibilities of **Education Providers** with regards support and advocacy services for international students and providers should not gain the right to registration if these services can not be adequately resourced. While these structures are usually in place in well resourced education centres, such as the tertiary and secondary sectors, it appears some post secondary and vocationally based education providers may not receive the fee income to provide adequate support structures. In these cases such centres should not be granted permission to open or be required to close until the National Code Standards can be met.

In response to this situation state and local governments and joined forces with NGOs to deliver support to international students – in the City of Melbourne places like *The Multicultural Hub* in Elizabeth St. and *The Couch* in Bourke St.

Recommendation

- 13. Adequately resource DEEWR to ensure compliance with National Code, particularly Standard 6**

vi. employment rights and protections from exploitation

Education providers play an important role in providing information to international students on their employment rights, restrictions and responsibilities. The University of Melbourne through its Careers & Employment (C & E) service has, for many years, pursued an active policy of providing information to international students on these topics and plans to continue to do so. An information session is presented to all new international students covering employment issues, taxation and visas, and C & E provides information leaflets to students covering issues to do with pay and conditions. In addition, a staff member is available to students who have employment related complaints, and provides information and referrals to external services to assist them in resolving issues.

State and federal government have a number of important roles:

1. To provide students with access to information on what the laws are, and how those with complaints can have their concerns addressed. The Workplace Ombudsman has provided some important leadership in this area, producing for students the clear and concise leaflet: “Don’t get Ripped Off: Know your Workplace Rights” which has been very helpful.
2. To inform employers about their rights and responsibilities, and to enforce the existing laws: Whilst international students with the legal right to work in Australia are subject to laws and regulations that cover employment in the same way that residents are, there are some occasions where some employees and employers are unaware of their rights and responsibilities, while a minority of employers deliberately break the law, and exploit international students. State and federal government, as well as employer groups have the important responsibility of ensuring that employers and their employees are aware of the laws and regulations surrounding the employment of international students who are on a student visa with permission to work. It is also imperative that those employers who do exploit students are penalised accordingly.
3. To be aware of and work with education providers and agents to overcome the barriers which make it difficult for students to report exploitation: It can be difficult for some students to report exploitation, especially those who are from countries where labour laws are weak, and complaining to authorities is either a waste of time, or can expose the complainant to additional problems. Sometimes students have a fear of retribution, or a belief that nothing will happen as a result of their complaint. Government agencies need to be more aware of the reasons why many of these students do not report exploitation now, and to work with education providers and students to develop methods of supporting students to be more proactive in reporting cases of exploitation.

Recommendation

13. Encourage State Governments to enforce existing legislation and in partnership with education providers

promote work rights and grievance mechanisms regularly to students.

vii. appropriate pathways to permanency

The General Skilled Migration program is beneficial to the supply of Australia's skilled base workforce. As long as the Australian government operates the GSM program and deems that overseas students can meet the objectives of the program and are able to find employment in skilled occupations, the link between study and migration is appropriate.

However promotion of courses, admission requirements and the quality of courses and providers must be based on academic outcomes. Education providers, education agents and migration agents should refrain from marketing courses or designing courses aimed at possible migration outcomes. DEEWR has the responsibility to only register providers and courses that are genuine and uphold the integrity of Australia's education system. In the same way that DIAC uses Assessment Levels based on various risk assessments, DEEWR should introduce different categories of providers and monitor providers and course that are potential risks to Australian education industry and migration regime.

Education agents play a pivotal role in promoting providers and courses. They are able to do so in an unethical and misleading manner, when operating (solely) overseas. Also the combination of education consultation and migration advisory is almost always a conflict of interest and possible breaching sections of the Migration Act related to the conduct of migration agents.

Recommendation:

14. Both DEEWR and DIAC should apply greater control measures in the approval of private education providers, education agents and migration agents. A method of approving the appointments of education agents based on risk categories of providers, courses, skills, education agents, migration agents should be investigated. Applying sanctions on providers and agents that operate in an unethical manner must be built in order to restore public confidence in Australia's education system and migration regime both inside Australia and overseas.

b. identification of quality benchmarks and controls for service, advice and support for international students

The ESOS Act and National Code 2007 clearly outline responsibilities and it is welcomed that the Act and National Code will be reviewed and revised again. It appears administering and policing the Act and the National Code appear to be the challenge for the Federal and State Governments, perhaps the introduction of a levels of risk assessment

similar to the DIAC scheme for students could be applied to education providers. Education sectors that have high instances of student complaints and visa cancellations would be rated high risk and receive the bulk of attention from Federal and State agencies.

Strong and relevant legislation with appropriately resourced “watchdogs” in place are the cornerstones of quality service delivery; the international education sector does not need further layers of requirements that will divert precious resources into “busy work”.

c. Other related matters

Inconsistent policies across the State and Federal territories of Australia in areas of public transport concessions, the cost of accessing government schooling by the dependants of international students all contribute to dissatisfaction of international students.

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