**Inquiry into the Education Services for Overseas Students Amendment
(re-registration of providers and other measures) Bill 2009**

An ATN Submission

The Australian Technology Network of Universities (ATN) welcomes this opportunity to provide a submission to the Senate Education, Employment and Workplace Relations Committee inquiry into the Education Services for Overseas Students Amendment (re-registration of providers and other measures) Bill 2009.

Australian higher education brings significant economic, social and cultural benefits to the Australian community. With a commitment to providing high quality professional and vocational education, research oriented towards the needs of industry and the community and a genuine focus on international education, the ATN is a major partner in delivering those benefits.

ATN universities enrol 20% of the nation's students, of which over 61,000 are international students. The ATN is committed to ensuring education services to overseas students meet strict standards of quality that deliver a positive experience to all of our international students. Recent events have exposed the problems experienced by international students as being confined to the private provider sector however, the changes as proposed in the Bill will impact on the remainder (majority) of Australia's tertiary education sector. It is within this context that the ATN makes the following comments. In making this submission the ATN as a network notes that individual ATN members may make their own more detailed submissions to the Inquiry.

Summary of recommendations:

1. **The ATN recommends that universities not be required to undergo the full process of re-registration for all its courses and that any process for Universities be streamlined based on an institutions individual risk profile and/or the annual Declaration of Conformity.**

2. **The ATN recommends a harmonising and strengthening at the national level of the regulation of higher education, vocational education and training and adult education at State and Federal levels.**

3. **The ATN recommends that the new Tertiary Education Quality Standards Agency be responsible for registering and auditing providers for the purposes of the Education Services for Overseas Students (ESOS) Act.**

4. **The ATN recommends a review of Federal and State roles and responsibilities as part of the mandate of TEQSA to secure Australia's reputation internationally.**

5. **The ATN recommends that the Department of Education, Employment and Workplace Relations in consultation with education providers develop a national Code of Practice for overseas education agents.**

The ATN international on-shore student profile

	Curtin	QUT	RMIT	UniSA	UTS	ATN Total	Australia	ATN % of Australia
2007	8,118	5,011	7,749	4,739	6,408	32,025	183,176	17.5

Table 1: Number and distribution of international students across the ATN

	Curtin	QUT	RMIT	UniSA	UTS	ATN
2007	25.5	12.9	24.9	17.2	21.0	20.0

Table 2: Percentage of total student body

	Curtin	QUT	RMIT	UniSA	UTS	ATN	Australia	ATN % of Australia
2007	2,143	1,794	2,634	2,165	2,830	11,566	69,537	16.6%

Table 3: Number and distribution of international postgraduate students across the ATN

	Curtin	QUT	RMIT	UniSA	UTS	ATN	Australia	ATN % of Australia
2007	5,975	3,217	5,115	2,574	3,578	20,459	113,639	18.0

Table 4: Number and distribution of international undergraduate students across the ATN

Source: DEEWR 2007 Student Reporting

The ATN supports the intent of the amended Bill recognising that generally the Australian *higher education sector* provides a quality, safe experience for international students. We are very concerned however, that the growth of the international student education market across all sectors has resulted in an inconsistent approach to policing standards of quality assurance, particularly in relation to private providers, that has undermined "brand Australia". To put this in some context between 2005 and 2008 international enrolments at private providers increased by 195% (50,022 to

147,531) and accounted for 84% of all international VET enrolments. International higher education enrolments grew by only 12% over the same period. (Indian student enrolments in private VET providers grew by 1724% (from 2,605 to 47,512) between 2005 and 2008 (AEI, 2008). With this in mind, the ATN is of the view that the changes to the Bill as proposed are made on the basis of a clear understanding of the differences between public VET providers, private VET providers and higher education providers.

Compliance and regulation

ESOS legislation mandates a nationally consistent approach to registering education providers so that the quality of the tuition, and care of students, remains high. With the forthcoming review of the ESOS Act 2000 and associated National Code, the ATN is concerned about the capacity of the Bill's amendments currently before Parliament to achieve meaningful outcomes.

Changes in migration policy have allowed the private VET providers to satisfy a market seeking migration to Australia. As evidenced above, the result has been a burgeoning in private education with in many cases poor quality control. This is not the case for higher education providers who seek controlled growth within a quality framework.

While the ESOS Act applies the same requirements to all sectors, each sector has unique characteristics. It would therefore be appropriate that the re-registration process for Universities be less rigorous and that universities not be required to undergo the full process of re registration for all its courses, should this be required. In recognition of this, the ATN suggests a differentiated approach be applied to the various sectors. One possible determinant of difference might be to assess an institutions risk profile. Some elements of this could include:

- Percentage of international students against full cohort
- Diversity in source countries
- Management of agents
- Pathway composition (in particular the control or lack of control over pathways)
- Australian universities are first and foremost providers of education.
- Length of registration

Alternatively, using the annual Declarations of Conformity would similarly allow for a streamlining of re-registration for higher education providers.

The proposed changes require institutions to 'demonstrate capacity to provide education of a satisfactory standard' yet it is not clear what the definition of 'satisfactory standards' is. **The ATN seeks a clear definition of 'satisfactory standard'.** In summary, the requirement for institutions to re-register all courses will impose a high degree of financial and administrative burden for institutions[1] that is unlikely to return any benefit to ensuring a quality experience for international students attending university.

The ATN recommends that universities not be required to undergo the full process of re registration for all its courses and that any process for Universities be streamlined based on an institutions individual risk profile and/or the annual Declaration of Conformity.

The ESOS framework is based on a co-operative regulatory model between the Australian Government and state and territory governments. The respective roles and responsibilities in administering the ESOS framework are outlined in The National Code attached to the legislation. The Australian Government is responsible for protecting the reputation of Australia's international education and training industry and its capacity to provide quality education and training services while maintaining the integrity of the student visa programme. State and territory governments have responsibility for the regulation of education in their jurisdictions and it is a widely held view that it is often at this level where the system fails.

The ATN recommends a harmonising and strengthening at the national level of the regulation of higher education, vocational education and training and adult education at State and Federal levels.

In summary, the issue is not the need for *greater* regulation but the capacity to ensure compliance with it. Higher education providers recognise the imperative to operate within the framework however not the same commitment exists across the entire education sector leaving the door open for a largely "unregulated" training sector to flourish.

One national regulatory body

There is a further regulatory issue that needs to be addressed in a national postsecondary education system that has a mix of institutions, including public, not-for-profit and for-profit providers. At present there are national systems for quality assurance, split between international and domestic

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[1] For example, at RMIT registration fees for 647 programs at $50 per program = $32,350 plus an estimated $50,000 in staff resources, re-printing of brochures, updating websites etc.

issues and covering all post-secondary providers for international quality assurance and compliance and higher education providers only for other national quality assurance.

However the decision about whether an institution can offer certain types and levels of education is subject to State-based accreditation regimes, even if they are based on national protocols. For self-accrediting institutions, there is no accreditation of wholly owned subsidiaries that offer education in their name. Accreditation of other providers varies in its intensity and scrutiny by State.

Given the diversity in the sector and the scale of international higher education it is important that there is national certainty about the capacity and quality of the sector in order to ensure a world-class system. To this end, it is imperative that the independent national accreditation authority announced by the government in March is able to provide oversight for all types of institutions to validate capacity to offer particular levels of education, and assures the quality of offering.

The ATN recommends that the new Tertiary Education Quality Standards Agency be responsible for overseeing registering and auditing providers for the purposes of the Education Services for Overseas Students (ESOS) Act.

Government must provide a national policy and legislative framework that addresses student welfare that includes attention to quality assurance.

The ATN recommends a review of Federal and State roles and responsibilities as part of the mandate of TEQSA to secure Australia's reputation internationally.

While the roles of State and Federal authorities under the ESOS Act are clearly defined what is required is stronger enforcement of the ESOS legislation at the State level.

The ATN calls for stronger enforcement of ESOS legislation at the State level.

Agent listing

The Bill proposes that providers publicly list the names of education agents who represent them and promote their education services. All ATN universities undertake thorough due diligence when entering into relationships with overseas education agents. For example, selection may be based on referee reports, AEI recommendation, PIER certification and previous experience. Further, all ATN

universities list publicly on their respective websites agents who work on their behalf. However, there are few formal standards in place relating to the operation of education agents overseas. The ATN recommends that a Code of Practice with penalties for breaches be developed as a means of ensuring the welfare of students in their decision making as well as providing institutions with leverage in working with agents.

The ATN recommends that the Department of Education, Employment and Workplace Relations in consultation with education providers develop a national Code of Practice for overseas education agents.

Conclusion

Australia's international education story is unprecedented in its success. Recent negative attention targeted at private education providers has damaged Australia's reputation overseas as a premium education destination which will take some time to repair. This Inquiry and its timing with the more comprehensive review of ESOS legislation presents the opportunity to develop a robust framework involving all stakeholders that ensures a strong and vibrant international education industry where the student is centre in that framework.

11 September 2009