

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2003-2004 ADDITIONAL ESTIMATES HEARING

Outcome: 3
Output Group: 3.3

DEST Question No. E941_04

Senator Crossin provided in writing.

Question:

- a) Is DEST aware that Christmas Island District High School is trying to expand into international education by bringing in students from Malaysia?
- b) I understand that the provisions of the ESOS Act were not extend (sic) to the Indian Ocean Territories when the legislation was considered in 2000? Why was this the case?
- c) Evaluation of the ESOS Act: Process and Timing

On 4 December 2003 the Minister authorized an evaluation of the ESOS Act. Who is conducting this evaluation?

Who has been or will be consulted, please provide a list of those concerned:

Can the Department guarantee that the Christmas Island District High School will be informed of this evaluation and consulted?

What is the timeline for this evaluation and when is it due to report its findings.

Can you send my (sic) any material that would be relevant in order to provide a comment during the evaluation of the ESOS Act?

What barriers would need to be overcome so that this High School could obtain a CRICOS number?

Answer:

Education Services for Overseas Students (ESOS) Act 2000

- a) DEST is aware that Christmas Island District High School may be considering expansion into international education.
- b) The ESOS Act 2000 and its National Code play a vital role in protecting the quality and integrity of Australia's international education industry, providing consumer protection and supporting the Government's migration program. They complement existing domestic state and territory quality assurance frameworks for education and training.

During 1999-2000 an extensive review of the regulation of education and training provided to international students studying in Australia whilst on a student visa was undertaken. This review resulted in substantial legislative amendments which are now contained in the ESOS Act 2000.

During the review process, consideration was given to extending the ESOS legislative framework to the Australian External Territories (AETs). However, significant practical difficulties were identified. Most importantly, these included:

- lack of capacity to extend existing mechanisms for approval of providers, registration and accreditation of courses and monitoring of compliance by providers with the National Code (a function performed by state and territory education authorities); and
- inability to apply the ESOS consumer protections due to expected limitations for industry to provide overseas students with offers of suitable alternative tuition.

These elements are essential objectives of the ESOS legislative framework.

c) The evaluation of the ESOS Act will be conducted by an independent consultant selected through an open tender. It is expected that the tender will be advertised in April 2004.

Key stakeholders include Australian Government, state and territory governments, industry peak bodies, individual providers and international students.

In addition to the direct consultation process, submissions will also be sought from interested parties about the ESOS legislative framework. This will allow stakeholders not directly consulted during the evaluation to provide input into the evaluation.

The consultancy is expected to commence in June 2004 and a final report is expected to be completed in December 2004.

The Terms of Reference for the evaluation are attached to this document. Information will be provided through the DEST website, www.dest.gov.au, throughout the evaluation process.

Registration of the Christmas Island District High School, to establish a CRICOS number, would be dependant on application of the ESOS Act to the Australian external territories. This is addressed in part b) above.

**TERMS OF REFERENCE FOR THE INDEPENDENT EVALUATION OF
THE *EDUCATION SERVICES FOR OVERSEAS STUDENTS (ESOS) ACT 2000***

The evaluation will assess the operation of the *Education Services for Overseas Students (ESOS) Act 2000* (and its National Code) to determine whether it protects Australia's reputation in the international education market and provides consumer protection¹.

In particular, the evaluation will undertake the following.

- a) Assess the effectiveness of the ESOS Act in achieving its objectives to:
 - provide nationally consistent registration of education and training providers for overseas students studying in Australia;
 - minimise the presence in the industry of providers lacking integrity or who facilitate student breaches of their visa conditions;
 - ensure students receive either alternative tuition or a refund if they are unable to receive the tuition for which they have paid; and
 - support migration policy.

- b) Assess the extent to which the ESOS Act achieves its goals in an efficient manner. This will include consideration of:
 - the costs imposed by it on governments and providers;
 - its implementation and administration; and
 - monitoring and reporting regarding its operation.

¹ S176A of the ESOS Act 2000 requires the Minister to cause an independent evaluation of the operation of the Act to be commenced within 3 years after the day on which the Act received the Royal Assent.