

# **Additional Comments from Senator Hanson-Young**

## **Introduction**

Australia's thriving international education sector has come under local and international media scrutiny over the past few months, following a series of reports surrounding violent attacks against Indian students. This follows calls for better assistance and support for international students that have fallen on the deaf ears of successive governments and opposition parties.

Since then, an intense spotlight has been placed on our international education sector, with issues such as visa exploitation and discrimination within employment, student safety, questionable information provided by education and immigration agents, and sub-standard educational services and support by some providers, contributing to the perception of rorting within our education sector.

According to statistics from the Australian Education International Monthly Summary of International Student Enrolment Data, as at June 2009, there were 467 407 enrolments by full-fee international students in Australia on a student visa, compared to 204 401 in June 2002.

## **Background**

This Bill seeks to amend the Education Services for Overseas Students Act 2000 to require the re-registration of all institutions currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) by 31 December 2010; two new registration requirements for education providers to adhere to; and the list of all agents used by the providers on its website or in any manner prescribed by the Regulations.

While the Greens welcome moves by the Government to protect our third biggest export, questions remain as to how the new registration requirements will actually work in practice, and whether or not the amendments proposed within this Bill are appropriately targeted.

The fact that Australia's international sector has grown by 19.6 per cent in the past year alone, highlights the importance of tightening the regulatory frameworks within the ESOS Act to ensure that we are providing the best possible educational experience for international students studying within Australia.

It is important to note that while the university sector originally accounted for the initial growth in international students, since 2005, enrolments in the VET sector have grown significantly, with the last twelve months seeing an increase of 39.3 per cent.

The rapid growth in the VET sector is largely attributed to courses within the cooking, hairdressing and hospitality fields. It is also worth noting that the growth in the number of Indian students partaking in these courses has increased from 217 enrolments in 2002, to 18,269 in 2008.

While the Greens support the intent of this legislation, we remain concerned that it fails to adequately target the problem areas in our international education sector, and is limited in its overall scope, with many areas such as student safety and welfare not included in the Government's initial legislative response to concerns within the sector.

A major criticism of the current Act is the lack of guidance given to the definition of support services for students, which are simply left to the individual provider to determine.

## **Issues in the Bill**

### ***Two new registration requirements:***

Schedule 1 – 5 of the Bill states that the provider must be able to demonstrate that their principle purpose is providing education and have clearly demonstrated their capacity to provide education of a satisfactory standard.

While this requirement is fair and reasonable, there seems to be no further detail on how these two areas will actually be assessed in a practical sense.

While the Minister has stated in her second reading speech that breaches of the National Code can result in enforcement action under the Act, the Greens remain concerned about the capacity to properly monitor and enforce breaches of the Act and the National Code without fundamental changes to the regulatory framework.

There is a clear need for better monitoring and compliance mechanisms governing international education, given the present Education Services for Overseas Students Act is not much more than an aspirational document waiting for proper implementation and enforcement.

### **Recommendation No.1:**

**The Greens recommend that the Government implement stringent protocols about how the two new protocols are to be defined and applied by the state and territory authorities to ensure that it is appropriately targeted.**

### **Recommendation No.2:**

**Given the proposed Bill will require all providers to demonstrate their capacity to provide education of a satisfactory standard, the Greens recommend that this**

**new registration requirement should also require providers to demonstrate that they have the capacity to provide and define adequate student support.**

### ***Re-registration of all institutions***

Given the main intention behind the requirement for all education providers to re-register by December 2010 is to restore confidence in the quality of education services for international students, the Greens are concerned that this provision is not appropriately targeted.

While the actual process for re-registration is yet to be formalised, the Greens believe that a more targeted approach that would prioritise the ‘high risk’ areas of the sector is a more appropriate and practical approach in dealing with the current turmoil in Australia’s international education sector.

### **Recommendation No.3:**

**Given concerns around the capacity of the regulatory authorities to take on the additional workload of processing all the new registration applications within the set timeframe, the Greens recommend that the Government prioritise the re-registration of providers by starting with those institutions deemed to be ‘high risk’, followed by all remaining institutions.**

**A high risk profile could be characterised by (as per Universities Australia submission):**

**A high proportion of students from a single source country;**

**Provision of a limited number of education programs;**

**A rapid increase in enrolments in the recent period;**

**Previous breaches of the National Code; and**

**A history of visa fraud in student visa applications.**

### ***Regulation of education agents***

An important requirement contained within this Bill stipulates that a registered provider must “maintain a list of the persons (whether within or outside Australia) who represents or act on behalf of the provider in dealing with overseas students or intending overseas students.”

While the Greens are indeed supportive of this measure, we believe it should go further in ensuring that education agents operating onshore or offshore are properly registered, and quality benchmarks are set on a national level to spell out what is and is not considered adequate information or advice for students who are new to this country.

### **Recommendation No.4:**

**There is a clear need for sufficient monitoring of education agents operating on behalf of institutions throughout Australia, and as such, the Greens recommend**

**that rigid education agent and provider protocols be developed to pave the way for a more transparent system of monitoring the activities of agents and providers into the future.**

**Recommendation No.5:**

**The Greens recommend that further to the development of standard protocols, the official registration of education agents must occur to avoid the occurrence of unscrupulous behaviour.**

***Alternative course provision***

Under the proposed Bill, Item 6 allows for regulations to prescribe the criteria for considering whether a particular course is a suitable alternative for a student where a provider can no longer offer a particular course.

In its submission to the Inquiry, the Department for Education state that “the absence of clear criteria to apply when determining whether a particular course is a suitable alternative has presented difficulties for providers, tuition assurance schemes and the ESOS Fund manager.”

The Greens believe that it is paramount that where a provider has failed to fulfil its education commitment, students are able to enrol in an equivalent course as soon as possible, and that they do not incur any additional costs - given they have already paid their course fees.

We also believe that in legislating for the requirement for an education institution to provide an alternative course, there must also be the requirement to provide students with access to their full and accurate academic transcript.

There must also be clarity over who is the responsible departmental contact for dealing with student complaints and grievances with their education institution.

**Recommendation No.6:**

**The Greens recommend that the ESOS Act and the Tuition Assistance Scheme (TAS) be amended to include a definition of what constitutes a ‘suitable alternative course’ as inserted under Item 6.**

**Recommendation No.7:**

**We further recommend that specific policies and procedures are implemented in the ESOS Act to ensure that students who are affected by the closure of their education provider, are given appropriate levels of support in securing their academic transcripts, and provided with the recognition of prior learning when moving to an alternative course.**

### ***International Education Commission***

There is a clear need for better monitoring and compliance mechanisms governing international education, as at present, the Education Services for Overseas Students Act is not much more than an aspirational document.

While beyond the scope of this legislation, the Greens believe that an independent Education Commission should be developed, to define minimum standards for information and advice provision on a national level, and ensure that educational institutions across the country are upholding their duty of care towards their students. The role of a truly independent Education Commission would ensure that there is appropriate oversight of monitoring and compliance, when discussing the provision of consistent, good quality education and support services in all states and territories.

### **Recommendation No.8:**

**To ensure appropriate safeguards are in place, the Greens recommend that an independent Education Commission be developed to oversee the improvement of three key areas in the international education sector: immigration requirements, quality benchmarks, and monitoring and compliance.**

**Senator Sarah Hanson-Young**

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