

Chapter 5

Education and Migration Agents

5.1 The role of education and migration agents, both in Australia and abroad, was included in the terms of reference for the inquiry. The committee heard evidence about the recruitment practices of some migration and education agents in attracting international students.

5.2 In particular, significant evidence was given indicating that tighter regulation and monitoring of the industry, to address some agents providing false and misleading information regarding education institutions and avenues for permanent residency, would be of benefit to the international education sector.

5.3 The committee notes that although some agents operate as both education and migration agents, there is a difference in the regulatory framework that applies to these functions. The committee also wishes to place on the record the important contribution many dedicated and professional education and migration agents make to the international education sector.

Migration agents

5.4 Regulation of the migration advice industry has been slow to evolve and has been the subject of four reviews since 1997. Prior to the 1990s, migration advice was unregulated, and following a brief period of government regulation, the profession commenced a period of statutory self-regulation with the Migration Institute of Australia (MIA) acting as regulator of the industry under a Deed of Arrangement with the Commonwealth. The *2007–08 Review of Statutory Self-Regulation of the Migration Advice Profession* found overwhelming opposition to the profession moving to self-regulation, and due to the appointment of MIA as regulator, a perceived conflict of interest had arisen. The review recommended that the government consider establishing a regulatory body separate from MIA, and as a result, the migration regulatory functions were returned to the Minister for Immigration and Citizenship under the Office of the Migration Agents Registration Authority (MARA).¹

5.5 The committee notes that under the *Migration Act 1958*, only migration agents registered with the Office of MARA can provide immigration assistance for a fee. Since its establishment on 1 July 2009, the office has increased the number of professional standards officers who investigate complaints about, and conduct audits on, registered migration agents. Unregistered persons offering migration advice can be penalised by up to 10 years' imprisonment. While the Department of Immigration and

1 Department of Immigration and Citizenship, *2007–2008 Review of Statutory Self-Regulation of the Migration Advice Profession*, p. 8.

Citizenship (DIAC) investigates breaches of the Migration Act, immigration advice provided by agents outside Australia is not subject to the provisions of the Migration Act.²

5.6 Allegations of malpractice by migration agents are complicated by the confusion surrounding references to 'agents'. Mr Andrew Bartlett, Research Fellow, Australian National University, elaborated on this issue:

...it is often difficult to tell whether references to 'agents' relate to Registered Migration Agents (whose activities are overseen by the MARA), education agents (who can work for education institutions and do not need to be RMAs), lawyers (who can give immigration legal assistance without being registered agents), people falsely portraying themselves as RMAs (who fall outside the jurisdiction of the MARA), or overseas based agents (who do not need to be registered in Australia).³

5.7 MIA argued for clarification on the distinction between the provision of immigration information, immigration assistance, immigration advice and immigration legal assistance. Its submission argued that DIAC should accept immigration applications from registered migration agents, or from individuals who declare that they did not pay for immigration advice in connection with the application process.⁴ The initiatives proposed by MIA were supported by the Australian Technology Network of Universities and this included that current registered migration agents be required to requalify to a higher standard of English and professional competence.⁵

5.8 Concern was expressed about the coupling of immigration and education policy functions that has resulted in some education agents also acting in the capacity of a migration agent. The National Union of Students (NUS) commented on the apparent conflict of interest that is created when migration agents also refer students to education providers. Mrs Sharon Smith argued:

...there is a conflict of interest, a very definite conflict of interest, if you have got a person who is working as a migration agent and getting money from a student and then also getting money from an education provider for referring the student to that provider...⁶

5.9 This perceived conflict of interest was also noted by the Law Institute of Victoria which criticised the ability of education agents to provide migration advice:

There is an inherent conflict of interest between the student's interest, the interest of the education provider and the agent's own pecuniary interest. On

2 DIAC, *Submission 111*, pp 32-33.

3 Mr Andrew Bartlett, *Submission 61*, p. 2.

4 The Migration Institute of Australia, *Submission 102*, p. 5.

5 Australian Technology Network of Universities, *Submission 11*, p. 7.

6 Mrs Sharon Smith, *Committee Hansard*, 2 September 2009, p. 34.

the one hand, the agent will receive a commission from an education provider, and on the other hand, the agent will receive professional fees for any immigration work done for the student.⁷

5.10 The National Tertiary Education Union (NTEU) recommended that the practice of education agents also acting as migration agents be reviewed.⁸ Mr Paul Kniest, National Policy and Research Coordinator, argued:

I think there is potential for conflict of interest...We think that the whole relationship needs to be examined in terms of whether there is a conflict of interest and whether those two roles need to be kept distinct and separate.⁹

5.11 When asked about the use of migration agents by universities, Ms Ainslie Moore, Assistant Director- Policy, Universities Australia, told the committee they use only education agents:

It is important to note the difference between an education agent and a migration agent. An education agent only sells education, and that is the relationship the universities have. A number of our members refuse to deal with education agents if they have a migration function as well.¹⁰

5.12 The need for education providers to engage with migration agents was also questioned by Mr Chris Evason, Director, International Education Services, who commented:

We do not use migration agents. I do not think that education providers have any particular purpose in using migration agents per se.¹¹

5.13 The committee notes that the issue of education agents acting as migration agents was addressed in a 2004 discussion paper by the then Department of Immigration, Multicultural and Indigenous Affairs. The discussion paper identified the increasing practice of education agents in Australia offering migration advice. This was the result of the change to migration laws in 2001 which allowed graduating international students to apply for permanent residency without returning to their country of origin. The department recommended education agents register as migration agents in order to legally provide immigration services to students.¹²

5.14 The NUS argued that the growth in education agents providing migration advice and vice versa has resulted in the creation of a 'permanent resident visa

7 The Law Institute of Victoria, *Submission 97*, p. 20.

8 NTEU, *Submission 56*, p. 2.

9 Mr Paul Kniest, *Committee Hansard*, 18 September 2009, p 37.

10 Ms Ainslie Moore, *Committee Hansard*, 18 September 2009, p. 29.

11 Mr Chris Evason, *Committee Hansard*, 18 September 2009, p. 49.

12 Department of Immigration, Multicultural and Indigenous Affairs, *Discussion Paper- Options for Regulating Migration Agents Overseas and the Immigration Related Activities of Education Agents*, May 2004, p. 18.

factory'. The NUS believed it inappropriate for migration agents who refer students to particular education providers to receive a commission. This has resulted in poaching and fraudulent migration or education activity. Accordingly, NUS proposed that migration agents be denied the ability to obtain commissions or funds from education providers for recruiting students, and suggested this be incorporated in both the *Migration Act* and the *ESOS Act*.¹³

5.15 The committee notes that there is already action being taken to break the link between permanent residency and education. The committee notes the changes announced by the Minister for Immigration and Citizenship in December 2008 which focus on skilled recruitment around employer and state government sponsorships.¹⁴ In July 2009, the Office of the Migration Agents Registration Authority (MARA) was established to regulate the activities of the migration advice profession to provide consumers with appropriate protection and assurance.¹⁵ The Deputy Prime Minister as well as the Minister for Immigration reaffirmed that:

...coming to Australia to study is about being a student in Australia while applying for permanent residence is about Australia's migration system and the two should be seen as separate systems with no automatic link between studying in Australia and access to permanent residence.¹⁶

Committee view

5.16 The committee notes the efforts to decouple migration and education policies¹⁷ and expects the number of migration agents acting as education agents will begin to decline. DEEWR highlighted this process in their submission:

The Australian Government is responding with measures to improve the integrity of student visa arrangements and to clarify the distinction between international education and migration. Recent statements by both the Deputy Prime Minister and the Minister for Immigration have reaffirmed the Government's view that coming to Australia to study is about being a student in Australia while applying for permanent residence is about Australia's migration system and the two should be seen as separate systems with no automatic link between studying in Australia and access to permanent residence.¹⁸

13 NUS, *Submission 29*, pp 52-54.

14 Senator the Hon. Chris Evans, Minister for Immigration and Citizenship, 'Migration program gives priority to those with skills most needed', *media release*, 19 December 2008.

15 Senator the Hon. Chris Evans, Minister for Immigration and Citizenship, 'New migration agent authority commences', *media release*, 1 July 2009.

16 DEEWR *Submission 112*, p. 5.

17 DEEWR, *Submission 112*, p. 5.

18 DEEWR, *Submission 112*, p. 5.

Education agents

5.17 The committee notes that unlike migration agents, education agents are not subject to a regulation or registration process in Australia. Under the ESOS framework, education providers are accountable for the conduct of their education agents. The National Code is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers on CRICOS.¹⁹ Part D of the National Code lists 15 standards which CRICOS-registered providers must comply with to ensure 'quality of education and professionalism is of a sufficiently high standard to enrol international students'.²⁰

5.18 Section 15 of the ESOS Act states that a registered provider must not engage in misleading or deceptive conduct in connection with the recruitment of overseas students or intending overseas students.²¹ Standard 4 of the National Code contains further provisions regarding the recruitment of international students that relate more closely to the actions of education agents, including the requirement for education providers to not accept students from an education agent it believes is engaged in dishonest practices. Further, standard 4.5 specifies that the provider take immediate and preventative action upon learning that an agent is being negligent, careless or incompetent, or engaging in false, misleading or unethical advertising and recruitment practices, including practices that harm the integrity of the education industry.²²

5.19 Many submissions expressed the view that the current regulation of the conduct of education agents is ineffective. Of most concern was the lack of regulation from an authority separate from the education providers. The ability of education agents, both within Australia and abroad, to engage in unprofessional conduct raises serious questions regarding the ability of some sectors of the education industry to regulate and monitor the behaviour of the agents with whom they engage. Despite the ESOS framework providing regulations that indirectly promote a professional standard of conduct among education agents, it appears that the intent has failed. The International Student Legal Advice Clinic argued in its submission:

While Standard 4 of the National Code is clearly an attempt to indirectly regulate the conduct of education agents, in our view it fails to do this. VET providers are dependent on agents for recruitment and it is not in their interests to proactively scrutinise their conduct.²³

19 The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, available at:

www.aei.gov.au/AEI/ESOS/NationalCodeofPractice2007/default.htm

20 The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, available at:

www.aei.gov.au/AEI/ESOS/NationalCodeofPractice2007/default.htm

21 *ESOS Act 2000*, s. 15(a).

22 *ESOS Act 2000*- National Code 2007, standard 4.5.

23 International Student Legal Advice Clinic, *Submission 76*, p. 10.

5.20 The fact that many agents are based overseas further complicates the issue of regulation. If an Australian-based regulatory body were to be established, it is questionable how such a body would effectively enforce penalties outside Australian borders. The challenges that are associated with a central entity monitoring the actions of education agents abroad further justify why the onus has been placed on education providers to monitor their respective agents.

5.21 It was argued by some that the perceived lack of enforceable penalties for education providers has resulted in apparent complacency in sectors of the industry to regulate education agents. International Education Services highlighted this issue:

...the ESOS regulations that apply to education agents are largely appropriate in holding education providers accountable, although the regulations have been poorly enforced. This has resulted in a perception by some providers that they need not be overly concerned by the risk of sanctions or the imposition of penalties for any inaccuracies in the representations made by agents on their behalf.²⁴

5.22 The lack of willingness in some sections of the education industry to monitor agents was highlighted by the Group of Eight which stated:

The Go8 recognises that one area of weakness in the current system is that management of recruitment agents is the responsibility of the institutions which engage them. Institutions which are highly reliant upon income derived from the students recruited by these agents have no incentive to monitor their behaviour or cancel a contract when unscrupulous behaviour occurs.²⁵

5.23 DIAC acknowledged the need for the system to be improved:

DIAC has strong concerns about the action of some education agents and acknowledges the need for Governments to be able to more effectively monitor and sanction education agents who do not represent the best of interests of consumers.²⁶

5.24 In order to better address the issue of agent accountability, amendments to the ESOS Act were introduced into Parliament. The Legislation committee reported on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 in October 2009 and recommended the bill be passed by the Senate. One of the amendments requires all registered providers to maintain and publish a list of the overseas and Australian education agents they use. It also provides for regulations to be made dealing with providers' agents. DEEWR advised that the regulations to provide further protection for students will be developed in consultation with providers and may include:

24 International Education Services Ltd, *Submission 42*, p. 1.

25 Group of Eight, *Submission 38*, p. 9.

26 DIAC, *Submission 111*, p. 33.

...training requirements for providers, recognition of overseas schemes of registration for providers and the provision by providers of media through which students may record their experiences of agents.²⁷

5.25 The measure was supported by the Group of Eight:

The Go8 universities already comply with this requirement [to publish a list of agents] and will be pleased to see other universities and VET providers brought into line with this practice.²⁸

5.26 However, a number of submissions expressed apprehension at the proposed measures. English Australia commented:

English Australia believes that this is an unrealistic proposal that will not contribute to addressing the issues of current concern and may very well have implications in relation to trade practices and commercial confidentiality.²⁹

5.27 Similarly, the Independent Schools Council of Australia voiced concern over issues relating to commercial confidentiality and argued:

The sector is concerned at DEEWR's decision to introduce an amendment to the ESOS Act which will require providers to publicly list the education agents they use. This was introduced with no sectoral consultation and ISCA is concerned that it will disadvantage smaller providers in requiring them to disclose information that could be regarded as commercial-in-confidence.³⁰

5.28 In its report, the Legislation committee noted the information provided by NUS regarding a possible reason for any reluctance to publish the names of agents:

...many education institutions are reliant on the work of the education agent for their share of this extremely lucrative market and as such, the most successful education agents are increasingly of the most value to the providers and the unethical agents is more likely to be the successful agent...Therefore, it is unlikely that an education provider will disengage an unethical agent unless they are concerned about the consequences of engaging with this agent, such that the law is being monitored and enforced with penalties with will impact detrimentally on the trade of the provider...³¹

27 DEEWR, *Submission 13 (ESOS bill)*, p. 6.

28 The Group of Eight, *Submission 38*, p. 9.

29 English Australia, *Submission 10*, p. 17.

30 Independent Schools Council of Australia, *Submission 72*, p. 8.

31 NUS, *Submission 8 (ESOS bill)*, p. 7.

Committee comment

5.29 While the committee is aware of the positive contribution education agents abroad have on the international education sector, it is clear that there are a number of regulatory issues that still need to be addressed. Numerous calls were made for stricter regulation of education agents. The Legislation Committee concluded that the requirement to publicly list agents would have little effect on most providers of education and training. Universities maintain such a list and almost all of them publish the list on their websites. The committee also noted that the private college sector has announced that it will establish a public list of approved agents.³²

5.30 The References Committee agrees that the amendment will be an effective way of increasing transparency in the industry, and will assist overseas students in identifying reputable education agents. Publishing details of education agents used will serve to hold providers accountable for their use. The committee notes the advice from DEEWR that more protection for students in this area will be addressed as the regulations are developed and that the matter will also be addressed as part of the Baird review.

Agents overseas

5.31 Education agents play a vital role in shaping the expectations of students with regard to education outcomes, accommodation, employment opportunities and living costs. The committee heard evidence of education agents providing inaccurate information to potential students. Ms Nadia Martini, an international student working as a law clerk with the Kingsford Legal Centre, told the committee:

There is also some problem with agents advertising that you can get into a university or an education institution just with money, without the proper requirements, as in the English level.³³

5.32 The practice of education agents deliberately providing inaccurate information to prospective students was referred to during the public hearings as the 'glossy brochure syndrome'. The NUS explained this phenomenon to the committee:

Many students have received a glossy brochure, when they have been overseas, and they have seen a lovely campus and thought that that was what they were coming to.³⁴

5.33 The committee raised this issue with representatives from ACPET who acknowledged the problems faced by the organisation in regulating information provided to students. Mr Andrew Smith, CEO, stated:

32 Guy Healy and Andrew Trounson, 'Crackdown on student recruitment', *The Australian*, 12 August 2009, p. 29; Joanna Mather, 'Report card for education agents', *Australian Financial Review*, 14 October 2009, p. 6.

33 Ms Nadia Miranti, *Committee Hansard*, 3 September 2009, p. 20.

34 Mrs Sharon Smith, *Committee Hansard*, 2 September 2009, p. 33.

...we believe that students should be provided with more accurate information than they are in some cases. We do not actually ensure that. However, our code of ethics does have a section that talks about the manner in which courses and institutions are marketed. So, again, where we receive complains against that, we investigate, but we do not have that regulatory authority.³⁵

5.34 The committee also heard evidence from the Federation of Indian Students of Australia who commented on the conduct of some Indian-based education agents representing Australian private education institutions. Mr Neeraj Shokeen commented:

It is misleading, and practices differ from agent to agent. I think that the government needs to address the issue of private institutions employing unscrupulous agents in India who actually mislead students greatly.³⁶

5.35 The problems associated with monitoring the activities of off-shore education agents are exacerbated by the existence of sub-agents. Outlining the hurdles to effective regulation of education agents abroad, the National Education Providers Taskforce (NEPT) highlighted the use of sub-agents as further complicating the monitoring process. The NEPT explained:

...in some countries, such as India, there exists a plethora of sub-agents who do the initial recruitment of a student in the local town/village and then, have the "official paperwork" for their student undertaken by a larger agent in a big city. Keeping track of this intricate network of agents (who have signed Agency Agreements with Australian education providers) and their sub-agents elsewhere is an almost impossible task.³⁷

5.36 DIAC told the committee that a few countries have their own regulatory regimes that cover the conduct of agents.³⁸ DEEWR added that they have conducted training programs for agents in Australia and overseas.³⁹ It also told the committee of specific action being taken regarding agents in India:

Just looking at India, which is just one country—although a big one and an important one here—when we visited India recently the department there expressed its intention to regulate agents and their behaviour. In fact we are hoping to go back in two weeks time for the first of a series of working groups to work out with the Indians how best that legislation could operate. So we are taking this forward vigorously.⁴⁰

35 Mr Andrew Smith, *Committee Hansard*, 1 September 2009, p. 41.

36 Mr Neeraj Shokeen, *Committee Hansard*, 2 September 2009, p. 32.

37 National Education Providers Taskforce, *Submission 94*, p. 2.

38 Department of Immigration and Citizenship, *Submission 111*, pp 32–33.

39 Mr Colin Walters, *Committee Hansard*, 18 September 2009, p. 76.

40 Mr Colin Walters, *Committee Hansard*, 18 September 2009, p. 84.

Committee view

5.37 The committee notes the difficulty of regulating agents overseas. The committee recommends that as part of engaging agents overseas, mechanisms are put in place to ensure agents are in receipt of authoritative information regarding studying in Australia.

Recommendation 13

5.38 The committee recommends that, in engaging agents overseas, DEEWR ensures that agents and sub-agents are able to access authoritative information regarding studying in Australia.

Use of eVisa

5.39 In addition to requiring providers to list the agents they use, a complementary measure is the use of DIAC's eVisa system. Although DIAC has no direct legislative power to regulate education agents abroad, it can influence the conduct of agents through providing access to the eVisa application lodgement platform. The eVisa model that operates in India, Thailand, China and Indonesia includes the requirement that agents sign a Facilities Access Agreement to gain access to the system. The agreement requires that agents maintain a certain standard of conduct in order to retain access to the eVisa scheme, with failure to comply making them liable to denial of access.⁴¹ DIAC submitted that this mechanism can be used to promote professional standards among agents, a belief shared by the ACTU. Ms Michelle Bissett, ACTU, told the committee that the model is 'a mechanism for putting some standards around the behaviour of the agents'.⁴² The eVisa scheme, and its capacity to promote professional conduct amongst agents, is currently under review by DIAC.⁴³

Committee comment

5.40 The committee supports the use of eVisa as a means to encourage professional conduct among agents abroad.

Recommendation 14

5.41 The committee recommends DIAC continue to expand the eVisa system, as an effective tool to encourage professional conduct of overseas agents.

The need for training

5.42 The committee understands that while a student's lack of adequate or correct information may result from deliberate misinformation from an unscrupulous agent, it may also be due to a lack of training of education agents abroad. The committee

41 DIAC, *Submission 111*, p. 33.

42 Ms Michelle Bissett, *Committee Hansard*, 18 September 2009, p. 8.

43 DIAC, *Submission 111*, p. 33.

appreciates that many education agents may not have access to adequate information regarding studying in Australia. Ms Gail Baker, an education agent based in India, acknowledged this problem in her submission:

Even the best agents generally only provide students with information regarding their course of study and if they provide a really exceptional service they will give students a little additional information about working and living in Australia. This is not because agents choose not to give this information, but in many cases the counsellors simply do not know.⁴⁴

5.43 To address the apparent lack of information from agents overseas regarding studying in Australia, Ms Baker suggested:

In order to boost the reputation of our education sector abroad, we should look at holding general seminars across India initially and other countries if required, to highlight the positives of studying and living in Australia, the high standard of education and also what to expect from institutions and of what is expected of students. This should not be in the form of an education fair where institutions speak of their courses and services, but a general 'Study in Australia' theme.⁴⁵

5.44 It is important that education institutions supply agents with correct and up-to-date information. However, findings from the Study in Australia 2010 report indicate that a number of agents are not satisfied with the level of information provided by their respective institutions. The report was developed following the AEI-funded education agent workshops held between May and June 2009. The workshops were conducted by International Education Services (IES) through its Professional International Education Resources (PIER) division, and canvassed the views of 1 140 education agents across 13 cities and six source countries in Asia. Commenting on the findings of the workshops, the Managing Director of IES, Mr Chris Evason told the committee there was a 'real will of the large majority of education agents worldwide to qualify and professionalise themselves'.⁴⁶ However, the report found that 66 per cent of all respondents needed to remind providers to supply current material regarding their programs and services.

5.45 IES elaborated on the lack of training of those working within the international education industry. Identifying this shortcoming in 2006, the PIER division of the IES developed the Education Agent Training Course (EATC) in conjunction with government. The EATC is an on-line training program that provides education agents with an accredited Australian VET qualification. Mr Chris Evason explained the elements of the training course to the committee:

There are four modules in the course. The first module looks at Australia, background to Australia and the Australian qualifications framework. The

44 Ms Gail Baker, *Submission 52*, p. 3.

45 Ms Gail Baker, *Submission 52*, p. 3.

46 Mr Chris Evason, *Committee Hansard*, 18 September 2009, p. 42.

second module looks at legislation, regulations and compliance with those. The third module looks at working effectively: how agents can best work with their providers, what happens in issues such as critical incidents with students—how they might best behave. The last module looks at professional standards and ethical behaviour. It is interesting that in that last module there is a lot of case studies were provided by DIAC. We have worked closely with DIAC and DEWR in the development of the content.⁴⁷

5.46 Once agents are qualified, they are publicly listed on the PIER website, and according to IES, 1 266 individuals from 45 countries have successfully completed the training to become qualified education agent counsellors.⁴⁸ Findings from the Study in Australia report illustrate the desire of education agents to operate within a professional industry, with 86 per cent of agents believing education agents should be qualified by undertaking the EATC. However, 61 per cent of participants in the study were not required by their providers to have the qualification.⁴⁹ In response to these findings, the report suggested:

This may indicate that providers are not yet convinced that a professional qualification makes a difference to the performance of their agents, or that agents are not yet regarded as a key link in the maintenance of Australia as a preferred study destination.⁵⁰

5.47 While completion of the EATC is not compulsory for education agents, the benefit of the course was highlighted in evidence to the committee. ACPET commented:

The best method of working with agents is through engagement and education. AEI has set up the online agents course with PIER online and is working with agents in every major market to get better results. This is an effective strategy and policy settings should work within this type of framework rather than imposing a unilateral set of criteria.⁵¹

5.48 English Australia explained the benefits of the EATC:

Australia has again led the world in developing appropriate training programs for education agents and has encouraged agents to take the training as a way of demonstrating their professionalism to potential students and differentiating themselves from untrained agents. This has been a 'carrot' approach rather than a 'stick' approach and relies on agents

47 Mr Chris Evason, *Committee Hansard*, 18 September 2009, p. 44.

48 Mr Chris Evason, *Committee Hansard*, 18 September 2009, p. 42.

49 Professional International Education Resources. *Study in Australia: AEI Education Agent Workshops May-June 2009*, Draft report prepared for Australian Education International, August 2009, p. 40.

50 Ibid.

51 Australian Council for Private Education and Training, *Submission 42*, pp 13–14.

looking for ways of differentiating their services in what is a highly competitive area.⁵²

5.49 The need for qualified education agents to represent Australian institutions was also recognised by the private education sector. ACPET will launch a register of reputable education agents who have completed the EATC, enabling students to search for qualified agents by locality. It is planned that the register will also have the capacity to rate agents' performance, and will list agent membership of respected professional bodies.⁵³ A similar register is currently available to students on the PIER website. Ms Sonia Caton, Director, International Education Services, told the committee of plans to further develop this registry, and to further enhance its regulatory function:

...in terms of consumer protection, accountability and transparency in the operation of education agents, in just a couple of months IES are going to launch a new product which is going to be free and available for the government to direct consumers to. It will enable a prospective student anywhere in the world to jump on the PIER website...and look at who is in their area...They will get every single agent—how long they have been acting as an agent, what their qualifications are et cetera, and this is going to be made available for free. If this is endorsed widely enough then it will become a self-perpetuating standard...So it is more regulation through initiative than the big stick. If everybody is participating then your non-participation is going to speak volumes about you.⁵⁴

5.50 The committee believes that such registries play a vital role in ensuring students are able to access qualified, professional education agents regardless of their location. Registries such as the one developed by IES complement other regulatory mechanisms, such as DIAC's eVisa system, and the requirement that all providers publish details of the agents they use.

Committee view

5.51 Despite criticism in the media about education agents in recent times, it is apparent that only a minority of agents are culpable. While the unscrupulous behaviour of some agents has caused problems, education agents have generally played a key role in the development of the international education industry. The International Education Services Ltd submission cites an *i-graduate* survey which indicated that 60 per cent of Australia's international student population was sourced through education agents, compared with 19 per cent in the United Kingdom and three

52 English Australia, *Submission 10*, p. 16.

53 Joanna Mather, 'Report Card for Education Agents', *Australian Financial Review*, 14 October 2009, p. 6.

54 Ms Sonia Caton, *Committee Hansard*, 18 September 2009, p. 47.

per cent in the United States.⁵⁵ Recognising the contribution education agents have made to the international education sector, Navitas commented in its submission:

Education agents are also important business partners for public and private education providers; they are able to identify market trends and opportunities and highlight risks and threats that may impact the growth of enrolments and the business of the provider.⁵⁶

5.52 While the committee acknowledges that only a minority of education agents act in an unethical manner, it believes that the entire education agent industry will benefit from requiring agents to undertake professional accreditation. This should ensure that Australian education providers engage only with reputable, professionally trained education agents. Requiring agents to complete training courses will help restore confidence in the Australian education industry.

5.53 An increasing number of agents are enrolling in the EATC, a positive sign that should be further encouraged by government and education providers. The committee encourages education providers to work with agents who have completed the EATC to ensure international students receive the most accurate and appropriate information possible.

Recommendation 15

5.54 The committee recommends that providers deal exclusively with education agents who have successfully completed an appropriate course such as the EATC and that this requirement be phased in over the next three years.

Addressing visa fraud

5.55 While applications for student visas increased by 20 percent in 2008–09, the committee notes there was also a 68 per cent increase in the number of visa refusals compared with the previous financial year. Recent reports have emerged of a student visa scam in India, where students are provided with falsified Indian bank and loan statements as evidence to support their Australian student visa applications. Unscrupulous education agents are at the centre of this scam, acting as the intermediary between students and corrupt bank officials. According to DIAC, the financial scam is particularly evident in the VET sector.⁵⁷

5.56 The committee notes that as a result, DIAC investigators have cancelled at least 500 student visa applications and withdrawn eVisa access to 150 agents.⁵⁸ DIAC has introduced a number of measures to address the potential for document fraud, including:

55 International Education Services Ltd, *Submission 45*, p. 4.

56 Navitas, *Submission 39*, p. 13.

57 Guy Healey, 'Student visa rort 'people-smuggling'', *The Australian*, 24 October 2009, p. 5.

58 Guy Healey, 'Student visa rort 'people-smuggling'', *The Australian*, 24 October 2009, p. 5.

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- upgrading the interview program to build a strong evidence base around fraud;
 - removing or restricting eVisa access for some agents where there is evidence of fraud or inactivity, and
 - restricting access to eVisa for some segments of the caseload if analysis demonstrates restricted access would allow for better control of fraud.⁵⁹

Another issue

5.57 Another issue not included in the terms of reference but mentioned in a number of submissions is discussed below.

Medical internships

5.58 Submissions pointed out that the number of internships available after graduation has not kept pace with the growth in the number of domestic medical students, let alone those from overseas. The Australian Medical Students' Association expects that no state will be able to offer internships to international students with Australian medical degrees by 2012, when domestic medical graduate numbers peak. It was argued that overseas students who had trained for up to six years in Australian universities and paid \$200 000 in tuition fees would not be the only casualties. The health system would also forgo a cohort of committed graduates trained to Australian standards at a time of chronic health workforce shortages.⁶⁰

5.59 On 29 November 2008, the Council of Australian Governments (COAG) agreed to a package of reforms to the health and hospital system.⁶¹ One component of the National Partnership Agreement on Health and Hospital involved the creation of a National Health Workforce Agency. It will manage and oversee major reforms to the Australian health workforce. The agency will subsume the current National Health Workforce Taskforce (NHWT) activities and assume responsibility for its work program encompassing workforce planning and research; education and training; and innovation and reform.

5.60 As a single body with a specific focus on implementing workforce reform, the agency will devise solutions that integrate workforce planning, policy and reform with the necessary and complementary reforms to education and training. A consortium comprising the Australian Health Workforce Institute (AHWI) and PricewaterhouseCoopers (PwC) has been selected to undertake the National Health Workforce Planning and Research Collaboration (the Collaboration). The

59 Senator the Hon. Chris Evans, Minister for Immigration, 'Student Visa Checks Strengthened', *media release* 20 August 2009.

60 Siobhan Ryan, 'Internships edge foreign doctors out', *The Australian*, 28 August 2009, p. 7.

61 COAG Communique, 29 November 2008, available from http://www.coag.gov.au/coag_meeting_outcomes/2008-11-29/ accessed 28 August 2009.

Collaboration between the NHWT and the consortium will undertake a substantial program of national health workforce planning and research projects over a three-year period.⁶²

Committee view

5.61 The Health Workforce Australia Bill 2009 established Health Workforce Australia, but it currently exists in name only. The Health Minister has reported that processes are underway to set up Health Workforce Australia and recruit a chief executive.⁶³

Recommendation 16

5.62 The committee recommends that as a matter of urgency the issue of medical internships receive priority in workforce planning and that this be the subject of a special study by Health Workforce Australia.

Senator Gary Humphries

Chair

Liberal Party

Senator Gavin Marshall

Deputy Chair

Australian Labor Party

62 Information available from: <http://www.nhwt.gov.au/index.asp> accessed 28 August 2009.

63 Siobhain Ryan, 'Kevin Rudd fails to plug medico gap', The Australian online, 26 August 2009, accessed 28 August 2009.