



13th August 2009

Senate Inquiry
Welfare of International Students

SUBMISSION Part- 2

In our first part of the submission we outline the work our office has done to expose the problems international student face.

This second part is focusing upon the role DEEWR has played in its dealings with Sterling College and Aerospace Aviation and Windsor College. All of these concerns we have relating to these three schools revolve around the DEEWR Compliance Unit and in particular, the Senior Case Manager, Ms. Tanya Taylor.

Aerospace Aviation

Although not directly involved in the students who studied at this school as any concerned citizen of this country I still have the right to voice concerns over the information aired on the 4 Corners program "Holy Cash Cows". In particular it raised concerns about the same DEEWR case officer Ms. Tanya Taylor. I have attached the full report Ms. Taylor provided to the owner of Aerospace Ms. Sue Davis. These concerns were released publically in IMMIGRATION NEWS volume 143.

In my view the students who raised the complaints regarding the teaching standards of Aerospace should be regarded as internal whistleblowers. They brought to the attention of the public through the media serious issues surrounding Aerospace. Any reasonable person who reads the content of Ms. Taylors report would form the opinion that she visited Aerospace with the intention of gathering information on just the 8 students who also lodged legal action against the school.

The Four Corners story raised serious doubt about the ability of DEEWR to conduct investigations based on the principles of natural justice and transparency. I urge the government to immediately investigate the circumstances which lead to DEEWR's Tanya Taylor preparing a report into the 8 Indian students who took legal action against Aerospace Aviation.

To assist this inquiry we suggest the following questions need to be answered by DEEWR, as a first step in restoring confidence in the system.

- Did DEEWR through its officer Tanya Taylor, call the meeting with Aerospace Aviation's Sue Davis and Chris Stephens of Phoenix compliance management on April 16, 2009?
- If not, who instigated the meeting and what was its purpose?
- Was the purpose of the April 16 meeting to prepare a report for inclusion in Ms. Davis' affidavit filed before the Supreme Court on 12 May 2009?
- When did DEEWR or any of its officer's become aware that Ms Taylor's report was included in Ms Davis affidavit?
- Did DEEWR approve the inclusion of Ms Taylor's report in Ms Davis' affidavit? If so, who approved it?
- Does the inclusion of Ms Taylor's report in Ms Davis affidavit breach any privacy provisions in relation to the students investigated?
- On what basis does Ms. Taylor conclude that the 'students claims have little or no foundation' and the 'actions of the provider contradict the students claims'?
- Is it usual practice for DEEWR to investigate allegations in absence of evidence from all parties?
- Does DEEWR stand by the findings of Ms Taylor's April 16 report?
- Has the VETAB finding that Aerospace Aviation did not have adequately trained flying instructors, and its subsequent CRICOS de-registration, had any impact on DEEWR's findings into the school
- Were VETAB and DEEWR liaising together over their investigations into Aerospace Aviation?
- Did DEEWR provide VETAB with a copy of Ms Taylor's report of April 16 2009?
- What investigations if any, were begun following the meeting between over 20 Aerospace Aviation students and DEEWR officials in October 2008? If they were commenced, where are they up to?

- Was any examination conducted of the teaching methods of Aerospace?
- Why was a report written just on the 8 students who had lodged legal action against the school?
- Why did Ms Taylor's report only examine those 8 students who had commenced legal action against the flying school?
- What was the cost to the taxpayer for Ms. Taylor to attend a meeting with Ms. Sue Davis?
- Does DEEWR respect the federal legislation for the protection of whistleblowers in Australia?
- Does Ms. Taylor see that her actions could be construed as a deliberate attempt to destroy the credibility of whistleblower's who came out and spoke in the public interest?
- Why didn't Ms. Taylor discover the serious issues regarding the running of Aerospace that led to its subsequent deregistration by VETAB?
- Has DEEWR made any attempt to contact these whistleblower's and give them the acknowledgment that their information which led to the focus on a school that has in turn led to its deregistration?
- Has any disciplinary action been commenced or taken against ms taylor as a result of the April 16 report?

Windsor College

As you will have read from my article IMMIGRATON NEWS Volume 131, an insider from the school approach my office concerned about the fraudulent activities. I spoke to Ms. Taylor on the phone regarding this school and it was obvious she did not have the evidence I raised in my story. I then subsequently sent her an email of my article and the supporting evidence supplied by the insider.

I have not received a reply from Ms. Taylor since, not even an acknowledgement of the information provided. Evidence of the email and the attachments provided to her are attached.

Sterling College

In the evidence provided in part 1 of this submission I have outlined my concerns in the complaint send to the Deputy Prime Minister Ms. Julia Gillard. This complaint raises serious issues in the manner Ms. Taylor handled a student's complaint. We have still no response from Ms. Gillard or any word that she intends to respond

Other Important Considerations for the Inquiry

Company Structures of Education Providers and Establishment of a Bank Guarantee System

In Volume 141 of IMMIGRATION NEWS I highlighted the problem of vocational colleges closing down with young (under 30) directors at the helm. This has not been in every case of course but enough to be of concern. The most recent being MIC who had a single 21 year old company director.

There were call to pursue the assets of Directors in the Australian (12.08.09) but anyone who has been in business long enough knows what a waste of time that would be. I am sure the company was set up deliberately in MIC's case to ensure there would be no assets of a 21 year old director to chase.

We propose the following should be considered.

- 1) Place a ban on any individual being a company director of an education provider under the age of 30 years unless they can demonstrate a successful prior business career as a company director.
- 2) Set up provisions for a substantial Bank Guarantee that would be forfeited if a education provider closed its doors without warning and any post formal audit revealed any irregularities in company trading, i.e., trading when insolvent.
- 3) The size of such a guarantee should be \$500,000.00 as a base figure and then increasing on an incremental basis depending upon the number of students enrolled at the school. Such a guarantee established would make unscrupulous operators think twice in closing their doors if they realised they had any money of their own at risk.

Changing the IELTS Requirements

International students in general consider the current IELTS monopoly required for visa applications to be the largest rip off in consumer history. As you can read in IMMIGRATION NEWS Volume 106 the majority of students are spending many hundreds of dollars in multiple IELTS test sittings.

It is obvious the test is not an accurate empirical measurement of an individuals English ability for the IELTS test centres offer no explanation has the scores can vary considerably from one month to the next for the same applicant.

The IELTS test should not be allowed to be a private enterprise industry that has no transparency in its marking methods to be used as a govern pre-requisites for hundreds of thousands of visa applications.

At best the requirement should be scraped if applicants have successfully studied for 2 years in Australia or at worst the requirement to reach the level on a single test should be

removed. In this case if an applicant reaches a certain level on the test within 12 months of lodging their visa's common sense should prevail to realise it is not likely that they suddenly loose that ability.

To keep the IELTS requirement in its current form is a disgraceful act of government protectionism that even in the 1960's would be viewed as inappropriate.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Karl Konrad', with a long horizontal stroke extending to the right.

Karl Konrad
Managing Director

Attachments

DEEWR Fax from Ms. Tanya Taylor
IMMIGRATION NEWS Volume 106