



Australian Government

Department of Education, Employment  
and Workplace Relations

# Submission to the Inquiry by the Senate Education, Employment and Workplace Relations Committee into the Welfare of International Students

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## Executive Summary

The Australian Government has set ambitious targets for education and training in Australia and is making major investments to promote their achievement. Together with the work that it is leading with key stakeholders, this will lift the quality of education and training and enhance the student experience for all domestic and international students.

The Government has announced its ambition for growth in higher education attainment so that by 2025, 40 per cent of all 25 to 34 year olds will hold a qualification at bachelor level or above. Working with state and territory governments, it also aims to halve the proportion of Australians aged 20 to 64 without a certificate level III qualification by 2020, double the number of higher qualification completions (diplomas and advanced diplomas) by 2020 and raise the proportion of young people achieving Year 12 or equivalent to 90 per cent by 2015.

An investment of \$16.2 billion is being made in the largest schools renewal program in Australia's history. Australia's tertiary education sector is also being transformed through investments of \$5.4 billion over four years with the Government stating that additional investment will follow. This will promote high-quality teaching and learning, reward institutions for meeting agreed quality and equity outcomes, and invest in world-class tertiary education and research infrastructure.

State and territory governments have primary responsibility for regulating education and training in their jurisdictions. The state and territory authorities register all higher education providers other than the Australian National University, most vocational education and training (VET) institutions, schools and English Language Intensive Courses for Overseas Students (ELICOS) institutions. The National Audit and Registration Agency (NARA), which was officially launched by the Deputy Prime Minister on 10 September 2008, registers multi-jurisdictional VET providers in Queensland, Victoria, South Australia, Tasmania and the Australian Capital Territory. States and territories also have responsibility for accrediting the courses of all non-self accrediting higher education providers (universities and self accrediting higher education institutions accredit their own courses), all VET providers (except those that have applied to be registered by NARA) and all ELICOS providers. The Australian Universities Quality Agency (AUQA) performs a quality assurance role in relation to universities' education activities while the state and territory accreditation authorities perform quality assurance functions in relation to the activities of VET institutions (other than those quality assured by NARA), ELICOS providers and schools. AUQA also quality assures higher education institutions approved under the Higher Education Support Act 2003. Other higher education institutions can choose to be audited by AUQA or an approved state auditor.

The Australian Government is working with state and territory governments and with other major stakeholders to raise the quality of Australian education and training.

The Government has announced that it will establish a single Tertiary Education Quality and Standards Agency (TEQSA) as an agency of the Australian Government from 2010. TEQSA will accredit providers, evaluate the performance of institutions and programs, encourage best practice, simplify current regulatory arrangements and provide greater national consistency. The Council of Australian Governments (COAG) is expected to consider the future of VET regulation, including a national regulator for the VET system, later in 2009. Measures which will further strengthen the quality of VET are being put in place. These include the National Quality Council's development of a strengthened approach to risk management and auditing together with the development of a set of quality indicators for registering bodies.

All students will benefit from these reforms.

While most international students report studying and living in Australia to be a satisfying experience, the Australian Government has recognised that some are not getting the high-quality education and training which they are entitled to expect. The Government has announced that it is



determined to ensure that the reputation which Australia has built internationally for providing a rewarding education and living experience to international students is maintained.

The Australian Government is leading a substantial program of work with major stakeholders to further improve the study, living and work experiences of international students who come to Australia. These measures will support the future sustainability of Australian international education and training.

The reasons why international students choose to study overseas are complex. They depend upon many factors and are made in the light of information from many sources. Whether their expectations are realised depends upon how they go about studying, living and working in Australia and upon the actions of providers, fellow students, the business community, emergency and community services, government departments and agencies, and the broader Australian community.

Australia has an enviable reputation for delivering high-quality, internationally recognised qualifications and courses and providing international students with a satisfying living experience. More than 430 000 international students now come to Australia to study each year. They are attracted by the high quality of the education and training, because Australian qualifications are highly regarded, and because Australia offers a safe, friendly, welcoming and secure lifestyle. Most have a satisfying experience studying, living and working in Australia.

The future sustainability of the international education sector will depend upon all stakeholders working together to:

- provide international students with the accurate, timely and complete information they need to make well-informed decisions;
- deliver an engaging, challenging and rewarding study experience;
- provide a fulfilling social experience; and
- equip students with qualifications and skills they need for rewarding careers.

The Deputy Prime Minister has established an International Student Taskforce within the Department of Education, Employment and Workplace Relations (DEEWR) to focus on developing strategies to support the wellbeing of international students. The Deputy Prime Minister is also holding a roundtable with international students to hear their concerns and to determine ways of better engaging with the international student community. In addition, a telephone hotline has been established by the Deputy Prime Minister within DEEWR for international students to raise their concerns anonymously.

In March 2009 the Deputy Prime Minister announced the \$3.5 million *Study in Australia 2010* package of measures to enhance international students' experience, further support Australia's international education sector and increase international awareness of Australia as a provider of quality education and training. Specific measures include national briefings by DEEWR to enhance the provision of information to providers about the *Education Services for Overseas Students Act 2000* (the ESOS Act) and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code), support for research projects (including to provide evidence-based resources for students and their families in choosing institutions and agents), and enhancements to the *Study in Australia* website. Projects undertaken in six priority countries (China, India, South Korea, Indonesia, Malaysia and Thailand) include support for the professional development of education agents, hosting alumni activities and roundtable discussions involving experts from Australia and other countries. Support is also being provided for the development and dissemination of good practice information about the international student experience, safety and social inclusion.



In response to the recent acts of violence against some international students and emerging concerns about a number of issues relating to student welfare and education quality, the Australian Government has announced that it is bringing forward the review of the ESOS Act and associated regulatory and legislative frameworks, including the National Code. On 8 August 2009 the Deputy Prime Minister announced that the former Federal Member for Cook, the Hon Bruce Baird, will head up the review. The review will examine the adequacy of the current ESOS legal framework to identify and address any areas for improvement to ensure Australia continues to offer a world-class, quality international education. Mr Baird will hold targeted consultations with groups including education providers, student bodies, state and territory governments, regulatory bodies and diplomatic missions on a broad range of issues, including quality, consumer protection and regulation. An interim report is expected to be provided to COAG by the end of 2009 and the final report, expected in early 2010, will recommend changes designed to ensure that Australia's regulatory framework continues to support a world-class international education.

The Government has also introduced amendments to the ESOS Act for consideration by Parliament in the spring 2009 sitting. These are aimed at improving the operation of the ESOS Act through the re-registration of international education providers against more exacting criteria by the end of 2010, and requiring registered providers to publicly list the education agents they use. This will send a clear message of the Government's commitment to further improve quality and compliance with regulations and help restore confidence. It will also eliminate existing, and discourage would-be, providers who do not meet the required standards.

More than 80 per cent of international students who come to Australia enjoy studying and living here. Some do come to Australia with the primary purpose of seeking permanent residence. This has led to the emergence of some agents and providers whose motivation may be to profit from helping their students win residency.

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. Migration arrangements are becoming more demand-driven to attract those migrants with the skills Australia needs. 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.

Many international students undertake some work while studying in Australia. Better protection of basic workers' rights and entitlements provided by the Fair Work Act 2009, coupled with the information provided for foreign workers (including international students) by the Office of the Fair Work Ombudsman and the targeted investigations it undertakes, will help limit exploitation of international students in the workplace.

The Australian Government provides information to international students through its *Study in Australia* website. *Study in Australia*, which was introduced in 2002 and refreshed in 2007, reinforces the profile of Australia as a leading education destination. The site, which is available in 12 languages, is widely seen as providing information that is accurate, accessible and authoritative. The Australian Government is investigating how the information currently provided to international students on studying, living and working in Australia can be further enhanced.

COAG has endorsed the development of a new National International Student Strategy. A Senior Officials Working Group is taking this forward. Australian, state and territory government education ministers' decisions, together with the outcomes from the international student roundtable and the Deputy Prime Minister's International Student Taskforce, will also contribute to the National International Student Strategy.



By complementing its substantial program of investment in Australian education and training now under way, the Government expects the National International Student Strategy will support a sustainable future for Australian international education. By putting international students at its centre, the strategy will enhance their study, living and work experiences, providing ongoing economic, social, cultural and diplomatic benefits for Australia and for those countries from which the students come.





## Background

On 17 June 2009, the Senate referred to the Senate Education, Employment, and Workplace Relations Committee for inquiry and report:

- (a) the roles and responsibilities of education providers, migration and education agents, state and federal governments, and relevant departments and embassies, in ensuring the quality and adequacy in information, advice, service delivery and support, with particular reference to:
- i. student safety
  - ii. adequate and affordable accommodation
  - iii. social inclusion
  - iv. student visa requirements
  - v. adequate international student support and advocacy
  - vi. employment rights and protections from exploitation
  - vii. appropriate pathways to permanence.
- (b) the identification of quality benchmarks and controls for service, advice and support for international students studying at an Australian education institution
- (c) any other related matters.

This submission by the Department of Education, Employment and Workplace Relations (DEEWR) responds to the Senate's inquiry by:

- outlining the growth and changing characteristics of the delivery of international education and training by Australia
- setting out the initiatives that the Government has taken and is taking to further enhance the sustainability of the international education sector.

The Australian Government, through DEEWR and its International Group, has supported the development of Australia's international education and training sector using an integrated approach to international engagement, regulation, policy development and awareness-raising (**Attachment 1** sets out DEEWR's role).

In 2006 DEEWR undertook a survey of international students' satisfaction. Most students who come to Australia report having a satisfying education and living experience. Eighty-seven per cent of final year international students would recommend studying in Australia and more than 80 per cent were satisfied with living in Australia<sup>1</sup>. They receive good quality education and training and participate in the social life of their student communities and the broader Australian community.

At the same time, the Government recognises that some international students' expectations are not being fulfilled and has announced its determination to ensure that Australia continues to provide high-quality education and training and remains a preferred country in which to study.

This submission highlights the role the Australian Government plays in protecting and promoting the sustainability of Australian international education and how the Government works in partnership with major stakeholders to enhance the study, living and work experiences of international students in Australia.

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<sup>1</sup> Australian Education International (2006) *2006 International Student Survey*



## International Education In Australia

### Trends in international education delivery

The delivery of international education in Australia has grown rapidly over the past decade, reaching more than 500 000 enrolments in 2008–09. This has been accompanied by some significant changes in the sector's characteristics.

The higher education sector accounted for the majority of enrolments in 2008 (33.6 per cent of total enrolments in that year). However, the number of vocational education and training (VET) enrolments has grown strongly, more than tripling since 2002 and now accounting for the largest proportion of total enrolments (37 per cent for the six-month period to June 2009 as compared to 36 per cent for the higher education sector). English Language Intensive Courses for Overseas Students (ELICOS) enrolments have also grown substantially since 2002, accounting for 18 per cent of total enrolments at June 2009.

Enrolments in the non-government sector grew from about a third of total enrolments in 2004 to half of all enrolments in 2008. This was accompanied by an increase in the number of private VET providers from 363 in 2004 to 464 in 2008.

Overall, the number of providers changed only slightly from 1070 in 2004 to 1135 in 2008. Larger providers (those with more than 100 enrolments) increased in number from 260 in 2004 to 392 in 2008 while small providers (those with 99 or fewer enrolments) fell from 810 to 743 during this period. The number of private VET providers with fewer than 100 enrolments remained almost constant during this period, increasing from 283 to 287 while the number with 100 or more enrolments grew from 80 to 177.

Most enrolment growth has been driven from the sub-continent, notably India and Nepal. Enrolments from this region (Southern and Central Asia) increased from 33,848 in 2004 to 136,359 in 2008 (an increase of 302 per cent). In 2008, they accounted for 25 per cent of total enrolments. China and the North-East Asia region is still the source of most enrolments accounting for 37 per cent in 2008, although enrolments from this region have a more moderate rate of growth.

Detailed data on the provision of Australian international education and the changes over recent years are at **Attachment 2**.

### Australia as a destination of choice

The decision by a student to study overseas is a complex one, depending upon a large number of factors. A 2006 research project<sup>2</sup> commissioned by DEEWR found the primary drivers for a student to study overseas included:

- the desire to enhance their career opportunities through study and gaining recognised qualifications;
- the challenges and opportunities of living in a different culture;
- international education and training offering a level of quality not available in a student's home country; and
- the perception of international education setting students apart from their peers at home, and fulfilling their own ambitions and the expectations of both family and the broader community.

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<sup>2</sup> Synovate Pty Ltd (2006) Study in Australia: Brand Evaluation





The research also found that the decision for a student to choose Australia, as opposed to any other country providing international education, is shaped by the perception that Australia offers:

- an established education system that enjoys a strong profile around the world;
- the opportunity to live in a Western culture and English-speaking country;
- training and qualifications that are recognised around the world;
- proximity to the Asia-Pacific region;
- strong rates of employment for people who have studied in Australia;
- the opportunity for permanent residence;
- a safe, friendly, welcoming and secure lifestyle; and
- a clean, natural and unique environment.

In discovering and deciding upon Australia as an international education destination, prospective students use many sources of information. Central are the internet and other online sources with research<sup>3</sup> showing that the websites of individual education providers, education agents and government education departments (including the Australian Government's *Study in Australia*) are the leading sources of information for prospective students.

Beyond the web, prospective international students typically find information about studying in Australia by word of mouth, including friends, family, teachers, education agents and alumni. A small proportion also cite offline information sources such as press advertising, publications, brochures and face-to-face engagement at education exhibitions and school visits.

DEEWR is planning to follow up its 2006 International Student Survey (ISS) by undertaking a further survey in 2010.

### **The mutual benefits from international education**

Australia has benefited substantially from international education and training. International engagement has helped Australian providers remain at the forefront of teaching and learning globally. It has also enabled Australian institutions to build expertise in, and teach, a wider range of courses than would have been possible had they only been delivering to domestic students.

Importantly, international education has helped equip Australian students with the skills and expertise needed to grow Australia's economy and increase our quality of life. The research networks that Australian organisations and individuals have been able to develop as a result of having international students study in Australia have helped maintain a world-class science and research system and have played a leading role in addressing science challenges such as climate change and astronomy which are global and beyond the capacity of single countries to address. The business linkages which Australia has been able to build have enabled Australia to be a successful, open, trading economy. International education has exposed Australian providers and the Australian students studying at those institutions to different cultures, thereby helping Australia to better engage internationally.

Australia's international education engagement has also enriched the countries from which international students have come. It is estimated that there are more than one million international alumni worldwide in all walks of life, including government, business, research and education. In Malaysia, for example, it is estimated that there are approximately 250 000 Australian alumni, represented by about 20 Australian alumni associations. These alumni include two cabinet ministers,

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<sup>3</sup> Inside Story (2008) Student Care Study



four members of the royal family, five chief ministers and many industry leaders and senior government officials.

DEEWR and its international network of education counsellors has been influential in ensuring that these alumni maintain their links with Australia, by providing significant support to alumni associations. This recognises the substantial economic, social, diplomatic and cultural benefits that alumni understanding of Australia bring to both Australia and their home countries. Some have come to Australia with the support of the scholarships provided by the Australian Government.

The Endeavour Awards provide opportunities for citizens of the Asia-Pacific, Middle East, Europe and the Americas to undertake study, research and professional development in any field of study in Australia. In addition, the Prime Minister's Australia Asia Endeavour Awards, announced on 23 April 2009, will provide \$15 million in scholarships over four years for Asian and Australian students to undertake international study and research as well as internships or work placements. Recipients of these awards receive ongoing support during their award through dedicated case managers. Scholars receive pre-departure briefings and advice on visas, health, travel, insurance, accommodation and other relevant information. They are provided with health and travel insurance and travel and living allowances. They are also able to share their experiences and maintain their links and friendships through membership of the Endeavour Awards Alumni Network.

Recognising the benefits to Australia from having Australian students study overseas, the Australian Government has also announced that it will remove the loan fee for new OS-HELP loans from 1 January 2010. OS-HELP loans provide payments to eligible undergraduate Commonwealth-supported students to help them do some of their study towards their Australian higher education qualification overseas. The current 20 per cent loan fee has been a disincentive for Australian undergraduate students to apply for loans and has limited universities' efforts to encourage these students to take up overseas study options.

Australia's international engagement also helps to build the capacity of education and training systems in other countries. Through memoranda of understanding, and activities implemented through Joint Working Groups, DEEWR and its international network of education counsellors is able to build strong government-to-government relationships which deepen and strengthen diplomatic, security, economic, trade, social and cultural ties between Australia and other countries that have long-term benefits for both Australia and other countries. For example, through strong government-to-government links, DEEWR's education counsellors in China facilitate a two way movement of scholars and actively support a joint working group to ensure Australia's education system has a high profile in local media and the broader student community. Education counsellors in Beijing support a vibrant program for Australian education providers to identify education opportunities, helping Australian institutions to develop and maintain education links, research clusters and staff and student mobility. The formal and informal communication links which the education counsellors in Beijing have established with the Chinese Government have enabled constructive solutions to be developed to a range of difficult issues faced by Australian providers operating in China.

Internationally, DEEWR and its Education Counsellor Network also work with a range of organisations to improve educational qualifications and labour market mobility by supporting the development, harmonisation and mutual recognition of education and training systems. The Australian Government is party to the Lisbon Recognition Convention, an international convention of the Council of Europe and UNESCO, which stipulates that degrees and periods of study must be recognised unless substantial differences can be proved by the organisation that is charged with recognising qualifications. The Government is also party to the UNESCO Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific which provides for the fair and transparent recognition of qualifications to promote the mobility of students and academics.



DEEWR produces the *Country Education Profile* series, which outlines the education systems in over 110 countries, thereby enabling universities and other stakeholders to make transparent decisions about international qualifications, as well as facilitating the mutual recognition of Australian tertiary qualifications and professional skills overseas through mutual recognition agreements. The Australian Government has provided support through DEEWR for the Australian Universities Quality Agency (AUQA) to work with higher education quality assurance agencies in fora such as the Asia Pacific Quality Network (APQN).



## The Challenges and Opportunities In International Education

In 2007, there were an estimated 2.8 million internationally mobile higher education students world-wide, up from 1.8 million in 2000<sup>4</sup>. These numbers are expected to continue to increase. All countries, including Australia, now face opportunities and challenges from the growing internationalisation of education.

Australia has gained an enviable reputation for delivering education to international students. It has been a world leader in international education and is currently the fourth largest provider of international higher education overall (the third largest English-speaking country) behind the US (almost 600 000 in 2007), the UK (351 000 in 2007) and France (around 246 500 in 2007) and ahead of Germany (almost 206 000 in 2007)<sup>5</sup>. International students' share of total higher education student numbers in Australia was the highest in the world in 2006 (17.8 per cent), ahead of the UK (14.1 per cent), Germany (11.4 per cent) and France and the US (each with 11.2 per cent).

Other countries are seeking to emulate Australia's success by, for example, adopting consumer protection legislation, establishing international networks of education counsellors, supporting their sectors by providing information about policy developments and trends in other countries, and delivering courses in English. New Zealand has adopted a Code of Practice for the Pastoral Care of International Students. France has established an international network of education counsellors. The delivery of courses in English is increasing in European institutions (particularly in France and Germany). Asian countries are also increasingly teaching courses in English, for example, Korea University offers a variety of courses in all professional fields and over 40 per cent are taught in English.

In addition, traditional source countries such as China, Malaysia and Singapore are making substantial investments to deliver education to more of their own students domestically and to attract more international students to their own countries.

The internet has allowed students to find information on international education opportunities more easily and to make comparisons faster. It is personal, up-to-date and interactive, allowing general information-gathering as well as direct queries to obtain specific responses<sup>6</sup>. This helps international students make better informed choices about the countries and institutions they wish to study and live in.

The reputation Australia has built in recent years as a safe and secure country which delivers high-quality, internationally recognised qualifications means it is now well positioned to take advantage of further opportunities in more diversified geographic and sectoral markets, and to meet the challenges ahead.

For Australia to remain at the forefront of international education and training it will, however, have to build on its achievements, providing international students with the assurance that:

- their interests as students in Australia's education and training system will continue to be protected;
- Australian qualifications will continue to be highly regarded internationally;
- an Australian education experience will continue to provide the foundation for achieving success in their chosen career;
- Australia will remain a safe, secure and fulfilling country to study and live in; and

<sup>4</sup> Organisation for Economic Co-operation and Development (2008) *Education at a Glance 2008: OECD Indicators*

<sup>5</sup> United Nations Educational, Scientific and Cultural Organisation (2009) *Global Education Digest 2009*

<sup>6</sup> Synovate Pty Ltd (2006) *Study in Australia: Brand Evaluation*



- Australia will continue to provide a unique learning and living experience.

The future sustainability of Australia's international education sector depends upon building on its achievements to date and continuing to deliver a world-class education and living experience which fulfils the increasing expectations of international students.



## Addressing the Opportunities and Challenges

The experience of studying, living and working in Australia depends on a range of inter-related factors, including the information provided by, and activities of, a very wide range of stakeholders, as well as the decisions made by international students themselves.

Prospective students source information in a range of ways, including by word of mouth, in print and from websites. Information is provided to prospective students by providers (in Australia and overseas), education and migration agents, friends and relatives, and governments (both here and overseas). The extent to which students read, understand and absorb the information depends in part upon when and how it is provided to them and its clarity. It also depends on the attention those students give to the available information, which depends in part, upon their motivations for coming to study in Australia.

Their experiences while in Australia depend upon a wide range of factors. These include the expectations they have formed using the information provided to them and the messages they have heard, the institutions and courses they choose, the accommodation they select and its location, the travel they undertake (including its location and the times at which they travel), whether they decide to work and the jobs they work in while studying, their social activities (on and off campus), how they undertake their business activities (shopping, banking), and their health.

Those providing these services - education and training providers, education and migration agents, the education sector, Australia's commercial sector, social groups, the broader Australian community, landlords, health and medical service providers, emergency support services (including police), and governments – determine international students' experiences.

International students' experiences also depend on the knowledge they have of their entitlements and obligations and how they exercise these while in Australia.

On 2 July 2009 the Council of Australian Governments (COAG) agreed to the development of a comprehensive National International Student Strategy which will place the interest of international students at its centre. The strategy will draw together and add value to the various initiatives being undertaken across governments to ensure that students are well-informed, have an engaging study experience, a rewarding life experience and a future with potential. These outcomes will be supported through strategies and activities on a range of issues including:

- a framework that encompasses the broad benefits and puts international education on a more sustainable basis;
- pre-and post-arrival information;
- engagement with the community;
- accommodation;
- safety, including policing initiatives;
- quality of education; and
- a clearer distinction between international education and migration.

The International Students Taskforce, which was established by the Deputy Prime Minister on 12 June 2009, has a general oversight role in relation to the development of key components of the COAG strategy and related initiatives. A Senior Officials Working Group, chaired by South Australia, and on which DEEWR is represented, is taking the COAG work forward. The outcomes from the international student roundtable which the Deputy Prime Minister is hosting in September will also inform the strategy. So too will the findings and recommendations from the ESOS Review being led by former Federal Minister for Cook, the Hon Bruce Baird. The work that the Ministerial Council on





Tertiary Education and Employment (MCTEE) is doing to investigate ways of providing international students with better information and support services, enhancing quality, increasing student visa integrity, and limiting exploitation of international students in the workplace will also contribute to the COAG strategy.

The remainder of this submission elaborates on the substantial efforts the Australian Government is making to further enhance the quality of Australian education and training, and to improve international students' study, living and working experiences. The following sections set out how the Government, in partnership with key stakeholders, is addressing international students':

- education experience;
- living experience; and
- working experience.

### **International students' education experience**

The International Student Survey conducted by DEEWR in 2006 found that:

- 85 per cent of the 3585 higher education respondents and 82 per cent of the 2,393 VET respondents reported being satisfied or very satisfied with their study experience in Australia;
- 83 per cent of higher education respondents and 81 per cent of VET respondents were satisfied or very satisfied with their courses; and
- 77 per cent of higher education respondents and 80 per cent of VET respondents reported being satisfied or very satisfied with the quality of their education and training.

The Australian Government expects that high levels of student satisfaction will be maintained and enhanced by the investments it is making in the sector, and the work which it is leading with state and territory governments, and with the sector, to lift the quality of Australian education and training.

All students, domestic and international, can be expected to benefit from the world-class facilities being built and the improvements being made to the quality of teaching and learning.

### **Investing in education and training**

To promote economic growth, productivity and highly skilled jobs, and to support Australia's role as an education leader in the region, the Australian Government is making an unprecedented investment in education and training, driving comprehensive reforms. With the Government providing demand-driven funding so that eligible undergraduate domestic students can be accepted into courses at recognised public higher education providers, students are being put at the centre of the Government's reforms. This is coupled with ambitious targets, rigorous quality assurance and full transparency to ensure that the quality of teaching and learning is enhanced.

In addition to \$16.2 billion for an extensive national school modernisation program, the Government is providing support for the higher education and research sectors at a cost of \$5.4 billion over four years and will commit additional resourcing over the next 10 years. This includes \$1.5 billion for teaching and learning and \$3 billion from the Education Investment Fund (EIF) for education and research infrastructure. The Government is also putting in place new, increased, funding indexation arrangements for higher education. These reforms will promote high-quality teaching and learning, improve access and outcomes for students from low socioeconomic backgrounds, reward institutions for meeting agreed quality and equity outcomes, and invest in world-class tertiary education infrastructure.



The Government has announced its ambition for growth in higher education attainment so that by 2025, 40 per cent of all 25 to 34 year olds will hold a qualification at bachelor level or above. The Government's goals also complement the COAG targets to halve the proportion of Australians aged 20 to 64 without a certificate level III qualification by 2020, double the number of higher qualification completions (diplomas and advanced diplomas) by 2020, raise the proportion of young people achieving Year 12 or equivalent to 90 per cent by 2015 and halve the gap for Indigenous students in Year 12 or equivalent by 2020.

The EIF (a major component of the Government's Education Revolution) is providing substantial funding for world-leading, strategically focused capital infrastructure investments to transform Australian tertiary education and research. The Government has fast-tracked investments by conducting two rounds of the EIF leading to over \$1.5 billion in major capital funding being committed. Universities will receive almost \$1.3 billion with the remainder going to other research providers and the VET sector. On 4 August 2009, the Deputy Prime Minister announced the opening of EIF Round 3 (with funding of \$300 million). The Government also announced the opening of the special \$250 million EIF Sustainability Round for VET and higher education providers and research institutions providing an opportunity to give immediate effect to sustainable design, energy use and research. Successful projects will be announced in early 2010.

In addition, the Government is investing \$710 million in public VET and adult and community education infrastructure including \$132 million from Round 2 of the EIF going to VET providers. The Teaching and Learning Capital Fund for VET will inject \$500 million into public skills and training infrastructure. This will increase the capacity of the VET sector to meet 21st century skills needs by building better TAFE facilities and upgrading infrastructure, plant and equipment.

The EIF initiatives substantially build on the \$500 million Better Universities Renewal Fund (BURF) announced by the Government in the 2008–09 Budget. The BURF investment provided immediate funding for campus renewal, to improve higher education institutions' infrastructure for teaching, learning and research and to enhance the student experience through improved student amenities. The December 2008 stimulus package is also helping to rebuild teaching and learning spaces at universities through the \$500 million Teaching and Learning Capital Fund for Higher Education which targets expenditure for the development of teaching and learning spaces in Australia's universities that are physically and technologically appropriate for 21st century approaches to tertiary education.

In responding to the Bradley Report on Australian higher education, the Government also announced that it will introduce at-risk performance funding for universities from 2012. In 2010, it will work with universities to develop robust performance indicators in areas such as teaching and learning, and from 2012 those universities that meet agreed institution-level performance targets will receive performance funding. This will help ensure that universities target their efforts at improving outcomes for all domestic and international students. Together with the improved funding indexation arrangements, this will raise student satisfaction and increase student retention rates.

### **Improving quality and protecting the interests of international students in Australian education and training**

#### *(i) Current registration, accreditation and quality assurance arrangements*

The quality assurance framework for international students builds on the registration, accreditation and quality assurance which states and territories currently have in place for each sector (for example, the Australian Quality Training Framework for the VET sector and the National Protocols for Higher Education). Therefore, the quality of education delivered to international students currently rests on the frameworks used for the delivery of education to all students and registration and quality audit functions are the responsibility of the states and territories.



With the exception of the Australian National University which is established by Australian Government legislation, states and territories currently have responsibility for registering all higher education providers, vocational education and training (with the exception of some registered training organisations that operate in more than one jurisdiction), schools and ELICOS institutions within their jurisdictions. The National Audit and Registration Agency (NARA), which was officially launched on 10 September 2008, is responsible for registering multi-jurisdictional registered training organisations (RTOs) in Victoria, Queensland, South Australia, Tasmania and the Australian Capital Territory that have applied to NARA for registration. These states and territories have delegated their powers to register multi-jurisdictional RTOs to NARA. New South Wales, Western Australia and the Northern Territory have not as yet done so.

In addition to their responsibilities for registering providers, state and territory jurisdictions also have responsibility for accrediting the courses of all non-self accrediting higher education providers (universities and self accrediting higher education institutions self-accredit their own courses), for registered training organisations (with the exception of those multi-jurisdictional RTOs registered with NARA) and for all ELICOS providers. States and territories also approve the curricula of schools in their jurisdictions, although development of national curricula is proceeding through the National Curriculum, Assessment and Reporting Authority.

States and territories are also responsible for the quality assurance of the education and training delivered by vocational education and training organisations (except those registered with NARA), ELICOS providers and schools. AUQA is the national body responsible for conducting quality audits of all higher education institutions in receipt of Australian Government funding. Other higher education institutions can choose to be audited by AUQA or an approved state auditor.

The Australian Qualifications Framework (AQF) provides a national framework for qualifications in the schools, vocational education and training, and higher education sectors in Australia. The AQF Council is currently examining ways to strengthen that framework. The Australian Government is also working with states and territories to enhance the quality of non-award English Language Intensive Courses for Overseas Students (ELICOS) and Foundation Programs delivered to international students.

#### (ii) *Current International student consumer protection arrangements*

The Commonwealth has responsibility for administering the ESOS Act and the National Code. These instruments seek to protect the interests of international students as consumers of Australian education and training and support the integrity of Australia's student migration laws.

The current ESOS Act was developed following a review of the *Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991*, which involved comprehensive consultation with industry, state and territory authorities and Commonwealth agencies. The Department of Immigration and Multicultural Affairs (now DIAC) assisted this process. This resulted in a package of four Bills being introduced into the Parliament in 2000 - the ESOS Act, ESOS (Assurance Fund Contributions) Act, ESOS (Registration Charges) Act and ESOS (Consequential and Transitional) Act. The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code) was the result of a 2005 review into the National Code (2001) that had been established subsequent to the passage of the ESOS Act in 2001.

State and territory registration and accreditation authorities have a number of significant responsibilities under the Shared Responsibilities Framework (agreed between the Commonwealth and these jurisdictions in mid 2007) for maintaining the integrity of the ESOS framework. These include responsibility for the assessment of applications from providers for registration, amendments to registration and re-registration under the ESOS Act and National Code.

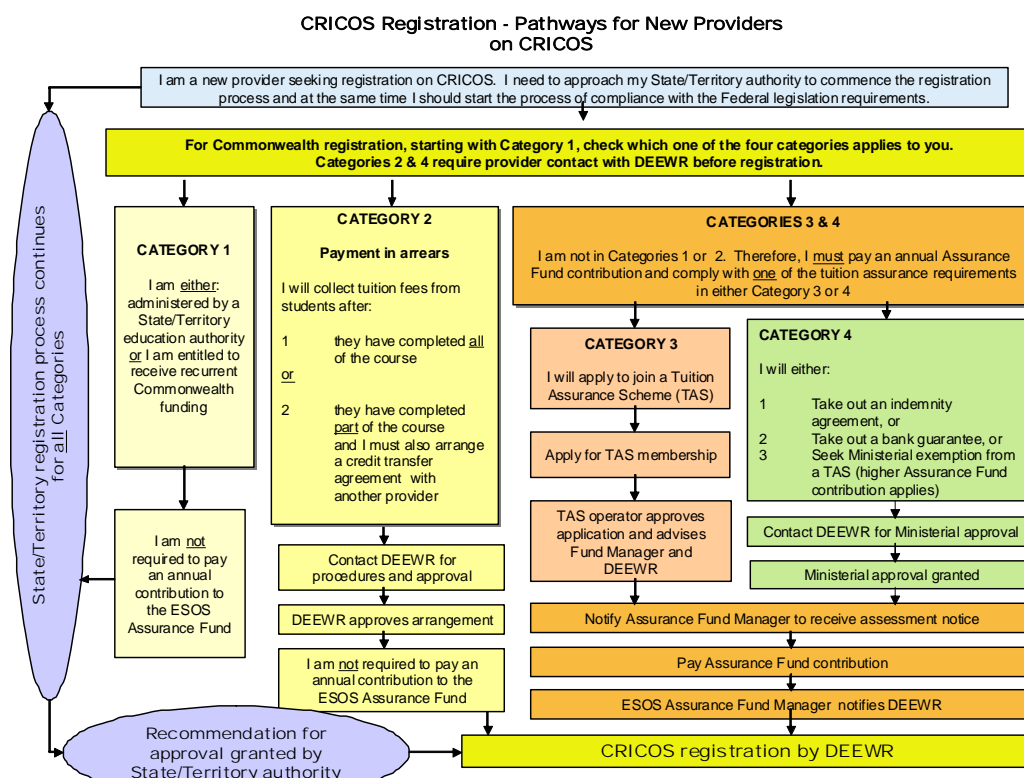


State and territory registration and accreditation authorities recommend to DEEWR those providers to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). DEEWR then checks to ensure that the providers have tuition assurance cover before registration is confirmed. If a state or territory advises or provides evidence to DEEWR that could indicate a provider may not be 'fit and proper', DEEWR also investigates this and then makes a decision as to whether or not the provider should be registered. Once registered, providers must continue to comply with the requirements of the relevant quality assurance framework, administered at the state and territory level, to remain on CRICOS (see diagram below).

In some jurisdictions additional local legislative requirements on providers are also in place and must be met before an authority will grant registration. For example, a provider in Victoria must meet the relevant requirements of the Education and Training Reform Act 2006 (VIC) before a recommendation can be made to the Commonwealth for that provider to be registered on CRICOS.

DEEWR:

- monitors compliance with the ESOS Act and specific standards in the National Code relating to consumer protection and visa integrity. The states and territories, in conjunction with AUQA and NARA, perform a quality assurance function over the education and training received by international students;
- manages CRICOS and the Provider Registration and International Student Management System (PRISMS);
- educates providers on their obligations under the ESOS framework;
- investigates potential breaches of the ESOS Act and, in cooperation with state and territory authorities, also investigates potential breaches of relevant standards of the National Code;
- gives compliance directions to providers where appropriate.



The National Code helps support the delivery of quality education and training to international students by requiring registered providers to:



- only enrol those students with the qualification, experience and English language proficiency appropriate for the course for which enrolment is sought (standard 2);
- only use education agents that have an appropriate knowledge and understanding of the Australian international education sector and that do not engage in dishonest practices (standard 4);
- have complaints and appeals processes in place which are independent, easily and immediately accessible and inexpensive for the parties involved (standard 8);
- monitor course progress (standard 10); and
- have suitably qualified and experienced staff and have adequate education resources including facilities, equipment, learning and library resources and premises as required by the quality assurance framework applying to the course (standard 14).

Providers are also required to notify the designated authority of any prospective ownership and/or management changes. DEEWR works with the state and territory authorities to monitor providers' compliance with this aspect of the ESOS legal framework.

The ESOS framework requires providers to monitor and report students who breach their visa conditions and is administered by DEEWR in conjunction with DIAC (standards 10 and 11). The ESOS website provides information for providers and students. The ESOS Helpline provides additional support and advice for international students and providers. DEEWR holds National Code information workshops for providers around Australia – most recently in May and June 2009.

Compliance and monitoring visits, and desk top audits, are undertaken by DEEWR with providers across all sectors. These help providers strengthen their systems for supporting and monitoring the academic progress of international students in line with student visa requirements. Providers are monitored by DEEWR for their provision of international student support services as required by the National Code.

Where a provider is found to have breached the ESOS Act or National Code, the provider may be given compliance directions or may have administrative sanctions imposed upon them. Depending on the nature of the breach, the direction or sanction is administered either by the Commonwealth or the relevant state or territory.

A risk-based approach to monitoring providers and ensuring compliance with the ESOS Act and National Code has also been developed and implemented by DEEWR. The risk matrix employed by DEEWR assesses a range of risk factors for each provider as detailed in PRISMS, and from other sources such as information exchange with other agencies. This allows DEEWR to undertake a program of compliance activities.

In 2007–08 DEEWR undertook a total of 48 compliance monitoring visits, issued 55 enforcement notices, placed conditions of registration on six providers and cancelled the registration of one provider. There were also 23 automatic suspensions which occurred under the ESOS Act where the provider did not pay its Annual Registration Charge (ARC) to DEEWR or its annual contribution to the ESOS Assurance Fund to the Fund Manager. A suspension is lifted once the provider has paid the ARC or its ESOS Assurance Fund contribution plus any late fee (in accordance with section 90 of the ESOS Act), as relevant.

When investigating student complaints, the issues often require DEEWR and the relevant state authority to apply their respective expertise in their jurisdiction to analyse different aspects of the complaint. Liaison between the agencies is often required to ensure consistency in analysis and the conclusions drawn. If some aspects of complaints or allegations are not related to the ESOS





regulatory framework or domestic quality assurance frameworks, they may be referred to other agencies.

In addition to its compliance activities, DEEWR also responds to queries or information which it receives. In 2008 DEEWR also made approximately 1500 enquiries of providers. Most of these were in response to queries or information received from students. In the majority of cases, providers were given guidance by DEEWR to rectify or improve processes to ensure compliance. The matters usually related to reporting student course progress, transfer between providers and tuition fee refunds.

The 2008 Report on Australian Higher Education proposed that the Australian Government should commission, by 2012, an independent review of the implementation of the amendments made in 2007 to the ESOS Act<sup>7</sup>. In response, the Government announced that the ESOS Act and the National Code would be reviewed in 2010–11. On 12 June 2009, the Deputy Prime Minister announced that the ESOS Review would be brought forward and undertaken in 2009–10 to ensure that Australia's international reputation for delivering quality education to international students is enhanced and appropriate protections are in place.

On 8 August 2009 the Deputy Prime Minister announced that the former Federal Member for Cook, the Hon Bruce Baird, will undertake the Review and report to the Government with changes designed to ensure Australia continues to offer world-class quality international education. The review will be wide-ranging, considering issues of quality, consumer protection and regulation. It will include consideration of standards for information provision and how the ESOS legislative framework intersects with national quality frameworks. It will consider the need for enhancements in the four key areas of:

- supporting the interest of students;
- delivering quality as the cornerstone of Australian education;
- effective regulation; and
- the sustainability of the international education sector.

Written submissions will be invited from September 2009, and targeted consultations will be held with groups including state and territory governments, regulatory bodies, education providers, student bodies and diplomatic missions. An interim report will be presented for consideration by COAG.

In addition to bringing the review of the ESOS Act forward, the Government has moved to strengthen the existing legislation by introducing amendments to the ESOS Act into the Parliament. These are aimed at improving the efficacy of the Act and further empowering international students. Key amendments include a requirement for all providers to be re-registered by the end of 2010 against tighter criteria. New criteria require providers to have the provision of education as their principal purpose and to have the demonstrated capacity to provide education of a satisfactory standard. The other amendments are:

- a requirement that providers list the names of education agents who represent them and promote their education services and that providers comply with any matters prescribed in the regulations concerning their agents;
- discretionary removal of the prohibition on education providers collecting monies from studying students when a course has been suspended;

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<sup>7</sup> Commonwealth of Australia (2008) Review of Australian Higher Education Final Report





- recognition by the Commonwealth of conditions imposed by states and territories on education providers;
- exemptions from punitive provider default refund requirements for providers changing their legal entity; and
- clarification of the definition of 'suitable alternative course'.

The Deputy Prime Minister has also announced that all existing providers registered to deliver education and training to international students must be re-accredited by the start of 2011. This will send a clear message to the sector of the Government's commitment to further enhance quality and compliance with regulations and help strengthen confidence in Australia's international education system.

Australian, state and territory education ministers agreed on 12 June 2009 that registration authorities in state and territory jurisdictions would undertake programs of priority quality audits. Ministers directed the Joint Committee on International Education to report back to their Ministerial meeting towards the end of 2009 on progress.

The Deputy Prime Minister also announced on 12 June 2009 that DEEWR would establish a telephone hotline to enable international students to make anonymous complaints and that the department would collate and publish the complaints. Between June and July a total of some 600 calls were received, of which approximately 10 per cent were complaints from international students, primarily about their providers. Consistent with the provisions of the National Code, these have been referred to the providers' complaints handling arrangements in the first instance.

The Australian Government complements the obligations it places on providers to ensure that their agents provide accurate information by providing support for agent training. DEEWR has funded the development of an education agent training package which is now administered by Pier Online. Through the \$3.5 million *Study In Australia 2010* package announced by the Deputy Prime Minister in May this year, DEEWR is currently providing funding for:

- face-to-face education agent training in key countries;
- promoting the benefits of Pier Online accreditation; and
- supporting visits to Australia by high-performing education agents.

In August 2009, the Australian Government's high-level delegation to India strongly supported the Indian Government's announcement of its intention to regulate the activities of education agents operating in that country and accepted the Indian Government's invitation to join a working group to consider the possible education agent regulation.

*(iii) The Australian Government's registration and quality agenda going forward*

The Australian Government has invested considerable effort in working closely with states and territories to lift the quality of education and training across the whole of Australia's education and training system and to enhance national consistency in provider regulation and performance. In the tertiary sector a new Tertiary Education Quality and Standards Authority (TEQSA) will be established from 2010. The new quality assurance arrangements will ensure that domestic and international students have better information about how Australia's higher education providers are performing.

TEQSA will register providers and accredit courses, evaluate the performance of institutions and programs, encourage best practice, simplify current regulatory arrangements and provide greater national consistency. The Australian Government is consulting extensively with the states and territories and with the sector to ensure that TEQSA will be able to cut through some of the regulatory complexity that currently exists.



When established, TEQSA will regulate and assure the quality of higher education and will subsequently expand to encompass VET organisations. This will help drive greater interconnection and partnership between VET and higher education to give domestic and international students the best opportunity to develop the skills needed for the workforce of the future. TEQSA will also provide an independent assessment of whether universities meet their performance targets.

The Australian Government has also been working with state and territory governments, and with the VET sector to further embed the changes introduced with the implementation of the new Australian Quality Training Framework (AQTF) in 2007. The AQTF provides the national set of standards which is intended to assure nationally consistent, high-quality training and assessment services for the clients of Australia's national VET system.

DEEWR is participating in the work of the National Quality Council (NQC) to strengthen the approach taken to risk management and auditing in the VET sector. In addition, the Commonwealth is participating in the development of a set of quality indicators for registering bodies which will be required to report annually to the NQC through these indicators to assess their performance against the *AQTF Standards for State and Territory Registering Bodies*.

In response to directives from COAG, DEEWR is developing models for future national VET regulation which will be stronger and more cohesive. This will build on the existing strength of the AQTF. COAG is to consider the future of VET regulation, including a national regulator for the VET system. As indicated previously, it is anticipated that the national regulator will feed into TEQSA which will expand to encompass VET organisations.

### **A world-class qualifications framework**

The Australian Government's efforts to ensure that Australia's qualifications remain current and internationally recognised will also benefit all domestic and international students.

Since coming to office, the Australian Government has worked with state and territory governments through the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) to establish the Australian Qualifications Framework (AQF) Council. This recognises the importance of the AQF as the fundamental architecture required to create the pathways between educational sectors and between work and study through credit arrangements (articulation, credit transfer and recognition of prior learning).

MCEETYA tasked the AQF Council with providing the Australian and state and territory governments with policy advice and with the maintenance, monitoring and support for the implementation of the AQF. The AQF Council is currently undertaking a process to strengthen the AQF to provide more robust structural mechanisms for accrediting and comparing qualifications, and to facilitate pathways between vocational education and training and higher education.

The AQF Council will report to Ministerial Council on Tertiary Education and Employment (MCTEE) which the Commonwealth recently established with states and territories. MCTEE has responsibility for higher education, vocational education and training, international education, adult and community education, the AQF, employment and broader youth policy.

Recognising the growing internationalisation of education and the increased international mobility of the workforce, MCEETYA directed the AQF Council to provide policy advice on relevant international issues and their implications for national qualifications policy, and international recognition and comparability of qualifications standards and alignment of qualifications standards/frameworks. MCEETYA also directed the AQF Council to work internationally, including to build capacity, by providing interested parties with advice on the AQF in international fora.



## **Providing information on Australian Education and Training to International Students**

International students receive information about Australia's education and training systems and opportunities from a wide range of sources and through a variety of avenues.

The Australian Government provides information about studying in Australia through its Study in Australia publications and its website. It also provides advice through its international network of education counsellors. This advice focuses on Australia's education and training system, including the Australian Qualifications Framework, the registration, course accreditation and quality assurance arrangements, and the Government's responsibilities under the consumer protection provisions of the ESOS framework and for maintaining the integrity of the student visa program.

The National Code (standard 1) requires registered providers to ensure that the marketing of their education and training services is professional, accurate and maintains the integrity of the sector. This includes requiring that registered providers not give false or misleading information about the employment outcomes associated with a course and possible migration outcomes. It also requires (standard 4) that providers ensure that the agents they engage provide accurate information to prospective international students.

In addition, standard 2 of the National Code requires that registered providers provide information that enables international students to make informed decisions about studying with the registered provider.

Standard 3 then requires that registered providers enter into written agreements with students which set out the services to be provided, the fees payable and arrangements for refunds of course money.

The \$3.5 million *Study in Australia 2010* package of measures announced by the Deputy Prime Minister in May 2009 provided support for the redevelopment of DEEWR's Study in Australia and Australian Education International (AEI) websites and the development of clearer messaging about education and training in Australia.

The review of ESOS will include consideration of the adequacy and accuracy of information for international students and address any areas for improvement.

The Australian Government is also working with state and territory governments through the Joint Committee on International Education to develop comprehensive information for new international students that contains the information they need to study effectively at their chosen institutions.

## **Student visa arrangements**

All visa applications are assessed by the Department of Immigration and Citizenship on their merits in accordance with the requirements specified in the Migration Regulations 1994. Decision makers are required under the *Migration Act 1958* to approve an application for a student visa if the applicant meets all the requirements.

Current student visa requirements vary according to the Assessment Level (AL) of the student, but generally involve:

- a Confirmation of Enrolment (CoE) issued by a CRICOS-registered education provider;
- the financial capacity to support living and studying in Australia;
- English language proficiency;
- adequate health insurance; and
- other requirements, generally around previous qualifications.



ALs are a risk management tool in the student visa program designed to ensure the integrity of the program is maintained and to align visa requirements to clear, objective compliance evidence. Each country, across every education sector, is assigned an AL which is derived from calculated immigration risk posed by students from that country studying in that education sector. AL1 represents the lowest immigration risk and AL5 the highest.

Through its student visa arrangements, the Australian Government seeks to ensure that those intending to study in Australia have the requisite educational background (including English language proficiency) to successfully complete their intended studies as well as the financial capacity to adequately support themselves while studying:

- Standard 2 of the National Code requires registered providers to ensure that students' qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.
- The key financial requirement is that applicants provide evidence that they have the funds to support their stay in Australia without the need to work, as the primary purpose of a student visa is to study.

Student visa applicants must also meet health and character requirements. A student visa condition requires that international students must also maintain adequate arrangements for health insurance while in Australia. Student visa applicants are required to provide evidence that they have purchased Overseas Student Health Cover (OSHC) for a period of at least 12 months at the time their visas are granted. The onus is on the student to maintain their health insurance and if it comes to the attention of DIAC that a student visa holder does not have OSHC, their visa may be cancelled.

The number of students entering Australia on student visas has grown significantly over recent years –162 575 visas were granted in 2002–03 while 320 368 were granted in 2008–09. DIAC closely monitors trends within the student visa caseload and has put in place more efficient and effective visa processing arrangements to process the larger number of applicants. DIAC has resources dedicated to identifying fraud and bona fides issues within the case load as well as monitoring and enforcing compliance with visa conditions.

As the ESOS framework has close links with international students' visa obligations, DEEWR works closely with DIAC to ensure that genuine students receive visas to study in Australia and that they comply with their visa conditions by maintaining course progress and attendance in class. Standard 9 of the National Code requires that registered providers monitor the enrolment load of students to ensure they complete their course within the duration specified in their Certificate of Enrolment (CoE) and can only issue new CoEs to extend the duration of study for the course in limited circumstances. Standard 13 only permits providers to allow students to defer or temporarily suspend their studies in compassionate or compelling circumstances or where a student has misbehaved. Standard 11 requires providers to monitor course attendance to ensure that students comply with their student visa conditions and proactively notify and counsel students who are at risk of failing to meet attendance requirements.

Registered providers are responsible for reporting on enrolment variation through PRISMS to DEEWR. PRISMS provides this information to DIAC through a systems link. DIAC assesses these reports and takes compliance action in line with the requirements of the Migration Act and Regulations. Students reported through PRISMS for a breach of course progress or attendance requirements are also sent a notice by their provider under section 20 of the ESOS Act. Students who comply with the notice and attend a DIAC office are subject to mandatory cancellation unless they can demonstrate that the breach was due to exceptional circumstances beyond their control. Students who do not attend a DIAC office within the 28-day time period specified in the notice are subject to automatic cancellation of their visas. Students who have had a visa cancelled for breaching



visa conditions, or who remain in Australia unlawfully after their visa expires, can be excluded from applying for most visas to return to Australia for a period of up to three years.

In 2008–09, DIAC cancelled the visas of 8761 international students. A further 1858 international students were found to be staying in Australia after their visas had expired. DIAC considers compliance by international students with their visa obligations to be reasonable but is detecting some increase in the level of fraud in some countries. DIAC has taken a range of measures to address these concerns including profiling case loads in more detail, increasing the checks done on visa applicants' claims and increasing the number of interviews undertaken.

DEEWR and DIAC have been working together to identify ways in which student visa integrity can be enhanced without unduly imposing additional regulatory burdens on students and providers, the majority of whom comply with their obligations. On 20 August 2009, the Minister for Immigration and Citizenship announced that DIAC is strengthening checks on student visa applications to prevent fraud and ensure students have the financial capacity to live and study in Australia. The measures implemented with immediate effect include:

- 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 case load if analysis demonstrates restricted access would allow for better control of fraud.

### International students' living experience

The quality of international students' living experiences while in Australia is the result of a complex mix of factors. Depending on the information these students receive, and their goals, they develop expectations about their safety, social engagement, accommodation, access to transport, shopping and entertainment, and the support they will receive in an emergency when in Australia. The extent to which these expectations are well informed and met will determine whether international students feel satisfied with their experiences in Australia.

As outlined previously, students receive information about living in Australia from a wide range of sources, including family and friends, providers (here and in home countries), education and migration agents, governments and their departments and agencies (both here and overseas), mass media and websites. Similarly, whether international students have positive living experiences while in Australia depends upon a wide range of stakeholders, including education providers, landlords, transport authorities, shopkeepers and banks, recreation facilities (clubs and associations), local communities, emergency services (police, ambulance, hospitals), state and territory governments (as providers and regulators of services, and in applying tenancy regulations) and the Australian Government.

Primary responsibility for provision, regulation and compliance activities for many of the key services of interest to international students rests with state and territory authorities. Law and order is primarily a state and territory government matter, as are the regulations and standards for accommodation, and arrangements for public transport.

Social engagement by international students is primarily a matter for providers and local communities.

International students themselves make choices and decisions about how they live in Australia – an essential part of their living and growing experience while studying in Australia.

The Australian Government also has a significant role. DEEWR provides information on studying and living in Australia which international students can use before their arrival, upon their arrival, during





their stay and following their graduation. In addition, DEEWR monitors registered providers' compliance with the ESOS Act and the National Code. It protects the basic rights of international students who choose to work through its workplace relations legislation.

The 2006 ISS showed that 84 per cent of higher education respondents and 88 per cent of VET respondents were satisfied or very satisfied with their experience of living in Australia. Notwithstanding this high level of satisfaction, the Australian Government recognises that the quality of international students' living experiences is important to the future sustainability of the international education sector. The increase in the number of international students since the last survey was undertaken in 2006 has undoubtedly put greater pressure on facilities used by students, including housing. The Australian Government is leading work on a range of issues to maintain and build international students' satisfaction.

## **Student safety and support services**

### *(i) Student safety*

In international terms, Australia is a safe place to visit and study. It has a relatively low homicide rate and, based on victimisation surveys conducted in 30 countries<sup>8</sup>, below average rates of assault and threats. While comprehensive police data is not collected by occupation or ethnicity, a number of international students have been subject to crimes against the person. However, there is no evidence in available police data to suggest that they are more likely to be attacked than resident Australians. Indeed, survey data appear to indicate that Australians are more likely to be subject to assaults than victims who were born overseas. Survey data also indicate lower rates of assault against migrants. Of the more than 430 000 international students studying in Australia, it is clear that the vast majority will never become victims of crimes against the person while studying here.

Section 19 of the ESOS Act requires providers to advise DEEWR within 14 days of a range of matters, including ceasing a student's enrolment before the student's course is complete. When a provider updates a student's record to show that the student's enrolment has ceased, a specific reason for termination has to be provided. One of the reasons is 'student has died'. For 2008–09 providers updated 39 student records across 14 nationalities to show that enrolments were ceased because the student had died. Providers are not required to report the cause of death because they may not know or be able to comment on the circumstances, however, where providers have commented, 11 resulted from accidents and four were from natural causes. DEEWR data for 2008–09 also show that some 48 students deferred because of injury. None of the records shows that these injuries resulted from assault.

Interaction with police indicates that the motivation for crimes against the person involving international students is predominantly opportunistic, reflecting a range of factors which may make them more vulnerable, including where they live, where they work, the times they travel, and where and at what time they socialise. However, some crimes may have racist elements and indications are that migrant communities often perceive attacks to be racially motivated.

Whatever the reasons for the crimes, the Australian Government has been quick to condemn such actions and work with state and territory governments to investigate the crimes and bring perpetrators to justice.

The Prime Minister, the Deputy Prime Minister, and the Foreign Affairs Minister have all strongly condemned attacks on students, emphasising that such attacks will not be tolerated. On 2 June 2009 the Foreign Minister announced the establishment of a taskforce, chaired by the Prime Minister's National Security Adviser, to address the safety of Indian and other international students in Australia across the Commonwealth and in collaboration with state and territory governments. The

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<sup>8</sup> Australian Institute of Criminology (2009) Communiqué





taskforce identified a range of inter-jurisdictional policy challenges relating to international students' experiences while studying in Australia and centred on the following key actions:

- coordinating senior-level engagement with the Indian community and student representatives;
- developing a recommendation to COAG to develop a National International Students Strategy (and agreed to by COAG on 2 July 2009) aimed at:
  - improving the information provided to international students pre and post departure, and engaging with the ethnic and broader Australian community;
  - enhancing general educational offerings that develop cultural understanding, tolerance and language skills;
  - considering the quality of education providers; and
  - clarifying the nexus between international education and migration policies;
- coordinating support for a visit of Indian journalists to Australia; and
- coordinating a nine-member Australian International Education Delegation to India from 5 to 15 July 2009. The delegation, led by DEEWR, comprised officials from Australian and state education departments, education providers (university and vocational), and Victoria Police.

The work undertaken by the International Student Crime Taskforce will feed into the development of the National International Student Strategy by the Senior Officials Working Group. The Taskforce will be reconvened should this be considered necessary.

DEEWR is also working closely with the international education sector to support its efforts to improve student safety. For example, the department is supporting Universities Australia for a project to document and disseminate the good practice across the university sector in relation to enhancing international student safety.

#### *(ii) Student support services*

The National Code (standard 6) requires registered providers to support international students to adjust to life in Australia, including through provision of appropriate orientation programs, which provide information about legal, emergency and health services. Standard 6 also requires that providers give students the opportunity to access welfare-related support services at no additional cost, and have critical incident policies and procedures in place that cover the action to be taken in the event of a critical incident, required follow-up to the incident and records of the incident.

The 2006 ISS showed that around 60 per cent of higher education and VET respondents participated in induction or orientation programs provided by institutions and more than 90 per cent of those that did, found them useful. The survey also found that more than 90 per cent of those that used health or medical services found them useful.

### **Listening and responding to international students**

The ESOS Review will consider whether international students' complaints and advocacy arrangements need to be further strengthened. The National Code (standard 8) currently requires registered providers to have internal and external complaints and appeals processes in place which are independent, easily and immediately accessible and inexpensive for international students. Where students are dissatisfied with the result or conduct of internal complaints handling and appeals processes, the registered provider is required to advise the student of access to external appeals processes. In addition, where students are advised that their course progress or attendance



has not been satisfactory, or that their enrolment is to be suspended or cancelled, providers are required to advise the students that they can access these complaints and appeals processes.

As indicated previously, when announcing that the review of the ESOS Act was to be brought forward, the Deputy Prime Minister also announced that DEEWR would be establishing the anonymous complaints hotline. Some 600 calls received during June and July. Most of the callers were seeking information – students clarifying their rights, and providers clarifying their obligations, under the ESOS Act and the National Code. Approximately 10 per cent were complaints from students about their providers and about 2 per cent were complaints from students about welfare issues (including accommodation, safety and racial discrimination). These complaints have been referred to the appropriate organisations (for example, complaints about racial discrimination have been referred to the Human Rights Commission).

The Deputy Prime Minister also announced on 26 May 2009 that she will hold an international student roundtable in Canberra on 14 and 15 September 2009 so participants can inform her of their concerns, provide suggestions about how these concerns can be addressed and how ongoing consultations might best be held.

International students currently studying in Australia have been invited to apply to participate. Up to 30 international students will be involved, representing a broad cross section of Australia's international student community. Discussion will be based on the issues identified by all those who applied to participate.

### **Providing information to international students on living in Australia**

As indicated previously, the National Code requires providers to give prospective students accurate information and to help students adjust to living in Australia by providing an orientation program and support services during their stay.

The 2006 ISS found that around two-thirds of higher education and VET respondents were satisfied or very satisfied with the pre-arrival information they received about fees and cost of living, accommodation, Australia's way of life, and what to do when first arriving in Australia.

DEEWR provides information to international students through its *Study in Australia* website. *Study in Australia*, which was introduced in 2002 and refreshed in 2007, reinforces the profile of Australia as a leading education destination and seeks to provide both prospective and current international students with information that is accurate, accessible and authoritative.

The *Study in Australia* website, which is available in 12 languages, provides international students with information on a wide range of topics regarding studying, living and working in Australia, including:

- details of all CRICOS-registered institutions, the courses they offer and the enrolment process;
- scholarships, qualifications recognition, alumni networks;
- general background information on Australia's history, society and culture;
- accommodation options and the general cost of living in Australia; and
- the issues students should consider if they wish to work while studying in Australia.

*Study in Australia* also provides several printed publications designed to help international students make a successful transition to student life in Australia. This includes the *Guide to Studying and Living in Australia*, a 72-page handbook that provides practical information on moving to, and living in, Australia and outlines the rights and responsibilities of international students. The guide is distributed to international students through:



- DEEWR's international network of education counsellors which provide an independent, authoritative source of information;
- Austrade's offices around the world; and
- Australian education institutions.

The guide can also be downloaded as a PDF document via the *Study in Australia* website.

Through DEEWR's International Group the Australian Government works closely with other stakeholders to help ensure consistency in how information on Australian international education is positioned and communicated to international students. The department is currently trialling the real-time provision of data to the Study Adelaide websites, enabling prospective students to access the most current information on Australian institutions and courses.

DEEWR also participates in events with peak bodies – such as Universities Australia, the Australian Council for Private Education and Training (ACPET), TAFE Directors Australia (TDA) and English Australia – to raise awareness about studying and living in Australia.

In addition, DEEWR has recently provided support to the International Education Association Inc, ISANA, to create templates and guidelines that education providers can use to quickly develop information materials for international students at their institutions. The department is also supporting a project being undertaken by ISANA to identify and disseminate best practice information about the international student experience.

DEEWR regularly reviews the communication approaches and media channels it uses to provide information to international students. The \$3.5 million *Study in Australia 2010* package of measures announced by the Deputy Prime Minister in March this year includes support to further enhance the messaging provided to international students and to redevelop the Australian Education International (AEI) and *Study in Australia* websites. The department is currently analysing both websites and considering how better use of social media can build long-term relationships with international students in Australia.

Recognising the importance of providing up-to-date, accurate and accessible information to international students on studying, living, working and emergency support arrangements, DEEWR is currently working with states and territories to develop a comprehensive information pack for new international students.

### **Social inclusion of international students**

The Australian Government places a high value on building a socially inclusive society which recognises and appreciates cultural and linguistic diversity. It has placed social inclusion at the heart of its economic and social priorities so as to increase participation and improve productivity. On 20 August 2009, the Deputy Prime Minister launched the Australian Public Service Social Inclusion Policy Design and Delivery Toolkit. The toolkit will be used by the Australian Government to ensure that policies better meet the needs of disadvantaged groups.

The government is also developing a new cultural diversity policy, that is expected to respond to the challenge of addressing all Australians as members of its diverse society, including on the rights and responsibilities that are associated with participation in Australia's democracy. The policy will be relevant to and supportive of members of Australia's society beyond citizens, including permanent and temporary residents who form part of Australian community life, such as international students.

The 2006 ISS found that international students would like to engage more socially with other students and with the broader Australian community during their stay and DEEWR has been working closely with key stakeholders to encourage this. For example, DEEWR assists the City of Melbourne with its project to welcome international students to Australia upon their arrival.



When announcing the development of the new National International Student Strategy on 2 July 2009, COAG emphasised that international students provide diversity and richness to Australia's education and training institutions and enrich the communities in which they live. COAG agreed that the strategy would seek to enhance international students' engagement with the ethnic and broader Australian community.

After the COAG meeting the Prime Minister also announced that \$50 000 would be provided to Darebin Council in Melbourne to pilot a community project involving international students and the local community. This project is funded by the Government's Diverse Australia Program (DAP). Announced in January 2009, the program is delivered by DIAC and provides grants for local governments and communities to tackle cultural, racial and religious intolerance by promoting respect, fairness, inclusion and a sense of belonging for everyone. The DAP is also working with universities, local councils and other stakeholders to implement a national project to design a best practice guide for communities seeking to engage with resident international students.

In the past DIAC has funded projects under the DAP to help build strong relations between police and community groups, including numerous projects have been funded dealing with the issue of racism directed at overseas students. Examples include projects by Newcastle University (2005) and the Newcastle University Students Association (2007).

Under the National Action Plan to Build on Social Cohesion, Harmony and Security (NAP), the Victorian Government received funding for the 'International Students: One of Us' project, which aims to mobilise faith leaders in supporting international students as they transition into a new culture and country. The project is being implemented through the Whittlesea and Darebin Councils, with funding also contributed by the Victorian Government.

Through its Community Liaison Officers, DIAC is continuing to work with communities where religious, racial or cultural intolerances arise.

DEEWR has also provided support to university and VET providers to develop good practice social inclusion case studies, which will be released shortly. In addition, the ISANA good practice project being supported by DEEWR will include information about social inclusion good practices.

### **Adequate and affordable accommodation**

Students make accommodation choices taking a wide range of factors into account, including information on cost and availability, where friends and family live, the reputation of neighbourhoods as places to live, and proximity to education, transport and work.

Regulations relating to matters of accommodation are a matter for states and territories.

The 2006 ISS showed that:

- 59 per cent of respondents shared a house or an apartment with other international students or with their families;
- 15 per cent lived in a student residence (hall or college) on or near campus; and
- 14 per cent shared a house or an apartment with both Australian and international students.

Many different stakeholders (including education and training providers, property developers, the real estate industry, landlords, law and order authorities, state, territory and local governments) play major roles in students' decisions about where to live.

The Australian Government is improving access to student accommodation. It has provided funding through the Better Universities Renewal Fund (BURF) for accommodation projects at the Australian National University, the University of Queensland, the University of New England and Edith Cowan University. In addition the Education Investment Fund has supported projects which include student



accommodation as integral to the teaching, learning and research outcomes of projects at La Trobe University and Charles Darwin University. In most cases, these investments in accommodation can be expected to benefit international as well as domestic students.

International students are also provided with information about accommodation through DEEWR's updated *Guide to Studying and Living in Australia* publication and the *Study in Australia* website.

Moreover, the ESOS framework seeks to ensure that international students are able to access information on and support with accommodation. In addition to requiring registered providers to provide students with accurate information about accommodation, and having support services in place for students to adjust to living in Australia, the National Code requires registered providers to provide information to students on living in Australia, including accommodation options (standard 2). Where students are under the age of 18, registered providers are also responsible for approving the accommodation arrangements (standard 5). The Australian Government's student visa regulations require applicants to demonstrate that they have sufficient funds to study and support themselves in Australia.

The Australian Government is working with states and territories through the COAG Senior Officials Working Group to develop the new National International Student Strategy. Accommodation, which goes far beyond the education sector, is an important consideration.

### **Travel concessions for international students**

All states and territories, except NSW and Victoria, provide travel concessions for international students. South Australia offers all students concession rates for public transport and those students living in the Adelaide City Council area also have free access to, and regularly use, the Adelaide Connector to get home after classes, particularly at night. In Western Australia international students studying full-time in Perth are entitled to concession fares on public transport and those studying in regional areas get specially discounted fares on bus travel. International students in Tasmania are issued with student cards and have the same travel concessions as local students. All students (international and domestic) in the ACT with a full-time student ID get travel concessions. In the Northern Territory all holders of a Charles Darwin University card and students at the International College of Advanced Education receive free bus travel.

The absence of student travel concessions in NSW and Victoria has long been a concern for international students studying in those states. In response to many requests to approach the NSW and Victorian governments to review their positions, the Australian Government has raised the matter with those jurisdictions.

### **International students' work experiences**

Under the conditions of their student visas, international students are permitted to work up to 20 hours a week during semesters and unlimited hours during semester breaks. Student visa applicants are required under migration regulations to provide evidence to show that they have access to funds to meet travel, tuition and living costs for the duration of their stay in Australia, as well as funds to support their partner and dependent children, even if they do not travel with the applicant to Australia. The 20 hours a week limitation has been put in place because international students are expected to study full-time so that they can progress through their studies and move into careers in a timely way. International students found to have been working in excess of their visa limitations may have their visas cancelled.

The 2006 ISS found that 58 per cent of final year higher education respondents reported having a paid job at some time during 2006. The survey also found that 68 per cent of final year VET students reported having paid employment at some time during that year.





The work experiences of international students depend upon a complex range of factors, including, in part, the motivations which lie behind their decision to come to Australia to study and whether their expectations are fulfilled. It also depends upon the knowledge they have of their workplace rights and obligations and their preparedness to exercise those rights.

Many stakeholders have a role to play in providing information and support for international students seeking to gain and retain employment. These include education and migration agents, providers, employers and their peak bodies, trades unions and governments.

The 2006 ISS found that around 30 per cent of international students used the student employment services offered by their providers and that 83 per cent of those that did found these services to be useful. The survey also found that, of the approximately 20 per cent of respondents who used providers' career advisory services, more than 80 per cent found them to be useful.

The Australian Government has implemented significant workplace relations reforms which better protect the rights of workers (including foreign workers and international students as employees). The *Fair Work Act 2009* (the FW Act) provides a safety net of minimum employment conditions and wages. The FW Act is based on a system of enterprise level collective bargaining underpinned by good faith bargaining requirements – this is particularly important for vulnerable classes of workers who are often employed in low-paid industries that traditionally have not had the benefits of collective bargaining. The FW Act has enhanced anti-discrimination protections to provide remedies for 'adverse actions' taken against employees or prospective employees on discriminatory grounds, including dismissal.

The FW Act also establishes Fair Work Australia, the Office of the Fair Work Ombudsman and Office of the Fair Work Building Industry Inspectorate.

Fair Work Australia is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to:

- the safety net of minimum wages and employment conditions;
- enterprise bargaining;
- industrial action;
- dispute resolution;
- termination of employment; and
- other workplace matters.

The Office of the Fair Work Ombudsman is an independent statutory office. Its functions include promoting harmonious, productive and cooperative workplace relations and ensuring compliance with Commonwealth workplace laws. It is responsible for safeguarding the rights of all workers, including those most vulnerable. It does this by:

- targeting education and compliance campaigns which proactively enforce compliance with federal workplace relations laws;
- providing information in 22 languages other than English;
- allowing individual complaints to be lodged through several avenues (via the website, by post, over the phone or through third parties such as local members of parliament or community groups);
- providing the option for people to initiate confidential complaints or provide information anonymously; and





- creating awareness of workplace rights amongst employers and employees through the media and communications campaigns.

DEEWR and DIAC also provide information about working in Australia to international students. Under the Government's ESOS framework, DEEWR monitors whether students are attending full-time or deferring for valid reasons.

### **Student employment**

The Fair Work Ombudsman (FWO) seeks to ensure that the rights of workers (domestic and foreign) employed in Australia are protected. The Ombudsman's office conducts targeted audits in areas where it has identified issues regarding non-payment of wages to workers (whether domestic or foreign). In relation to migrant workers the Fair Work Ombudsman is also developing relationships with community organisations that work with migrant workers and providing access to translators at no cost to workers.

More recently, in response to allegations of the exploitation of international students in the Hunter region, the Ombudsman's office announced on 29 July 2009 that it will conduct a workplace rights information session at the University of Newcastle even though no complaints had been received<sup>9</sup>. The Fair Work Ombudsman's Hunter regional office encouraged any international students who are concerned about unfair treatment to make contact and to talk confidentially to inspectors<sup>10</sup>. The Ombudsman's office indicated that it would not hesitate to prosecute employers found to be deliberately exploiting their workforce and that penalties could be severe.

### **The pathway to permanent residence**

Australia has benefited greatly from the skills of migrants<sup>11</sup>. It is well established that skilled migrants make valuable contributions to Australia's economy. Immigration adds to population, boosting aggregate demand, raising GDP and creating jobs. Being predominantly in the 18 to 44 year old category, skilled migrants slow the aged dependency ratio. Moreover, skilled migrants have high labour force participation rates, largely because they have relatively high levels of education. They are also estimated to make a positive contribution to productivity.

Migrants are expected to continue to contribute to Australia's wellbeing as Australia's population ages because of many years of below-replacement fertility rates and increasing longevity. As a consequence, in coming years (without migration) more Australians will begin to retire than join the labour force. From that point, immigration will be a key source of net labour force growth. The Australian Government Treasury's Second Intergenerational Report estimated that around 110 000 skilled migrants will be needed each year to meet Australia's skills needs. In line with this, more recent demographic analysis<sup>12</sup> indicates that long-term annual net overseas migration averaging between 150 000 and 230 000 will contribute most to limiting the rise in the dependency ratio over the next 40 years.

The Government is moving to develop a long-term immigration planning framework, with a focus on employer and state sponsored migration. With the appropriate migration settings in place, international students trained in Australia's education institutions could be a valuable source of skilled labour to meet Australia's skills needs. With Australian qualifications, and with work experience gained in Australian workplaces in occupations related to their fields of study and high

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<sup>9</sup> Fair Work Ombudsman (27 July 2009) Media release: Watchdog helps to educate international students on workplace rights

<sup>10</sup> Ibid.

<sup>11</sup> Department of Education, Employment and Workplace Relations and Department of Immigration and Citizenship (August 2009) Review of the Migration Occupations in Demand List Issues Paper No. 1

<sup>12</sup> Ibid.



levels of English language proficiency, international students could make a valuable contribution to Australia's society and economy.

In the decade to 2007–08, Australia's migration program became increasingly driven by independent skilled migration. The number of occupations on Australia's Migration Occupations in Demand List (MODL) has grown from 17 when introduced in 1999 to 106 today. This created the opportunity for international education to become increasingly linked to, and to an extent driven by, the desire on the part of international students for permanent residence.

The 2006 ISS showed that around two-thirds of final year higher education and VET students were considering applying for permanent residence at some time in the future.

Applicants with trades qualifications in some 170 occupations who wish to apply for permanent residence under the General Skilled Migration program are required to undergo a skills assessment by Trades Recognition Australia (TRA). TRA is an assessing authority within DEEWR under migration regulations and determines the criteria it uses for assessing applications. Former international students who have completed an Australian trade qualification are currently required to provide evidence of completion of 900 hours work-based experience in the trade of their qualification when they apply onshore for a skills assessment. In contrast to Australian students, international trade skills students study full-time at a registered training organisation and do not undertake apprenticeships which include contracted employment. The number of applications TRA receives from international students has risen rapidly in recent years and in 2008–09 accounted for about 60 per cent of the around 38 000 applications it received.

The work-based experience undertaken by TRA applicants must meet Australian laws and TRA refers information to relevant authorities in the event such claims appear to breach Australian workplace law and practice.

TRA works to monitor evidence provided for skills assessment and to investigate and resolve any doubts about the validity of the evidence provided.

The Australian Government has been taking steps to make skilled migration more demand driven and to ensure that those seeking permanent residence will be better equipped to find jobs in the occupations for which they have studied.

The Government has progressively reduced the planned skilled migration intake over the past two years, as well as increased the focus on employer and state-sponsored skilled migration. In December last year, the Government introduced the Critical Skills List to focus General Skilled Migration processing on those few occupations which stakeholders considered to be critically needed by the economy. This list currently comprises 42 occupations.

When announcing the 2009–10 Migration Program, the Australian Government also indicated that, while reducing the planning level for the skill stream from 115 000 in 2008–09 to 108 100 in 2009–10, it would ensure that employer-sponsored and state-sponsored visas continue to be fast-tracked and run on a demand-driven basis to the fullest extent possible within the specified ceiling. The Government expects this will raise the employer-sponsored and government-sponsored skilled migration streams to around 50 per cent of visa grants in 2009–10 from their historic share of just 20 to 25 per cent of the skilled migration program. The Government also announced that the Critical Skills List would remain in place for General Skilled Migration applicants seeking to migrate to Australia without a sponsor.

The Government tightened the non-sponsored independent skilled pathway for trade occupations. The English language proficiency requirement for trades occupations is being increased by raising the IELTS score from 5 to 6 from 1 July 2009 for those applicants applying offshore, and 1 January 2010 for those applicants applying onshore.



A job readiness test will be introduced for onshore trade applicants for permanent residency from 1 January 2010. TRA is currently working with DIAC and industry stakeholders to design a skills validation process that will strengthen employer confidence in the skills that international graduates with an Australian trade qualification could contribute to the Australian economy. Gaining substantial relevant work experience in paid employment has been identified as one concept that may lead to better employment outcomes for international graduates who do obtain permanent residence. A robust system of quality assurance would support this measure.

The 2009–10 Migration Program measures announced by the Government will assist those international graduates who migrate to successfully settle in Australia. Those coming through the employer sponsored arrangements will have jobs to go to while those entering through state sponsored arrangements have skills in demand in the sponsoring state. Those who successfully obtain permanent residence through the General Skilled Migration program in Critical Skills List occupations will be better placed to obtain jobs in the occupations for which they have studied, because they will have better workplace and English language skills and because the skills they have will be in short supply.

While applicants for student visas are routinely informed that studying in Australia should not be seen as a pathway to permanent residence, the Australian Government has also coupled these changes to migration arrangements with stronger messaging to this effect. 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.

The Government is reviewing the role of, and research methodology which underpins, the MODL to ensure that future arrangements better reflect Australia's medium to longer-term skilled migration needs. The evaluation will be a major step in constructing a framework for migration which will meet Australia's longer term economic, social and demographic needs. The review, led jointly by DEEWR and DIAC, will examine and report on the following:

- the role and purpose of the MODL in targeting skill needs in relation to the General Skilled Migration program, to complement the supply of tertiary-qualified Australians;
- a proposal for a new methodology and structure for the MODL to meet its intended purpose, taking account of:
  - the long-term needs of the Australian labour market;
  - skill supply through domestic tertiary education;
- the implications for policy and administration of any proposed changes to the MODL arrangements; and
- the implementation of the Australian and New Zealand Standard Classification of Occupations (ANZSCO) for migration purposes and the implications and timing of its application to MODL and the Critical Skills List.



## Conclusion

Australia has built an enviable reputation for delivering high-quality, internationally recognised qualifications and courses to international students and providing them with a fulfilling Australian experience. More than four out of every five final-year international students have reported having a satisfying study and living experience.

The Australian Government values the contribution which the international education sector is making to Australia's economic, social, cultural and diplomatic wellbeing. It is determined to ensure that Australia's good international reputation is protected and promoted.

The Government has already announced measures to increase funding for, and further the quality of Australian education and training. These will benefit both international and domestic students.

The Australian Government has also responded to the concerns about the activities of unscrupulous providers by introducing amendments to the ESOS Act into the Parliament. These are aimed at improving the efficacy of the ESOS Act and further empowering international students.

Consistent with its national role in working across government and in partnership with Australia's international education sector to support and promote the sustainability of international education, the Australian Government is playing a leading role in the development of the comprehensive National International Student Strategy announced by COAG on 2 July 2009.

DEEWR's International Student Taskforce is taking the lead in coordinating the development of key components of the strategy, including information provision, education agents, the regulatory framework and roles and responsibilities. Issues including a clearer distinction between international education and migration, consideration of travel concessions and measures to improve international students' engagement with the Australian community will be taken into account in the development of the strategy.

The Australian Government is working with the states and territories under the auspices of the Ministerial Council on Tertiary Education and Employment to improve the experience of international students. This includes addressing issues related to student visas, migration, nationally consistent quality control, effective management of the role of education agents, student support services, and enforcement of employment conditions. The Australian, state and territory government education ministers' decisions on these matters will support the development of the COAG National International Student Strategy.

The review of the ESOS Act, headed by the Hon Bruce Baird and supported by the DEEWR International Student Taskforce, will develop and complement these and other initiatives being pursued by the Australian Government, including the establishment of the Tertiary Education Quality and Standards Agency. The review will consider the need for enhancements to the ESOS legal framework in four key areas:

- supporting the interests of students;
- delivering quality as the cornerstone of Australian education;
- effective regulation; and
- sustainability of the international education sector.

The review will identify and address any areas for improvement in the ESOS legislative framework to ensure Australia offers a world-class, quality international education in a changing environment. An interim report will be developed for consideration in November with the final report expected in 2010.

Feedback provided at the International Students Roundtable will inform both the National International Students Strategy and the ESOS Review.



## Acronyms and Abbreviations

ACPET	Australian Council for Private Education and Training
AEI	Australian Education International
ANZSCO	Australian and New Zealand Standard Classification of Occupations
APQN	Asia Pacific Quality Network
AQF	Australian Qualifications Framework
AQTF	Australian Quality Training Framework
ARC	Annual Registration Charge
AUQA	Australian Universities Quality Agency
BURF	Better Universities Renewal Fund
COAG	Council of Australian Governments
CoE	Certificate of Enrolment
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
CSL	Critical Skills List
DAP	Government's Diverse Australia Program
DEEWR	Australian Department of Education, Employment and Workplace Relations
DIAC	Australian Department of Immigration and Citizenship
EIF	Education Investment Fund
ELICOS	English Language Intensive Courses for Overseas Students
ESOS	Education Services for Overseas Students
GSM	General Skilled Migration
IELTS	International English Language Testing System
ISANA	International Education Association Inc
ISS	International Student Survey
JCIE	Joint Committee on International Education
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
MCTEE	Ministerial Council for Tertiary Education and Employment
MODL	Migration Occupations in Demand List
NARA	National Audit and Registration Agency
NQC	National Quality Council
OSHC	Overseas Student Health Cover
PRISMS	Provider Registration and International Student Management System
RTO	registered training organisation
SIA	Study in Australia
TAFE	Technical and Further Education
TEQSA	Tertiary Education Quality and Standard Agency
TRA	Trades Recognition Australia
VET	vocational education and training



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## Attachment 1 – DEEWR’s International Education Role and Responsibilities

### Role of the Department of Education, Employment and Workplace Relations

DEEWR is the Australian Government Department responsible for education and training, employment, workplace relations and social inclusion. DEEWR brings together the core elements of the Government’s participation, productivity and social inclusion agenda from early childhood learning, through school education, trade training, wider vocational education, universities and employment participation.

DEEWR works in collaboration with various stakeholders across government, industry and the community to support and create Australia’s future through improving education outcomes and systems, maximising the effectiveness of training, increasing workforce participation and contributing to employment growth and a strong economy. The Department has a strong interest in, and responsibility for, ensuring that Australia has a highly skilled workforce which is globally competitive, flexible and adaptive to meet new and emerging challenges.

### Roles and Responsibilities of DEEWR’s International Group

The International Group of DEEWR coordinates the Department’s activities internationally in the fields of education, employment, and workplace relations. The Group is responsible for providing policy advice to Ministers, participating in whole of Government activity bearing on education, employment and workplace relations issues, and managing the Department’s involvement in multinational fora such as UNESCO, the Commonwealth of Nations and APEC.

DEEWR supports the sustainable development of Australia’s \$15.5 billion international education and training sector for the intellectual, social, cultural, economic and security benefit of Australia. Some activities of DEEWR’s International Group are carried out under the banner of “Australian Education International” (AEI), using the promotional names “Study in Australia” and “*Study in Australia 2010*”.

The International Group delivers its services through the DEEWR National Office in Canberra and the DEEWR International Network of Education Counsellors.

### International Engagement

In support of international education engagement, DEEWR delivers a number of key measures, including:

- international awards and scholarships—particularly the Endeavour Awards, to position Australia as a high quality education destination;
- the recognition of international qualifications and skills—including the recognition of Australian qualifications internationally; and
- strengthened regional links—and increasing the profile of Australia’s international education sector.

DEEWR advances Australia’s international education engagement by working with other governments and multilateral organisations on education policy and supporting Australian education providers in their international activities and interests. DEEWR supports all education sectors and providers of international education in identifying and realising international opportunities.

DEEWR also supports international engagement through the facilitation and coordination of international delegations to Australia to raise awareness about Australia’s high quality education and training systems and through participation in offshore delegations.



## **Policy development**

Education is becoming increasingly globally connected and competitive and students have greater choice and are becoming better informed about their options. Students expect high quality and internationally recognised qualifications. Australia's international education and training sector must connect with the rest of the world to remain at the forefront of international developments. DEEWR plays a critical role in negotiating with governments to have Australian education qualifications recognised in key countries. Australia is currently involved in a range of activities in fora like UNESCO and APEC to influence international qualifications recognition policies.

Responsibility for setting and amending student visa and migration requirements rests with the Department of Immigration and Citizenship (DIAC). DEEWR works together with DIAC to ensure that the student visa program facilitates the entry to Australia of genuine international students. DEEWR and DIAC also work closely to enhance the effectiveness of skilled migration, in particular the contribution of international students to Australia's skills needs. The Australian Government regularly adjusts its skilled migration program to ensure it is meeting current skills needs and highly skilled international students, with Australian qualifications are well positioned to make a significant contribution to Australia.

DEEWR also supports the sustainability of Australia's international education sector by undertaking and disseminating the results of research. For example, DEEWR collects and publishes information on major trends in the provision of international education. It also undertakes research into international students' satisfaction with living and studying in Australia.

## **Regulation**

As detailed in the submission, DEEWR currently regulates the education and training sector's involvement with international students studying in Australia on student visas. It does this through the Education Services for Overseas Students legislative framework which protects the interests of international students studying in Australia and supports the integrity of the student visa arrangements.

## **Raising Awareness of Australia as a Study Destination**

DEEWR has an important role in raising awareness of Australia as a study destination and ensuring that Australia remains a destination of choice for international students from around the world.

Much of the Department's awareness raising effort is framed through Study in Australia, which seeks to increase the international recognition and reputation of Australia as a provider of high quality education, and support the efforts of other government agencies, state and territory education departments and individual education providers.

The primary communication channel is the Study in Australia website, [www.studyinaustralia.gov.au](http://www.studyinaustralia.gov.au), which is provided in English and 12 other languages. On average, the site receives over 400,000 unique visits each month. Depending on the specific country, a range of additional channels are used to engage with international student audiences, including education exhibitions, school/college visits and online, print, radio, TV, outdoor and transit advertising.

## **Role of the DEEWR International Network**

The DEEWR International Network comprises 15 Australian Government diplomatically accredited Education Counsellors and 95 locally engaged staff, located in selected Australian Diplomatic Missions in Asia, the Middle East, Europe and North and South America. The Network capacity is further extended through contractual arrangements with Austrade across 11 countries in Europe and 6 in the Middle East.



Through its International Network, DEEWR works to promote the capability of Australian education, research and training worldwide and to learn from other countries through the identification of 'best-practice' education systems, policies and approaches to education.

#### The International Network:

- positions Australian education internationally by:
  - building strong government to government links - engaging governments, particularly education ministries, on contemporary education policy; demonstrating that Australia is not just commercially focused but very interested in strong education systems that help facilitate the two way movement of students and scholars; strengthening public diplomacy, regional security and the longer term bi-lateral trade benefits. In doing so, the network draws on the education policy connections across DEEWR.
  - developing and supporting frameworks for education cooperation (including through memoranda of understanding, for example with India, and the implementation of activities through Joint Working Groups such as the Australia–Thailand Joint Working Group.
  - Working to ensure that Australia's education system has a high and positive profile in local media, with in-country education providers and with the broader student community.
- supports the Australian education sector to develop knowledge of international education systems, to identify educational opportunities, and to understand international government education regulation and the reputation and capacity of individual providers - helping Australian institutions to develop institutional links, research clusters and encourage staff and student mobility.
- contributes to a quality international student experience by:
  - listening to and conveying feedback from students, parents, agents and home governments on expectations and experiences;
  - encouraging quality assurance processes with in-country agents in meeting the needs and expectations of students, for example at the Agent Forum held in Indonesia in June 2009 and attended by 46 participants from across Indonesia.
- raises awareness of Australian education excellence internationally through specifically targeted events, including supporting the visit of pre-eminent Australian educators, researchers and scientists and by supporting and encouraging Australian alumni activities (the ongoing contributions that Australian educated alumni make at all levels of society, government and industry is significant in our region and this plays a major role in facilitating trade, cultural and diplomatic bilateral engagement).

## Attachment 2 – International Students in Australia

Table 1: International student enrolments: YTD June 2002 to YTD June 2009 by Sector

Sector	YTD June								Growth on 2008	Share of 2009
	2002	2003	2004	2005	2006	2007	2008	2009		
Higher Education	93,265	110,301	124,988	137,865	143,947	145,969	149,282	166,604	12%	36%
VET	40,869	44,229	44,716	49,175	59,465	83,894	122,643	170,789	39%	37%
ELICOS	36,287	38,910	39,866	39,192	45,588	59,865	76,488	85,777	12%	18%
Schools	18,719	22,534	23,502	21,436	20,162	21,236	22,959	23,014	0%	5%
Other	15,454	16,672	17,012	17,104	17,124	17,579	19,361	21,223	10%	5%
<b>All sectors</b>	<b>204,594</b>	<b>232,646</b>	<b>250,084</b>	<b>264,772</b>	<b>286,286</b>	<b>328,543</b>	<b>390,733</b>	<b>467,407</b>	<b>20%</b>	<b>100%</b>

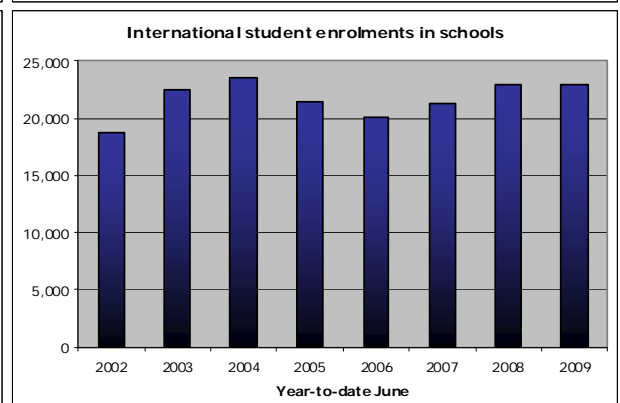
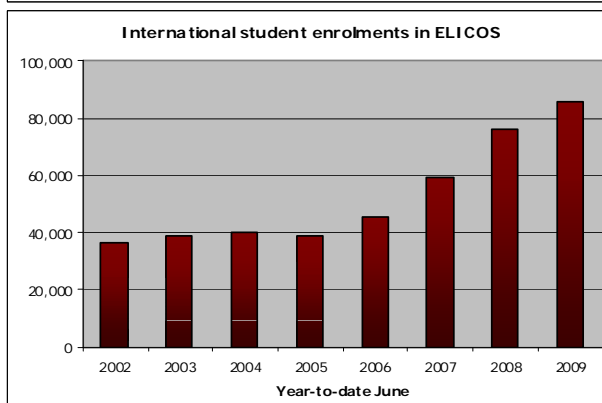
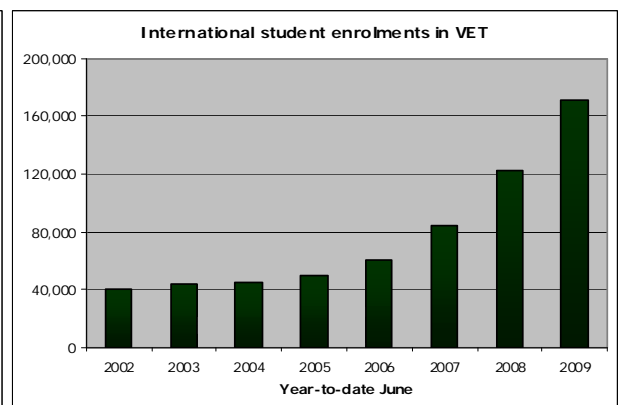
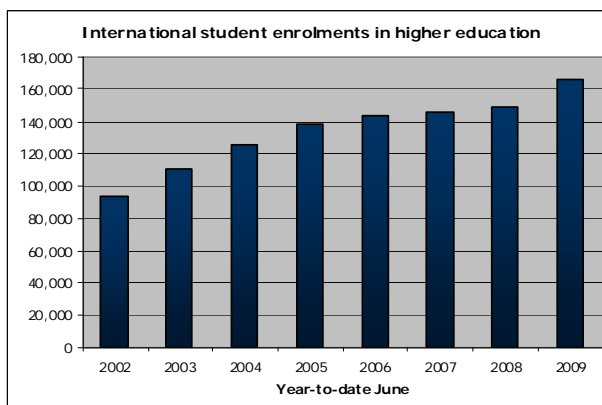
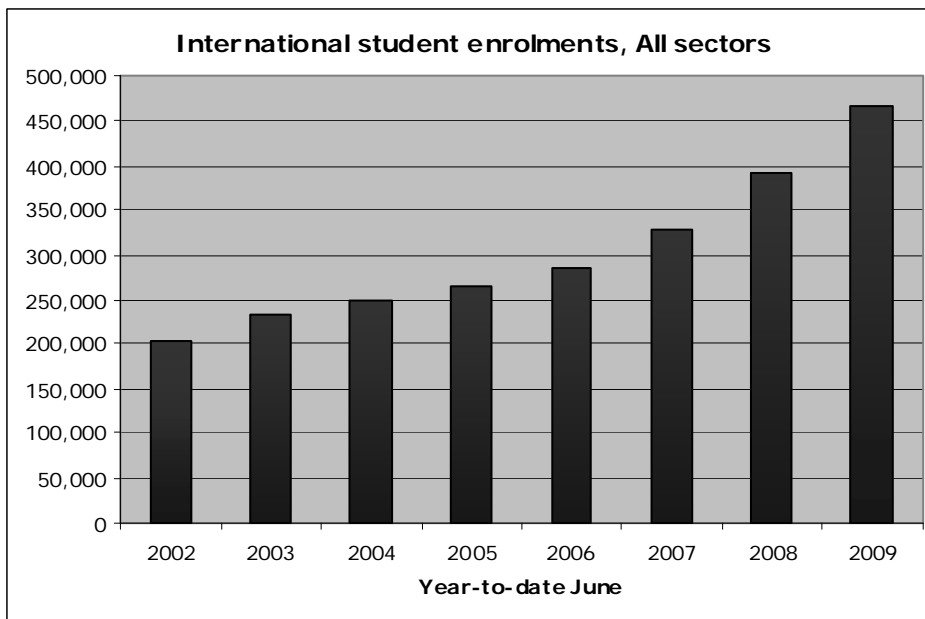




Table 2: International student enrolments in VET. Top 10 nationalities, YTD June 2009

<i>Nationality</i>	<i>Enrolments</i>	<i>Share of total</i>
India	57,513	34%
China	25,317	15%
Nepal	14,600	9%
Republic of Korea	8,469	5%
Thailand	7,894	5%
Indonesia	4,752	3%
Vietnam	4,518	3%
Brazil	4,236	2%
Bangladesh	3,443	2%
Sri Lanka	3,323	2%
Other nationalities	36,724	22%
<b>All Nationalities</b>	<b>170,789</b>	<b>100%</b>

Table 3: International student enrolments in Higher Education. Top 10 nationalities, YTD June 2009

<i>Nationality</i>	<i>Enrolments</i>	<i>Share of total</i>
China	50,833	31%
India	22,128	13%
Malaysia	15,322	9%
Singapore	6,825	4%
Indonesia	6,462	4%
Hong Kong	6,161	4%
Republic of Korea	6,140	4%
Vietnam	4,412	3%
Thailand	3,287	2%
Sri Lanka	3,174	2%
Other nationalities	41,860	25%
<b>All nationalities</b>	<b>166,604</b>	<b>100%</b>

Table 4: International student enrolments in VET & Higher Education. Top 10 courses of study, YTD June 2009

<i>Course of study</i>	<i>Enrolments</i>	<i>Share of total</i>
Hospitality Management	37,994	11%
Accounting	29,199	9%
Management and Commerce, n.f.d.	24,023	7%
Business and Management, n.f.d.	23,365	7%
Business Management	19,060	6%
Cookery	12,155	4%
Hospitality	10,480	3%
Hairdressing	10,029	3%
Welfare Studies	8,158	2%
Information Technology, n.f.d.	7,838	2%
Other detailed field of education	155,092	46%
<b>Total</b>	<b>337,393</b>	<b>100%</b>

Table 5: International student enrolments in VET. Provider type, YTD June 2009

<i>Provider type</i>	<i>Enrolments</i>	<i>Share of total</i>
Government	23,784	14%
Non Government	147,005	86%
<b>Total</b>	<b>170,789</b>	<b>100%</b>