

Senate Inquiry into the Welfare of International Students

International Students Online

CHRIS TULLOCH



E: chris@internationalstudentsonline.com.au

M: +61 419 365 064

Migration Agent Registration Number 0636726 Victoria, Australia

www.internationalstudentsonline.com.au

12th August 2009

Committee Secretary
Senate Education, Employment and Workplace Relations Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Chris Tulloch
0419365064
chris@internationalstudentsonline.com.au

Introduction

It is with pleasure that International Students Online (ISO) presents this submission to the Senate Inquiry into the Welfare of International Students.

ISO is a network of:

- * Individuals
- * Institutions (Education Providers)
- * Organisations
- * Education Agents and groups

All our members are committed to the provision of quality services to prospective and existing International Students coming or in Australia.

We offer a website platform responsible for the provision of services to prospective and existing International Students for the Australian education sector. The ISO system, protocols and guidelines offer quality, ethical and transparent services to its clients. We oversee (regulate and monitor) a number of offshore education agents who wish to use our website platform.

The ISO vision is committed to provide a consistent, compliant, ethical and transparent approach to the provision of services we offer International Students relevant to the Australian market.

We appreciate the opportunity to contribute to the Senate Inquiry and would like the opportunity to be presented as a witness given our comprehensive experience and unique business model.

I am a current serving Victoria Police Detective having served some twenty (20) years. I was attached to the Victoria Police Asian Squad for approximately five (5) years during 2000-2004 as an investigator. Whilst at the Asian Squad, I had numerous dealings with International Students. I have lectured to the Department of Immigration and Australian Citizenship (DIAC) International Melbourne in relation to International student safety.

Each involvement had the same underlying factors:

- Safety and knowledge of Australian culture, law and policing was minimal which resulted in many students being the victims of robberies, assaults and extortion
- Education Providers acting in behavior of a deceptive manner
- Education Agents (onshore and offshore)/Migration Agents providing deceptive practices to International Students

- Under the current guidelines the National Code is established under the Education Services for Overseas Students (ESOS) Act. The National Code is a legislative instrument. It is legally enforceable and breaches of the National Code by providers can result in enforcement action under the ESOS Act. The Department of Education, Employment and Workplace Relations is responsible for administering the ESOS Act and its associated instruments. The Department of Education, Science and Technology (DEST) is responsible for investigating and instigating enforcement action breaches of both the ESOS Act and the National Code

The National Code has 15 Standards – the majority of which are adhered by Education Providers. I would like to discuss and address a few of these Standards 4 – 5 – 6 - 8 which require modification to improve current issues.

Standard 1	-	Marketing Information and Practices
Standard 2	-	Student Engagement before Enrolment
Standard 3	-	Formalization of Enrolment
Standard 4	-	Education Agents
Standard 5	-	Younger Students
Standard 6	-	Student Support Services
Standard 7	-	Transfer between registered providers
Standard 8	-	Complaints and Appeals
Standard 9	-	Completion within the expected duration of study
Standard 10	-	Monitoring Course Progress
Standard 11	-	Monitoring Attendance
Standard 12	-	Course Credit
Standard 13	-	Deferring, Suspending or canceling the student's enrolment
Standard 14	-	Staff capability, educational resources and premises
Standard 15	-	Changes to registered providers' ownership and management

The inherent problems do not stem for the mainstream Universities it is the small Vocational Program providers of which there are many where problems exist. If an issue arises with a student from a University generally, the student has not satisfactorily met Academic or Attendance requirements as per their Student Visa conditions require hence, they make a complaint.

Standard 4 - Education Agents

Offshore agents generally attract a large portion of students in their local market for the vocational market in Australia, direct students to courses and Colleges which pay the agent the highest commission. Consideration to the student's personal and academic requirements and goals are often neglected for this "grab for cash" by the agent. I have assisted many students to transfer from Colleges that they were enrolled. Some were enrolled by the agent into courses which were not even requested by the student. Managing offshore agent's for deceptive practices is a large concern and a difficult issue to address and rectify.

The education providers' would list their courses on the platform and update through an administrator panel. This platform would satisfactorily fulfill the requirements to Standard 1,2 and 3 as per The National Code.

The common thread for this recommendation to be effective is that it must be made mandatory that onshore/offshore agents' registered to Australian Colleges and Universities are required to use the one system which would be the industry regulator.

ISO utilizes a website platform which undertakes the monitoring of sub agents' who wish to use the platform to provide information to prospective students. I monitor the agents' communication and ethics. All enrolments are checked to ensure the selected course is

appropriate to the student's needs. Any negative feedback is reported by the student and addressed.

A parallel can be drawn of how such a similar system in Australia exists, Australian Homestay Network is a reputable professional organization formed three years ago. They provide the service of bringing International Students to reputable Home Stay Accommodation in Australia.

They regulate the homestay providers' prior to accepting their registration and continually monitor and oversee their clients. Such a system works perfectly as a regulator for this specific market. The system is transparent both the Homestay provider and student have guidelines and monitoring procedures. Australian Homestay Network CEO David Bycroft, believes more regulations and guidelines should be made mandatory by Government bodies to improve this sector's shortcomings.

There are thousands of stories where private individuals offer their homes' to International Students – they increase the rent and offer less in terms of basic essentials. It is not uncommon to visit a private house and find several International Students in the one dwelling sharing the cost. Homestay should be regulated and set guidelines enforced – Australian Homestay Network should be complimented for their professional input to this market thus far.

Recommendation:

It is recommended for this sector of the industry would be to allow an Australian based independent company provide a website platform in which all onshore and off shore agent's must register and utilize the platform for providing information, enrolment and assistance to prospective students wanting to come to Australia. If the agent has an agreement with a College or University it would be made mandatory they register to this platform.

The onshore/offshore agents' would be monitored for ethics and transparency, ensuring that the student receives honest and professional advice. The website would be the regulator to such agents' rating their performance from student feedback, enrolments would take place on the platform and the providers of this service would ensure the student has been correctly placed into the most appropriate course relevant to their personal and academic requirements. The education provider would be responsible for the maintenance of updating course and marketing content on the website. Education providers would welcome the invitation of not having to monitor their education agents as per the National Code requirements.

Standard 5 and 6 – Younger Students / Student Support Services –

Measures are in existence where students under the age of 18 are required by their education provider, "to ensure arrangements made to protect the personal safety and social well-being of those students is appropriate." Guardianship companies exist in Australia for such students' u18 and do a reasonable job but charge the student in excess of \$1400.00 per annum as it is a mandatory requirement if the child is under eighteen (18) years of age.

Standard 6 "requires the education provider to assist students to adjust to study in Australia and life in Australia" which should include legal services, emergency health services, complaints and appeals processes and any student visa conditions.

Personal safety of International students is of great concern, I believe from first hand experience that many international students are not educated sufficiently on arrival to Australia by their education provider. This leads to students carrying laptops, ipods, valuables on public transport and traveling alone late at night.

I had personal dealings late last year with a group of Indian students from Clayton who were being racially vilified by neighbors. The Indian students took certain unlawful action into their own hands and were interviewed by police.

On speaking to the students, they did not know how to react to the vilification, what police could do in this situation and lastly once in police custody, they had no knowledge of their rights or the Australian judicial system. Due to their culture and beliefs they dealt with the matter as they knew how. They did not understand right from wrong in its simplest form.

Although Standard 5 and 6 are in existence I do not believe the smaller education providers are providing sufficient in information and training with respect to either Standard. It is certainly apparent that international students do not know how to perform basic tasks and undertake safety measures in our society.

In Victoria, we have had several fires which have resulted in fatalities, one example was a house with four Indian students – the occupants had the front door deadlocked and they were cooking with oil on the gas stove, once the fire commenced they could not evacuate. Unnecessary deaths occurred because the students were not educated in basic fire safety principles and evacuation practices in an emergency.

I believe Universities could be exempt as I have seen several orientation programs that they deliver and are quite adequate. This package should be made mandatory for Education Providers with international student numbers under 400. It would be financed from the student's tuition fees and possibly subsidized by either students or Government.

Currently, education providers are in the business of delivering education they are not proficient in providing the necessary tools and information that the students require to live safely and adjust to Australian culture and awareness issues.

ISO has devised a package which addresses all the necessary information and tools that International Students should be provided as per Standard 5 and 6. (I signed an agreement with a small College in Melbourne 2007 to deliver our safety and living in Australia package to all new International Students, I investigated a few months later and discovered that my agreement had been presented for their audit for gaining CRICOS recognition, they had no intention of providing such an orientation package but required to have it ticked off their list for CRICOS and auditing purposes).

I have spoken to students from this undisclosed College and they do not receive any orientation or safety program. Hence, it is fine to have the measures stated in the Standards of the National Code but if it is not enforceable – only from an audit point of view then as highlighted the education provider will not want to incur any extra expense.

Our 'safety and living in Australia package' includes the following topics:

- * Personal Safety
- * Alcohol
- * Car Accidents
- * Civil Law
- * Driving Offences
- * Vehicle Registration
- * Buying a Second Hand Car
- * Probationary Driver's License
- * Activity and Exercise
- * Going Out and Having a Good Time
- * Money Accounts
- * Stress and Relaxation
- * Drugs
- * Police

- * Sexual Assault
- * Water Safety
- * Tenant Information and Renting
- * Fire Safety

Counseling and guardianship to international students should be provided throughout their experience in Australia, they should have access to such services and assistance when they require it (24/7). This system would result in reducing many issues that regularly arise in the students' everyday experiences in Australia. Not only that, it would build great confidence with parents and family of these students' who are many thousands of kilometers detached from their siblings, knowing that they access to such services.

Recommendation 1:

It is recommended the provision of a professional 'safety and living' in Australia orientation program to all international students on arrival to their education provider should be made mandatory by an independent party suitably qualified.

The package needs to be mandatory and outsourced to independent individuals with sufficient experience and training to deliver what is required to the student.

As the current two Standards (5 and 6) are not adequately provided or monitored by smaller education providers. If it is not made mandatory the education provider will not want to provide extra monies for this service if they are not required.

Recommendation 2:

It is recommended for this component - to accompany the 'safety and living package' would be the provision of a **24/7 hotline number** provided to each international student. This service would be included with the package and be mandatory for each student at an education provider with less than 400 students.

The hotline number would provide the following services which would be outlined at the 'safety and living package':

Emergency support and advice (after hours) for issues like personal rights in police custody, car accident obligations, attending Hospital, tenant rights and information and personal safety.

Standard 8 – Complaints and Appeals

"Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved."

As mentioned the Universities have the necessary resources and facilities in regards to this Standard and I believe offer adequate provisions for appeals and complaints.

The huge bulk of the International Education Market to Australia is vocational based (Certificate I, II, III, IV, Diploma) I would estimate from current figures 315,000 international students per annum – 60% = 189,000

The smaller education providers once again, I do not believe provide adequate Appeals and Complaints processes for their students. The same scenario occurred – in 2007, I signed an agreement with a Melbourne College to provide an *independent complaints and appeals* process as per the Standard. After investigation the College just required a signed agreement from a reputable company to provide such a process for auditing purposes (satisfying Standard 8) and CRICOS recognition, my services obviously were never utilized.

Recommendation:

It is recommended the implementation totally independent International Ombudsman created to investigate two arms:

- * **Complaints and Appeals made against Education Providers by International Students**
- * **Complaints and Allegations made by Students by unscrupulous education agents (onshore) / migration agents (onshore)**

Under the Provisions of the ESOS Act and National Code the Ombudsman would investigate such allegations independently and on the balance of probabilities refer or prosecute the matters to the relevant body (DEEWR, DEST, DIAC, MARA) for prosecution of either party or admonishment of such claims.

The Ombudsman must be independent of State or Federal Government to ensure an impartial, transparent and thorough investigation is undertaken with no Government bureaucratic impediments.

Summary

In 2007, I investigated complaints from approximately thirty (30) international students from a Melbourne based College that closed its doors without any notification to students.

I undertook a thorough investigation of some six (6) months against this Education Provider and it's principal a Melbourne solicitor. I liaised with both DEEWR and DIAC officials using the tools available.

Quite frankly, the investigative arm of DEEWR for breaches against ESOS Act are non-existent. Numerous efforts proved fruitless where there was clear and evident breaches, several students were enrolled and issued Letter's of Offer from this provider days before it's closure. The same provider principal made threats towards students to pay extra tuition fees and when the student refused, they were threatened to be taken to DIAC for non attendance, it was established two attendance books were kept.

The Ombudsman would undertake a complaint made by a student and compile a preliminary brief for the appropriate Department to take action, founded on the balance of probabilities. The alternative obviously, would be the allegations could not be substantiated or founded on the balance of probabilities. The Ombudsman would require investigative assistance with DEEWR and DIAC. As you would be aware the current Ombudsman works very well with private Health Insurance.

The funding of an International Ombudsman's office could be funded by various means:

- The Education Provider would pay a small amount from each International Student's tuition fee's.
- The student would have a minimal amount added to their tuition fees or a separate fund.
- Possibly subsidized by the Federal Government

Over the years I have listened to hundreds of stories from students who have been misrepresented, cheated and unfairly treated generally in the same manner.

As reported 27th July 2009, on Four Corners, two separate undercover false International Students were sent before two separate Migration Agents' in Sydney - one offered IELTS (English) documents for a fee \$4,000.00 and the other false Work Experience documents \$5,000 (to achieve the required 900 hours work experience necessary for Permanent

Residency PR. These agents under my proposed recommendations - would be investigated recorded and presented before MARA for suspension or cancellation of their licences'.

Aviation Air Services was featured on the program, as a education provider for obtaining commercial pilot's license's. Several students did not receive any more than 50 hours flying time, course structure states they will receive the necessary 200 hours. Also Ms Sue Davis stated in a sworn Affidavit that a particular student flew over a flight zone causing a hazard and breach of aviation rules. However, this student produced his flying log on the program and did not have any recorded flying times for this period. When re questioned, Ms Davis stated "she made a mistake," in a sworn affidavit.

In the proposed system, the student's complaints would be investigated by the International Ombudsman's office and a recommendation made for the appropriate Government body to take action if necessary.

There are hundreds of these stories all with a common thread – positive and affirmative action is required now to appease and regain our standing within this industry. Such discussed services should be made available to International Students and they will continue to not be provided by smaller Colleges unless action is taken.

As fore-mentioned I am a serving Detective in the Victorian Police Force with over (twenty) 20 years experience. I have assisted many International Students over the years. I hold a current Migration License and offer free advice to prospective students wishing to study in Australia.

I do not actively undertake visa work. I have held my license (5 years) as a tool to assist students. I have a sound working knowledge of the ESOS Act and National Code under which DEEWR and DIAC are purportedly permitted to enforce breaches.

I have been a strong advocate for my proposed changes to this sector for many years, unfortunately it has taken the recent media fuelled coverage of "assaults upon Indian International Students" to bring these issues to a head and a Senate Inquiry.

I will eagerly await the Senate inquiry findings and recommendations.

I have the necessary ability, knowledge and experience relevant to this market. I will kindly make myself available for any questions or further discussion to my paper.

I can be contacted on the following mobile or email

Yours Faithfully

Chris Tulloch
0419365064

chris@internationalstudentsonline.com.au