



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS
REFERENCES COMMITTEE

Reference: Welfare of international students

WEDNESDAY, 2 SEPTEMBER 2009

SYDNEY

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SENATE EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

REFERENCES COMMITTEE

Wednesday, 2 September 2009

Members: Senator Humphries (*Chair*), Senator Marshall (*Deputy Chair*), Senators Back, Bilyk, Cash and Hanson-Young

Participating members: Senators Abetz, Adams, Barnett, Bernardi, Birmingham, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Heffernan, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Mason, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

Senators in attendance: Senators Bilyk, Cash, Jacinta Collins and Hanson-Young

Terms of reference for the inquiry:

To inquire into and report on:

- (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 supports and advocacy,
 - (vi) employment rights and protections from exploitation, and
 - (vii) appropriate pathways to permanency;
- (b) the identification of quality benchmarks and controls for service, advice and support for international students studying at an Australian education institution; and
- (c) any other related matters.

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Committee met at 9.57 am**BUNDESEN, Ms Christine Mary, Council Member, English Australia**

ACTING CHAIR (Senator Cash)—I declare open this public hearing. On 17 June 2009 the Senate referred to this committee an inquiry into the welfare of international students for report to the Senate by 16 November 2009. This inquiry was sparked by attacks on Indian students in the suburbs of Melbourne and Sydney. Since then, however, a whole range of matters have arisen which have drawn public attention to the deficiencies in the provision of education to foreign students, especially in the matter of the quality of courses run by registered training organisations in the VET sector. The committee is also interested in the employment practices and experiences of students, their liability to exploitation and matters touching on visa formalities and rights to permanent residency.

The committee thanks the many organisations and individuals who made submissions, many of whom we will hear from over the three days of hearings which have been scheduled for this inquiry. Witnesses appearing before the committee are protected by parliamentary privilege. This gives them special rights and immunities because people must be able to give evidence to committees without prejudice to themselves. Any act which disadvantages a witness as a result of evidence given before the Senate or any of its committees may be regarded as a breach of privilege.

I welcome our first witness, from English Australia. Thank you for your submission. Do you have any changes that you wish to make to the statement you have submitted to the committee?

Ms Bundesen—I have an introductory statement that I would like to make.

ACTING CHAIR—Yes, absolutely; you can make a brief opening statement before we take questions.

Ms Bundesen—Thank you. By way of introduction for the information of the committee I would like to highlight where events have overtaken English Australia's submission, which was written nearly a month ago. English Australia represents 120 public and private member colleges which conduct English-language intensive courses for overseas students, known as the ELICOS sector. In the calendar year 2008 the English-language sector accounted for more than 10 per cent of the revenue generated by international education as a whole, but because our courses are shorter in nature our sector accounts for more than 30 per cent of overseas students in numerical terms—that is, some 160,000 of the 500,000 international students studying in Australia last year. Our member colleges cover about 80 per cent of English-language students in Australia.

As English Australia, previously known as the ELICOS Association, we have been appearing before this committee in one form or another for over 20 years, and as chair of the association for its first decade I have personally been in this position on many an occasion when the committee has reviewed, and I must say usually improved, the successive iterations of the ESOS Act. The main changes that have occurred since our submission, or since the student welfare inquiry was established, concern that piece of legislation. Firstly, the minister introduced the provider re-registration and agent publication requirement amendments. Secondly, the Hon. Bruce Baird has been appointed to chair an accelerated review of the act. Both of these

developments have implications for our submission to this committee inquiry. As you are aware, one of our main points was the need for the upcoming review to be broad and all-encompassing, like the Bradley higher education review and the Jackson tourism review rather than the narrowly focused, purely regulatory reviews of the past. We believe that the appointment of Bruce Baird and the review terms of reference are a move in that direction.

In relation to the amendments bill, English Australia applauds the expeditious manner in which the government and Minister Gillard have responded to the current situation. The English-language sector has no problem with a rigorous re-registration process, as our sector undergoes annual accreditation audits and consequential re-registration annually. I believe that we are the only international education sector to have this annual requirement. The proposed publication of agents requirement is another matter about which some of our members have some reservations from a business and competition perspective. I am in the hands of the committee as to whether you wish me to address these concerns here today.

Generally, whether in relation to agents or other aspects of regulation, English Australia's message is that the issue is mainly one of enforcement and better coordination of existing regulation rather than the imposition of new regulation. I am sure that the committee will hear plenty of evidence about lack of enforcement and the problems of responsibility being split between different levels of government. The government started to address this by accepting the Bradley review recommendation to create a tertiary education quality and standards agency, TEQSA, for national quality assurance and regulation. English Australia's reservations about TEQSA are to ensure that it adequately covers those sectors of international education which are outside higher education. We note with interest the Greens proposal along similar lines for an education commission.

English Australia does not support the status quo. We believe that the ESOS Act review should be broadly focused because this is an industry which has grown so strongly over only two decades but has not been looked at strategically or in relation to its place in the Australian economy and society as a whole. One of the consequences is the lack of coordinated investment in essential infrastructure like accommodation and services such as public transport concessions and safety and social inclusion support. But one-size-fits-all solutions are not appropriate. For instance, nearly half of the ELICOS students—that is, half of the 160,000—do not come to Australia on student visas. They are tourists, backpackers and visitors studying English but not as a pathway to further education or migration. We believe that the level of regulation for a four-week course of English of this nature should thus not necessarily be the same as that for higher or vocational education courses which extend over several years.

The English sector has done the hard yards over the past 20 years. We deal with students at the initial stage of their Australian international education experience, and in this context we have developed and implemented a number of best practice guides for our member colleges. I have listed those in a document, and I have a copy for each member of the committee. I welcome the opportunity to answer your questions and to discuss with you matters relating to the welfare of international students in Australia.

ACTING CHAIR—Thank you very much. In relation to point 4 of your submission to us, thank you for saying that we have a world-leading legislative framework for international education, because I would concur with that. It was raised with us in evidence yesterday, similar

to what you have indicated here, that further regulation is not the answer; it is giving the enforcement powers and ensuring that the regulations that we do have are enforced. Can I get you to elaborate on that and on what you see the major changes need to be?

Ms Bundesen—We already have detailed standards in our legislation through the national code for most aspects of the student experience. But what we have a need for is greater attention and more timely monitoring and effective enforcement of those regulations and the clauses under the national code.

ACTING CHAIR—What is the issue at the moment? Why isn't that enforcement taking place?

Ms Bundesen—Some of it is taking place but it is taking place at a very, very slow pace. When perceived breaches or concerns are reported, the timeline can sometimes be in excess of a year for a response by the compliance branches, particularly of DEEWR and also at the state level, because we have this dichotomy of regulatory responsibility where we have a national framework of regulation and then we have a state and territory framework of regulation and that is often through legislation both at the national and state levels. The fit between the state and territory legislation and the national legislation is not always a good one. There are, in fact, at times conflicts between the state and territory legislation and the national legislation. It seems to be an issue of the power to enforce the regulation, which seems to be the principal factor which creates these lags in time. If there is an issue with a particular provider institution, it needs to be dealt with very effectively, very efficiently and very quickly to protect the students in the first place, to protect their education experience and then to protect Australia as an international education-provider nation.

ACTING CHAIR—One of the issues that was raised yesterday with us was the reliability and integrity of the information provided at the country of origin. Do you deal with that part of the equation or only when the students actually arrive here?

Ms Bundesen—We deal with it to some extent. Most of the provider activity in countries offshore is through three means. One is the Australian Education International, the AEI, office network, then there are numerous states and territories, which have office networks overseas as well, and then we also deal with networks of agents in most countries offshore. But the level of liaison between those three is very variable, country by country.

ACTING CHAIR—Have students raised with you that the information that they have been provided in their country of origin is quite different to the reality when they actually arrive in Australia?

Ms Bundesen—Within English Australia we have a fairly strict sort of requirement in terms of the way in which our member colleges interface and engage with their agents. Under the national code and the ESOS legislation provider institutions are responsible for their agents but it is the degree to which providers take that responsibility seriously. I certainly believe, having been in the industry a long time, that the vast majority of institutions do take that relationship with their agent representative seriously but there are a small number that do not.

Students coming through that network of non-receipt of adequate information are the students who experience significant difficulties. Information is power, and power is important to the students. Before they come here they need information about their education institution, about their course and their program, but they also need information about the cost of living in Australia. What will be their financial requirements in Australia? Not just for their study and their tuition, but also for their living costs. There needs to be a more cohesive, nationally coordinated approach to provision of that information, and about their safety as well. Australia is a relatively safe country, but over the past few decades, Australia has, like a number of other countries, changed slightly, and it is very important that we ensure that students have the appropriate type of information about the way in which they should live, the way in which they should behave to protect their own safety in Australia, the same way that domestic students would have that innate knowledge as to how they should be protecting themselves. There is a variety of information services, and instead of being piecemeal—through an agent, through state network offices, through national network offices, and then the providers themselves—a more holistic and nationally strategic approach to information would be suitable.

Senator HANSON-YOUNG—As you pointed out, that leads to the idea of some type of commission or national body that would have the ability to prioritise both monitoring and compliance, and I think you are absolutely right. All of the witnesses we have heard from thus far, and some have spoken more strongly about it than others, have said that even though there are particular parts of the ESOS Act that could be improved, it is no good having the best regulations in the world if we have no way of monitoring and enforcing them. That seems to be the downfall. I will be asking some questions of the department at our next hearing about where the funding model is for those issues of monitoring and compliance. My understanding is that for each international student, the CRICOS fee is meant to cover some of that stuff. We have had an influx of students, so obviously the collection of that fee has increased, and yet I am not seeing the results in monitoring and compliance and I think there is an issue there.

Ms Bundesen—That fee is called the ARC, the annual registration charge. Interestingly, there is an ARC at a national level, but some states and territories also have a registration fee. So it is not just a national fee, there is also a state and territory fee. With the exponential increase in the numbers of international students, one would and could expect that there would be an exponential increase of investment from those funds into a variety of services and infrastructure.

Senator BILYK—Can we just clarify which states and territories? Do you know?

Ms Bundesen—I am not sure I am going to be able to remember all of them. I am from Queensland and I can tell you that we have an annual registration fee in Queensland. I believe there is one in Western Australia, New South Wales and South Australia. I am not sure about the ACT or the Northern Territory. There is one in Victoria as well.

Senator HANSON-YOUNG—So there are two levels of registration?

Ms Bundesen—Yes.

Senator BILYK—What about Tasmania?

Ms Bundesen—I am not sure about Tasmania. You will be able to access that information.

Senator BILYK—I just thought you might know. It might be a good thing for the secretariat to take up.

Senator HANSON-YOUNG—It is becoming clear to me there is a discrepancy in the amount of money that is being collected per student. Throughout this inquiry it is becoming clearer and clearer that the issue of monitoring compliance and enforcement just is not up to the same level that we need it to be. Having said that, obviously we have a good quality education in Australia and we need to be finding better ways to protect that and invest in it. You mentioned that you register every year, and that you are one of the few sectors that do that. Can you explain why, and is that state registration or federal?

Ms Bundesen—We have a national accreditation scheme called the National ELT Accreditation Scheme. It was set up in 1990. It was an industry based self-regulatory accreditation scheme, but the majority of state and territory governments then authorised that scheme to carry out accreditation of public and private colleges delivering English-language training in Australia. Part of that scheme requirement is for an annual audit. Every college goes through an annual audit, and any changes to information from the previous year are incorporated into that audit. That audit can be a desk audit, it can be an on-site visit audit, and there can also be on-the-spot visits at any time during the year. So our accreditation basically runs for one year and then it is renewed through an audit process. Any changes are then notified to the registration authorities in the state, who then notify any changes to CRICOS registration. For example, a registered training organisation in the VET sector, the accreditation there is a five-year cycle and so it is basically five years until a re-accreditation.

Senator HANSON-YOUNG—And we know how things have changed significantly in the last five years.

Ms Bundesen—Things have changed significantly in the last five years, and they are very—my colleague has just popped me a note saying that the NEAS has made its own submission to the commission. There has been a change in the vocational education and training sector, very specifically with regard to the growth. The growth factor has been hitting the 40 to 45 percentile year on year over the last couple of years and so that has really been an enormous challenge.

Senator HANSON-YOUNG—Absolutely. Do you think that something along the lines of what the specific English teaching sector needs to do—that is, reporting annually—is something that could be broadened across the various other sectors of international education? Or do you find it too cumbersome to do it annually?

Ms Bundesen—There would be some of my colleagues who would say it is a little bit cumbersome, but to be very honest with you it is what has kept the sector clean and it has kept the sector moving in a very forward and very positive way. You will probably all know that the English-language sector had a period of some considerable difficulty in the late 1980s with the Chinese market ‘explosion’. It was at that point that the then minister of education said to the English-language sector that we had to do something to clean up our act or he would just take us on and regulate us to death. So we established the National ELT Accreditation Scheme, and that particular scheme is now used as a reference point around the world. It has been used in countries such as Canada—they have established a national scheme, very much using ours as an

exemplar. Ireland has done the same. In fact, only two years ago in the UK, where they had many different fragmented schemes, they have now come together with a national scheme.

But we do have a slight problem there with the National ELT Accreditation Scheme. ASOC has undertaken a review of the standards of the ELICOS sector. We have been waiting for four years for the outcomes of that review and for the new standards to be implemented. They have in fact been defined and detailed, and it was our understanding that they would go to MCEETYA in about May this year, but they have not gone yet and they are actually still on the table. But we are still operating with the previous national standards.

Senator HANSON-YOUNG—One of the areas for possible improvement that others have raised is the issue of ongoing support for English-language learning for students that are going through the traditional universities or some of the private colleges doing other courses. Are there formal links between the colleges that you represent and the universities, or is that a possibility? We can see that one of our downfalls in supporting international students is that we are not giving them that ongoing support once they arrive. Is there something we could be doing there?

Ms Bundesen—Can I just clarify that our membership is about 60 per cent private schools, private vocational education and training and private higher education and about 40 per cent public—universities and TAFE colleges. One of the most critical factors is the level of English-language proficiency on entry to a program of study—in the school sector, the vocational education sector or the university sector. This is an area which has been the subject of considerable debate over the last two years, because, whilst there are often published entry requirements, they are not necessarily adhered to. In the effort to get numbers, sometimes there is a waiving of those entry requirements.

The vast majority of higher education and vocational education colleges, certainly in the public sector, have an ELICOS centre. They have an English-language training centre as part of their activities. Part of the responsibility of those centres is to provide ongoing concurrent support to the students so that they continue to consolidate their language proficiency throughout their university or vocational training. A number of independent English-language colleges also have links with institutions in the vocational and higher education sectors. I cannot make much comment, to be perfectly honest, about the private sector, but I know that in the public sector—and this is a requirement under the ESOS Act—

Senator HANSON-YOUNG—But again it comes back to enforcement perhaps, because what we are hearing is that that support is not continuing to be ongoing for their students.

Ms Bundesen—Enforcement—precisely. There have been two quite large workshops in the last eight months with regard to English-language competency and proficiency consolidation for private and public sector institutions who are delivering vocational and particularly higher education—it has mainly been higher education—to look at frameworks and networks for support for students for their English-language competency during their studies. So there have been two major workshops in about the last eight months on that area. In the private sector, I am unable to provide any information. I do not have that information, I am sorry.

Senator BILYK—Thank you for your submission, especially the best practice guide. I found that really interesting and I thought it was a really valuable document. Point 5 in your

submission spoke about investment, basically in infrastructure. Are you referring there to housing and things like that for students or was there something else that you included in that comment?

Ms Bundesen—In that comment I think we were basically talking about a whole variety of investment. We homed in on accommodation because it is something very tangible, but there really is a need for increased collaboration between providers, governments at different levels, financial institutions, possibly, and community bodies to strategically manage the students' accommodation requirements and their rights and responsibilities in accommodation—

Senator BILYK—It has been an issue we have heard quite a bit about.

Ms Bundesen—as well and to develop and disseminate that information appropriately prior to departure, post departure to consolidate and then to monitor it on an ongoing basis. The ELICOS sector, the English-language sector, is a little unusual in the accommodation context. I am not sure of the statistic, but probably anywhere up to about 40 or 50 per cent of our students are in homestay accommodation, because part of the learning experience for language is actually using language in a living experience. So all colleges are required under our accreditation to provide assistance and support with accommodation services. The vast majority of those are with homestay families.

Senator BILYK—We have heard quite a few submissions with regard to a variety of standards—not with regard to homestay, I think, but with regard to—

Ms Bundesen—Other kinds of accommodation.

Senator BILYK—eight students in a two-bedroom apartment, garages being subdivided, rooms being rented at \$100 each a week and things like that.

Ms Bundesen—That is a disgrace.

Senator BILYK—It is a complete disgrace.

Ms Bundesen—It is not what we want.

Senator BILYK—No.

Ms Bundesen—It is not what we want the experience of the students to be nor is it what we want the image of Australia to be.

Senator BILYK—That is right.

Ms Bundesen—That is why I was saying that it cannot be just between a provider and a realtor or a landlord or someone—or leaving the students independently to find this accommodation.

Senator BILYK—There is a shortage of housing for everybody, for students who travel from regional areas to universities and so forth.

ACTING CHAIR—Senator Bilyk, can I just follow up on this.

Senator BILYK—Yes, but I still have some other questions.

ACTING CHAIR—Absolutely. Ms Bundesen, you did not say that under your accreditation process your providers ‘had to provide accommodation’ for the students.

Ms Bundesen—We have to provide services.

ACTING CHAIR—Can you take us through that? One of the big issues that confronted the committee yesterday was the fact that there does not seem to be a requirement for all providers to provide the services and that when a student arrives in Australia, depending on the provider they are going to, they may end up in a garage—

Senator BILYK—Stranded.

ACTING CHAIR—stranded or homeless in the street. But your situation sounds quite different. I am interested in exploring what you do differently.

Ms Bundesen—Under our accreditation, we are required to provide accommodation placement services. The vast majority of colleges focus on homestay accommodation because linguistically it is the most intensive and it is the most beneficial arrangement. If I may speak just as a director of an ELICOS college, we have about 600 homestay families on our books. We have three full-time staff who do nothing but homestay placement. Then we have students who do not want homestay accommodation, who want to share accommodation or something along those lines. We provide, and most institutions provide, information, such as: ‘If you’re looking for a homestay these are the sorts of conditions and these are the sorts of things that you should be looking at.’ I remember that the Queensland rental tenancy authority took the rental tenancy documentation in the act and we worked with them to make it into plain English so that the international students could understand it. That is a small initiative in Queensland; I do not know about the other states. That is what I am saying about national strategies. Students have rights and they also have responsibilities when they are renting, and I think all of those things, collectively, need to be looked at in a national strategy.

Senator BILYK—With reference to the homestay, is that regulated at all?

Ms Bundesen—It is not regulated at any state or government level. The institution regulates—individual institutions.

Senator BILYK—So that could vary quite dramatically?

Ms Bundesen—It can vary quite dramatically but it can also vary pricewise. If you have a four-bedroom house with a swimming pool and so forth it will probably cost more than a house without that.

Senator BILYK—Is that usually sorted out before the student arrives?

Ms Bundesen—Yes. Most of the accommodation is sorted out. The homestay accommodation is mainly sorted out. ELICOS students usually have all that information beforehand. Invariably, they have contact with the homestay family through email prior to arrival.

Senator BILYK—With regard to the accreditation scheme, is membership voluntary?

Ms Bundesen—No. Membership of our English Australia is voluntary. They apply. We actually have a set of standards which are somewhat above the accreditation standards, which are the minimal benchmark. We have a next level.

Senator JACINTA COLLINS—Can you cover what your next level generally provides?

Ms Bundesen—We have a state and territory branch system, so we have regular meetings dealing with issues that may be local or national, taking information, feeding it back, dealing with state government on behalf of the institutions and with the national government on behalf of institutions, looking at all sorts of activities—professional development of the teaching, administration, management and welfare staff. It happens on a very regular basis. My colleague here is the national professional development officer for English Australia. There are various sorts of social activities. For example, in Brisbane I think there are 16 colleges and we have a very intensive soccer tournament which goes over a matter of some months. The branches cover a whole variety of things. We have our best practice documents. We have an annual education conference, which is coming up the week after next. We are bringing in international professionals and our own national professionals in different areas of pedagogy and also different areas of welfare, business development and so forth. That is a national conference. We have a national education journal on the teaching of English methodology. We have a link on our website for agents, who can look at our best practice and understand our best practice documents. We undertake some promotional activity. We undertake representational activity. We have now an established secretariat based in Sydney.

Senator JACINTA COLLINS—Apart from the professional development and the networking aspects, on top of the accreditation standards, you are indicating that you have best practice standards. You encourage registered agents, but those best practice standards are not actually a component of or a requirement for registration or participation, are they?

Ms Bundesen—No, they are not a requirement per se. The best practice colleges have to sign an application for membership that they will abide by and if there is any word that a college is not abiding by it then it is investigated by English Australia. If there are any matters raised with English Australia with regard to the practices of a particular college, those matters are immediately referred back to the national accreditation scheme or to the CRICOS registration or state government framework. So I suppose we do take a monitoring role there as well.

Senator JACINTA COLLINS—Then again that would only be at the accreditation standards level. You are not monitoring or enforcing the best practice level of standard setting?

Ms Bundesen—No, we are not enforcing it per se but there is an expectation, and the principal of the college and the director of studies both have to sign that they have noted and cited these best practice documents and that they understand that they are there to follow as part of their membership.

Senator BILYK—So it is a responsibility of their membership?

Ms Bundesen—It is a responsibility of their membership, yes.

Senator BILYK—I have a couple of other questions. You have mentioned your organisation has a lot of backpackers and tourists come in and study.

Ms Bundesen—Not my organisation; no, this is the sector.

Senator BILYK—The member organisations, sorry. Can you give us a ballpark figure on costs and time lines for backpackers and tourists? Although it is a bit outside the scope of the inquiry, I would be very interested in that.

Ms Bundesen—Yes. Senator Collins, just going back to our activities, we do an annual survey of the entire sector—members and nonmembers. We glean all of that information and that information is available in a very comprehensive public report.

Senator BILYK—What is the return rate for that?

Ms Bundesen—It is quite high actually. It is around 47 or 48 per cent.

Senator BILYK—And that is nationwide?

Ms Bundesen—Yes, it is nationwide. I think it is in our submission.

Senator BILYK—I did read something.

Ms Bundesen—No, the one in the submission is a student survey where we did student benchmarking, looking at satisfaction levels. We have gone around the whole country on that to 58 public and private colleges and that information is coming in. The students have done it online. It will be available in September and will be published.

Senator BILYK—Are we able to get a copy?

Ms Bundesen—Yes, we would be happy to provide that. We do not have it all yet as it just finished last Friday.

Senator BILYK—That would be very helpful.

Ms Bundesen—Coming back to your question, I think the average period of time for a student to undertake English-language training varies by visa type. The average student visa would probably be somewhere between 10 and 40 weeks. That would be the average I would think, and it varies from nationality to nationality.

Senator BILYK—What would the average costs be? I understand that you cannot say precisely.

Ms Bundesen—You are basically looking at an average cost of around \$250 or so per week.

Senator BILYK—That is tuition?

Ms Bundesen—That is tuition. An average homestay will vary city by city, but it is somewhere around between \$190 and \$230 a week. That includes breakfast and dinner each day during the week and three meals on the weekend. The students buy their own lunch during the week. Of course there is local transport, and the issue of travel concessions is a very, very big issue.

ACTING CHAIR—Which we will explore very shortly.

Ms Bundesen—The average would probably be 10 to 25 weeks for student visa holders. For backpackers it is usually five weeks because they are just brushing up and getting their English up to a level so that they can actually backpack and communicate with people. There are also working holiday visa holders who wish to upgrade their language skills so that they can in fact do the working part of the working holiday visa mainly in the hospitality and tourism areas, and that is usually about five weeks.

Senator BILYK—Do the providers, the actual people delivering the service as opposed to the organisation, need to have teacher qualifications?

Ms Bundesen—Delivering the English-language training?

Senator BILYK—Yes.

Ms Bundesen—Yes, the NEAS has very specific set standards. The teachers have to have a degree and they have to have a specialist professional qualification in what is called TESOL, which is the Teaching of English to Speakers of Other Languages. There are three different levels of that: the certificate level; the diploma level; and then there is a higher degree master's or PhD. There are allowed to be only a certain percentage of people with a certificate level qualification.

Senator JACINTA COLLINS—How long does it take to acquire the certificate training?

Ms Bundesen—After the degree the certificate training is a minimum of four weeks intensive training. It is a 120-hour program which, in terms of contact hours, is roughly equivalent to a graduate one-semester program at a university or something like that.

Senator BILYK—My final question is: do you have a view on whether Australia is still seen—bearing in mind we have had some issues of late—as a destination that international students want to come to to study?

Ms Bundesen—Yes, I do very strongly believe that. I am actually one of the old people in the industry and, as I said, I have been in the industry since 1986 so I am one of the few dinosaurs and I travel frequently.

ACTING CHAIR—You're harsh on yourself!

Ms Bundesen—It's good hair colour! I travel frequently overseas and I represent the industry, but my substantive position is as the director of an institute, so I have engagement with ministries, departments and institutions in countries throughout the world. The very interesting thing is that—though we have had some clear problems that have emanated in the last couple of months, particularly with regard to the Indian students and their safety, and some also with regard to Chinese students and some safety issues—we continue to be very popular as an international education destination. When bad things happen, word goes back, and it goes back very quickly, as we have seen with India. But, even though we have had the international media picking up on this, our other major market source countries are very solid—for example, for South Korea and Japan, the second and third largest source countries for the English-language training sector, we are seeing maintenance of our numbers, though there are some population demographic issues which have been impacting over the last five years. Latin America is growing. Europe is growing. So I think we do have a strong reputation for quality and that, if we do this correctly, we will be able to move through it and control what is a bit of a blister on us, at the moment, with the appropriate medication.

ACTING CHAIR—Ms Bundesen, we are out of time. Could I get you to address, very briefly, the issues associated with public transport concessions.

Ms Bundesen—Yes. We have a particularly varied situation across the country. In some states—and, I am sorry, I do not have the information to tell you of each one—if students are doing a degree program at a university, they are eligible for a concession. If they are in a vocational education program in a TAFE college, they are eligible. If they are in a vocational education program in a private college, they are not eligible. If they are in an English-language training program, they are not eligible. It is so variable from state to state. And this is an impact issue. This is an influencing issue on students. If they are working in the evening—they have certain work rights—to earn money, to supplement their income whilst they are living and studying here, then it really seems unjust that Australia's third-largest export industry is baulking at travel concessions which could give these students much more access to community engagement because they could travel around more and do more.

Senator HANSON-YOUNG—And, if we are saying that people need to be careful of their personal safety, you do not want students walking around in the suburbs at night.

Ms Bundesen—Precisely.

Senator HANSON-YOUNG—You would prefer them to be on a bus or a train.

Ms Bundesen—Exactly. But these students are conscious of their budgets—as every student is, no matter whether they are an international or a domestic student. And this impacts on their budgets very much.

ACTING CHAIR—Ms Bundesen, thank you very much for your time before the committee today.

Ms Bundesen—Thank you very much for the opportunity to address you.

[10.48 am]

CODY, Ms Anna Frances, Director, Kingsford Legal Centre, University of New South Wales

MIRANTI, Miss Nadia, Student Law Clerk, Kingsford Legal Centre, University of New South Wales

ACTING CHAIR—Welcome. Thank you for your submission to the committee. Do you have any additions or alterations that you wish to make to your submission?

Ms Cody—No.

ACTING CHAIR—I invite you to make a brief opening statement, if you wish, before we begin our questions.

Ms Cody—Certainly. I will just tell you a little bit about Kingsford Legal Centre. Kingsford Legal Centre is a community legal centre that is part of a network that provides free legal advice and representation to people in the community who have been disadvantaged in some way. We also do law reform work and community legal education. Kingsford Legal Centre is a little bit different from other community legal centres in that it is also part of the University of New South Wales. This means that we teach law students how to be better lawyers and expose them to the type of legal practice that we do at a community legal centre. Sixty per cent of our clients are born overseas; 13 per cent of our clients are students, including international students.

As referred to in our submission, I would highlight that some of the key issues that we are dealing with through our advice sessions with international students are housing: the poor quality of housing; the lack of knowledge of international students of their rights in relation to housing; abuse by landlords in relation to their status, where they are treated as boarders and lodgers rather than being treated as tenants; rent increases; overcrowding in housing; repairs not being done; and no general provision of information around people's rights.

In relation to employment, Kingsford Legal Centre also have a specialist employment and discrimination clinic, so we draw from a larger catchment area in relation to this. One of the key issues with this one is the lack of knowledge, again, about people's rights to be paid a regular wage and to be told how much you should be paid. There is the system of awards, which students do not have an understanding of, and there is also their openness to race discrimination and racial abuse.

One of the case studies which we referred to in our submission which was of particular concern to us was where a student was required to work as a part of his course in the food industry and was then injured quite substantially by a fairly malicious act by one of his co-workers. Again, there was no understanding of what his rights were in relation to that. When he complained about it, he was subjected to further racial abuse and then ultimately dismissed from his job.

Another issue is the 20-hour work limitation, which I think just opens up the potential for abuse because employers know about that restriction and play on it in how they treat their workers.

The other issue to refer to is victims of crime and how international students are particularly vulnerable. We cannot comment on whether or not they are more subjected to violence as a result of being students but more on the issue of lack of knowledge about how our legal system works and the role of police. The role of police, as you would know, in developing countries is quite different than it is in Australia. The neutrality, objectivity and professionalism which we expect from our police are not necessarily the case, so people bring those expectations around police. A lot of our role is educating people about what that role is, and we think that is an ongoing issue.

We referred to the issue of driving licences as well. Again, there is a lack of knowledge about the ability to continue to drive on an international licence. That then subjects people to offences which they would not have committed if they had continued to drive on their international licence rather than, for example, applying for a learner's permit, which has different rules attached to it. So I just highlight those key issues that we have detailed in our submission.

Just to let you know: Nadia Miranti is one of the students at the centre and so has worked on this submission. She also happens to be an international student, just by coincidence.

ACTING CHAIR—Thank you very much. Ms Cody, could I explore further with you the 20-hour work limit. It has been raised with us in evidence. We have had two propositions put forward. One is that there be a complete lifting of the number of hours per week that an international student is allowed to work. Another is that the 20-hour limit be lifted to 24 hours per week, which at least then gives three eight-hour shifts. Do you have any views on what the changes to the 20-hour work week should be, and why?

Ms Cody—We would argue that it should be lifted—

ACTING CHAIR—Completely?

Ms Cody—completely. I do not see any benefit in lifting it to 24 hours. That assumes that people are working a regular eight-hour shift, and I do not think that is the case. Certainly they would be working longer shifts. Flexible work hours are what we all hear about, and that is what is expected of the students as much as anyone else. So I do not see how that would in any way benefit the students, and also it would just mean that employers would be conscious of the 24-hour limit rather than the 20-hour limit. I think it is more that the environment that is created by having any limitation means that the employers can then use that to threaten the student's ability to maintain their visa and comply with its conditions, so it becomes a bargaining power tool that they can use against a student. I think having that limit and removing it—I am not sure that it would necessarily be taken up by a huge number of students, but I think it would ease some of the grounds for abuse that exist currently in the system.

ACTING CHAIR—The primary reason that an international student is here is to study and to obtain a qualification. If we were to completely lift the 20-hour work restriction and they could

work as long as they liked, how would we ensure that they were not compromising their studies at the same time?

Ms Cody—That is academic standards, so whether or not they are continuing to pass their course, whether or not they are continuing to maintain their level of enrolment—that is the way you would ensure they are continuing to comply with the main reason they are here. We do not have the same restrictions on domestic students. Domestic students choose to work a range of hours. I do not see the difference for international students.

ACTING CHAIR—You have also raised an issue that has been raised with us before: public transport concessions. Could I ask you to elaborate on the issues surrounding that and what you see as the solution.

Ms Cody—International students pay a lot of money to come to Australia. As the previous speaker mentioned, it is a huge export earner for Australia. It seems to me a very small measure that could be granted, because they are paying large amounts of money in fees, to recognise that they also need a concession card. They are certainly going to be on a budget. It just seems to create another area where they are going to come across offences and be in need of legal advice. We do see a large number of students who are charged with not travelling with a proper concession card, either through lack of understanding, because they assume that they are able to travel in the same way other students are, or because they want to pay less money on their public transport. For those reasons I think there should be a lifting of that ban on concession cards for international students.

ACTING CHAIR—Are there safety issues associated with not being able to travel at a concessional rate?

Ms Cody—Potentially. I guess they may try to avoid using public transport at all and be more likely to be walking distances rather than catching a bus or a train.

ACTING CHAIR—I have one more question before I pass to the other senators. It has been raised with us that a lot of the time the information that the student is receiving in their country of origin is nothing like the reality when they arrive here. Do you have any dealings with students who have had that type of experience? If so, could I get you to elaborate on that?

Ms Cody—Certainly. One of the examples that we referred to in our submission was around housing, relating to the information received about the proximity to the university of a house; and also being picked up from the airport. This individual was told that it was 10 to 15 minutes from the university—

ACTING CHAIR—And that was by the agent in their country of origin?

Ms Cody—That is right. And information received via the internet. So there does not seem to be any neutral source of information that is provided, for example about housing rights—that tenants do have rights and can exercise them—nor the ability to check the information out with some sort of neutral body. He ended up living an hour away from the university. And when he tried to get out of it he could not get the bond back; it was taken by the landlord. So one of our recommendations is that there does need to be adequate information provided. At the same time,

if the government is providing these visas, they could also provide access to websites, to neutral sources of information that already exist and to information that is specifically tailored to international students, in a range of languages, that are provided on a state-by-state basis and on a federal level.

Senator BILYK—I agree with your concept of having websites available with access to a whole range of information—legal services, rights and responsibilities and things like that. We did hear yesterday, however, that a number of people seem to come from areas where they do not have access to computers. I am wondering whether you think—I presume your answer will be yes, to be honest—it would also be worthwhile to have some clarity of the standard of information being given out. We have heard how people have been given glossy brochures and have been told they are going to go to this place when, as you say, they end up somewhere completely different; and colleges do not have libraries, computer rooms or things like that. Do you have any experiences that you can share with us with regard to people getting misinformation before they come here? Do you have any suggestions, besides the website—which I think is good for anyone who has access to it, but apparently not everyone does?

Ms Cody—Other than when a visa is granted—that they be given a pamphlet, when the passport is returned to them with the visa, about the availability of legal services, legal aid commissions in each of the states and territories, and community legal centres. That would at least be information that the student has in their hand. It is neutral material that is provided; it is not selling any particular agenda, other than: ‘You can get free information about your rights once you arrive.’ So, if something does go wrong, they know that they can get that assistance. I would think that would be important information to provide in hard copy, other than just relying on people’s access to websites. In our experience, most students have access to either email or internet, but some, I would accept, would not.

Senator BILYK—I am happy to move on for a moment, chair, if anyone else has questions.

Senator HANSON-YOUNG—You have raised the issue of work restrictions as part of the visa requirements. Is there anything else from a legal perspective that you think is a bit of a misdemeanour in terms of helping students know what their rights and responsibilities are or perhaps conflicts with the outcomes and requirements under the ESOS Act, from a student visa perspective? Keep in mind that one of the biggest complaints that people have put to us is that complexities are created because there are the responsibilities of the immigration department and the issues that are managed by the education department. Sometimes these are not intersecting very well.

Ms Cody—In some ways it deals with the issues of harassment and discrimination at work more broadly. International students are part of the group that is mistreated at work. Certainly they are not the only ones in terms of racial abuse and discrimination on the basis of race, culture or religion. You could also tackle the problem of education of employers more broadly if the antidiscrimination boards and the Human Rights Commission were able to provide more information and training to employers and run campaigns around that. Certainly the Human Rights Commission has had its budget cut and the antidiscrimination board as well, so, while it is clearly a key part of their role, their ability to do that is quite hampered.

There still seems to be a large degree of race discrimination at work. That is one of the areas that is harder to prove than, for example, sexual harassment or disability discrimination. Race discrimination is certainly something that is really difficult to succeed on in terms of your complaint. International students are particularly vulnerable because of their lack of knowledge of our legal system or ability to assert their rights, and there is also their visa status. To come to Australia and have the opportunity to study here and then potentially seek residence here is a huge commitment from families and the students themselves. People will often think, 'I shouldn't complain, because it will endanger my visa.' There is a really strong impetus to not even seek legal advice about something, let alone make a complaint, because of the people's misconception around the connection between their visa and making a complaint of race discrimination.

Senator HANSON-YOUNG—There is the fact that there is no element for discretion or compassionate exemption under the 20-hour working week rule for students who have been given work rights, yet a student who does not have work rights under their visa and works one hour, even half an hour, 20 hours or more, there is discretion. Surely that is a bit of inequity: students are being given some work rights as opposed to students who are not, and yet one group has an avenue for discretion if they do seek legal advice as opposed to those who do not.

Ms Cody—Yes. It would seem to make more sense to have at least some ability to look at the full circumstances of the student when looking at the visa.

Senator HANSON-YOUNG—How many cases do you deal with where the 20-hour work week rule is the major issue?

Ms Cody—I do not think it is ever the major issue. It frames the environment and creates the potential for abuse by employers. It is not that a student will come in saying, 'It's not fair. I can't work more than 20 hours.' They know that is the requirement. Everyone knows that is the limitation. It is more: 'I didn't get paid my wages and I'm concerned that I can't complain about what happened to me, what this guy did to me at work.' It is not that they come in complaining about that. They know that those are the grounds on which they accepted the visa. It is more: 'Then I got completely done over at work and I can't really complain about it.'

Senator HANSON-YOUNG—It seems to be a similar understanding and concept to dealing with issues in their educational institutions as well, where they have not been given access to resources of the quality they thought they were going to get. We have all heard the dodgy stories about students turning up to class and there is no teacher there all day, and those types of things. It keeps coming back to the fact that students do not know who to complain to or do not feel that they can complain. Because of the strict restrictions on their visas they think that if they do say something they will be deported. Are they the types of things you are hearing about as well?

Ms Cody—Yes, absolutely. But I would draw a bit of a distinction—and you can take this with a grain of salt: because we are part of the University of New South Wales, it does not seem to be such an issue. It is not such an issue when the education is being provided by a university, as compared to when it is being provided by a private college. Those sorts of issues seem to arise more when it is a private college, which is there purely to make a profit, than when it is a university, which has standards and a reputation it wants to uphold. That certainly is an issue. There is a lack of knowledge around people's rights and even the police and how the legal

system functions. The things we just assume that people know, they do not know. That lack of knowledge is absolutely fundamental.

Senator HANSON-YOUNG—Whose role is that, though? Is an extra glossy brochure from the government going to solve the problem, or is this about setting the quality standards for duty of care by providers? The responsibility has to lie somewhere in order for somebody to have some rights.

Ms Cody—I think it sits with both. I do not think you can absolve the government from responsibility for providing information about basic rights and where you can get help in our legal system, because the government, and Australia as a nation, gets a huge benefit from having the number of international students that we have here. The private colleges and universities who provide the education also have a responsibility to provide good, thorough and reliable information about housing and employment so that students are not left in a situation where they do not know where to turn and make a whole lot of incorrect assumptions about what they can do.

Senator HANSON-YOUNG—There have been some suggestions and recommendations that perhaps students should not have their student visas and enrolment ticked off—and I am open to discussing where that responsibility should lie—unless accommodation for the first six or 12 months has been confirmed before they arrive. What is your opinion on putting those types of checks and balances in place?

Ms Cody—My concern is that that gives rise to another group of people who will make the most out of international students and their vulnerability in having to have accommodation confirmed before they arrived. Within months of arriving here, students are able to work it out from the network of international students and advice services that they come into contact with, through student associations. They get an idea of what is realistic and appropriate behaviour, so that they can then try to get out of whatever it is that they have already agreed to. In some ways I think it would be better for them to arrive without that set up, because it seems to me that it is ripe for abuse when people commit to something before they actually arrive.

Senator HANSON-YOUNG—I think that is a very good point. People are trying to find a middle way. I have spoken to students who have said to me that, when they arrived at the airport, the only information they had was the address of the educational institution and they slept in the library there for the first three weeks. That is clearly not appropriate. I completely understand that having a restriction that requires you to have accommodation secured before you enter Australia may open an avenue for exploitation as well—similar to the 20-hour work rule—but we need to find something between the two extremes so that students are not left stranded at the airport or sleeping in the libraries or corridors of their institutions.

ACTING CHAIR—Does that then go to the provision of correct neutral information in the country of origin so that they are aware of it prior to arriving here?

Ms Cody—Certainly. With a private system, I am not sure that you can provide neutral information about sources of accommodation. That is the problem. But you can provide information about what to do if your housing rights are abused. I do not have a simple answer on

how to provide some sort of safety net for people before they arrive, yet not get them tied into an arrangement that is not good for them.

Senator BILYK—In your submission you mentioned a student who had graduated with a medical degree but could not practise medicine in Australia because the medical board would not recognise his English levels. Is that the responsibility of the medical board, or is it the responsibility of the university or other education provider to ensure the student understands that they may not be able to undertake employment in Australia until they improve their level of English? I have had personal dealings with a neurosurgeon from Europe who had the same problem. He saved my life, but he had to be an assistant. It is an interesting dilemma. Where does the responsibility lie? Once again, it is about making sure people get the right information to start with and do not assume that they will automatically get access through the medical board. Do you have any comments on that?

Ms Cody—I think it is the responsibility of the university. But if the person has been able to complete a degree, I would assume that their level of English is sufficient for them to be able to practise as a doctor. So I would question the standards that are being used by the medical board to exclude that particular student. Certainly my understanding of how the medical board works is that it is fairly restrictive in whom it allows to practise. I am not sure I would accept that that is justified on the basis of their real ability to speak English or whether it is about keeping a fairly limited pool of who can practice as a doctor.

Senator BILYK—There is possibly a bit of elitism.

Ms Cody—Yes.

ACTING CHAIR—One of the recommendations by another witness is for the establishment of a transparent and independent body with offices in each state, funded by the federal government, that would fulfil the role of a tertiary ombudsman. Do you have any comment on that? It would be a one-stop shop where a student can go and get answers to a lot of the questions you have raised today.

Ms Cody—That is certainly one response, one way of dealing with it.

ACTING CHAIR—Do you see it as an appropriate response? Is there an advantage in having that type of body set up?

Ms Cody—The advantage would be that there would be just the one place to go so that the students would know that that is the place to go with all their problems. The disadvantage is that it absolves all the other agencies from the responsibility of having to deal effectively with international students' issues. It is also about the level of funding that that sort of body is likely to attract. If you entrench it as core activities for each of the state or federal bodies that would otherwise be responsible, like the Fair Work Ombudsman, the Residential Tenancies Tribunal or the Consumer, Trader and Tenancy Tribunal, then to some degree you are spreading it out and therefore potentially making it more difficult for students, but it also means that perhaps it is more likely to be done more effectively because it will be funded as part of their core activities. My concern about that is that it makes it vulnerable to lack of funding.

ACTING CHAIR—Absolutely. One of the comments that have been made by a number of witnesses is that we already have a world-leading legislative framework for international education and, rather than needing more regulation as an answer to the problems that have been raised, we actually need better enforcement of the current regulations. Do you have any comment on that proposition?

Ms Cody—I think it is better enforcement, but a part of it is people knowing their rights around it. I think that is the fundamental flaw—that people do not know what they can do when something goes wrong. That is a part of the enforcement. Taking some of the responsibility out of the individual students' hands and putting it into agencies that will be more active in enforcing it may be another approach to take.

ACTING CHAIR—Miss Miranti, do you have any comment in relation to education agents and the information that they provide at a point of origin?

Miss Miranti—Some education agents can be quite dodgy, as in they are only trying to make money and do not really care about the welfare of the international students, for example with—as Senator Bilyk mentioned—the medical board and medical students who cannot be recognised because of their English level. There is also some problem with agents advertising that you can get into a university or an education institution just with money, without the proper requirements, as in the English level. That makes people vulnerable in later stages when they actually want to get into employment.

ACTING CHAIR—So it goes back to the provision of correct information in the country of origin.

Ms Cody—I think it is both. I think it is at all points. It is in the country of origin—and that can be by private providers—but also there needs to be some mutual information that is provided through the government and through the visa process. That in some ways gives it a way for it to happen but also a neutrality and an objectivity to it so it seems more reliable.

ACTING CHAIR—One of the issues that were raised yesterday was that it is timely to review the links between education and migration and to harmonise them. Do you have any comments on that?

Ms Cody—I think that is absolutely the case. There is a clear link between migration and education now. That is a route by which people are migrating to Australia, and it is a huge benefit to Australia in terms of the amount of money that Australia gets through it and the amount of skill—the incredibly talented, smart, dedicated people that we are getting from all around the world who are coming to give their life skills to Australia.

In terms of the education provider, perhaps there is a precedent in the area of domestic violence. Previously there was an issue raised about Filipino women. There were serial sponsors—men who were sponsoring women to come and then being violent to them. So they introduced a scheme where, in the Philippines, they required that women saw a video on their rights under criminal law and what domestic violence was. So there was some description around that. That is one way that the government took on its responsibilities in relation to visas and provision of information at the same time.

Senator HANSON-YOUNG—Was it before someone was granted their visa and boarded a plane that they saw this video? It was not on arrival?

Ms Cody—No, it was not on arrival; it was before.

Senator HANSON-YOUNG—I just had one more question about the legal centre's experience. Have you had to deal with or had any experience with helping students who perhaps have breached protocols of their provider or perceived protocols of their provider and students who perhaps get themselves into some problems, such as academic plagiarism, which I know particularly comes up with international students because of the lack of understanding about proper referencing and things like that. When I used to be a student represent, I used to deal with these issues all the time. Is that something that the legal centre has worked with in terms of advocating for students and trying to work things out with their providers so that they are not just thrown out of the course, lose their money, get deported and all those things?

Ms Cody—We do not have a lot of experience in that area, partly because we are part of the university and so anything that comes up related to the university we cannot advise on because we would be advising against ourselves. The other issue then is that it inevitably has some sort of immigration perspective to it as well. We are not migration agents, so we would generally refer them to the Immigration Advice and Rights Centre. I am not sure how much work they do in this area. I think they do some advising but I am not sure how much case work they do. So we do not do a lot of advocacy in that area.

Senator HANSON-YOUNG—It seems that is one area that is lacking in all of the different groups that we have spoken to. You are right in saying it has an immigration impact because if you are not able to continue being enrolled or have had to extend your time because you have been failed in a certain subject then that creates all sorts of visa problems. There does not seem to be anywhere for the students to go that is independent of their universities.

Ms Cody—I would imagine that they would end up at the Migration Review Tribunal or the department.

Senator HANSON-YOUNG—Yes, which makes it difficult because it is an academic issue as opposed to purely an immigration issue. There is a gap there, I think.

ACTING CHAIR—Miss Miranti, do you have anything you would like to add?

Miss Miranti—Not at the moment.

CHAIR—Ms Cody and Miss Miranti, thank you very much for your appearance before the committee today. It is greatly appreciated.

[11.23 am]

KAUR, Miss Hardeep, Sydney Representative, Federation of Indian Students of Australia

PURDAMI, Mr Sumit, Sydney Coordinator, Federation of Indian Students of Australia

SHOKEEN, Mr Neeraj, Adelaide Chapter Coordinator, Federation of Indian Students of Australia

ACTING CHAIR—I welcome witnesses from the Federation of Indian Students of Australia. Thank you for your submission to the inquiry. We have received your submission. Are there any alterations or additions that you would like to make to it?

Mr Purdami—No, not at the moment.

ACTING CHAIR—I invite you to make a brief opening statement, if you wish, before we ask questions.

Mr Purdami—Neeraj will be doing it on our behalf.

Mr Shokeen—Senators, it is a privilege to be invited to this committee hearing, and I thank you all on behalf of FISA. Thank you for your consideration. It is unfortunate that it has taken at least a few cases of criminal assault for the government to take note of the situation and inquire into the welfare of international students. Firstly, we see the majority of these assaults as racially motivated or stemming from racial prejudice. We see rampant racial prejudice towards international students from ethnic minorities in the job market and we point the committee towards an ANU study in which the existence of such bias was clearly demonstrated. We wish to draw your attention to a growing gap which is increasing rapidly between the communities. The communities are growing apart, rather than coming together, which is essential for cultural harmony. It is often said that all that is necessary for evil to triumph is for good men to do nothing. That is how we see the present situation. We see it as a failure of government to proactively address the issue of communal integration.

Secondly, private institutions that were ill equipped to admit a few thousand students were allowed to solicit thousands of international students. We see that as a failure of regulatory bodies. We hope that the committee will look into the reasons for this systematic failure and into those who were responsible for this mess that we are in. The situation has deteriorated further with the failure of ACPET and DEEWR to place students of defunct institutions into a new college within their time frame; that is, within 28 days. After weekly conversations with ACPET and many more assurances, the future of these students is still uncertain after more than 28 days. The cost is not just financial. It is also emotional. Students are unable to visit home while this issue is being sorted out because their visa has already expired. They are frustrated with the system and this continuous state of stalemate.

Thirdly, rampant disregard and insensitivity towards ethnic minorities have resulted in immigrants with valuable experience, such as bank managers with many years of experience,

working as security guards and cleaners or in other such jobs. The immigration program will never be able to address skill shortages while people with such skills are discriminated against based on their race. We think that even years of active migration policy will fail to address skill shortages unless this discrimination is rooted out. Failure to resolve these critical issues will result in the collapse of the Australian education export market. A culturally insensitive and aggressive society will lead to hostility between communities. The situation can easily get out of hand if government fails to act in time. To start to make a meaningful contribution towards the welfare of international students, we need to firstly acknowledge that the real issue is racial prejudice. Only then can we work towards eliminating it and enhancing mutual understanding between students and the community. We at FISA offer you all of our support in your endeavour to ensure that international students are safe and looked after and that they take home only the best experience from Australia and its people.

CHAIR—Thank you, Mr Shokeen. Mr Purdami or Miss Kaur, are you going to make a short opening statement?

Mr Purdami—We have agreed upon the statement that has been read out, so we will not be.

CHAIR—And you are happy with that?

Mr Purdami—Yes, we are happy with that.

Miss Kaur—Yes, we are.

CHAIR—We will proceed to questions.

Senator HANSON-YOUNG—We heard yesterday from the Victorian section of the Federation of Indian Students of Australia about some of the broader issues. Perhaps we could tease out some of the particular issues in relation to Sterling College as a bit of an example. We know that the government have announced that they want all of the education providers to reregister. I assume that having to reregister will mean that they will have to match the standards that are currently listed in the legislation. I assume that means there will be more closed, as has happened with Sterling College. Perhaps we need to figure out where things are going wrong and what we need to be doing if we are past this 28-day deadline. Do you know how many students have not been put into new courses?

Miss Kaur—There was a statement from Jacqui, who is the quality manager of ACPET. She said there are only 34 students who have been re-placed. They had been re-placed to Kelly College. But they had withdrawn the offer letters from Kelly College. There was a misleading statement or there was misleading information for all the students because for the first week they sent offer letters to all the hairdressing and cookery students that they needed to go to Kelly College for their offer letters and for enrolment. But in the next week they sent messages to all the students that they did not need to attend Kelly College anymore and that they were looking at other options for them. Then we had a conference called with ACPET and then they said, ‘No, it was just a mistake. We should not have sent this message to all of the students.’ That was because students had already got their offer letters from Kelly College or other enrolment letters. They needed to still be at Kelly College. For the students who were not enrolled in Kelly College they were looking at other options. That was the misleading information from ACPET.

Senator HANSON-YOUNG—How many students were originally at Sterling College?

Miss Kaur—There was a total of about 600 students from all courses. They were in hairdressing and cookery. The total of the students was about 600 and around 300 students were from the community welfare course itself. There are only 34 students who have been re-placed, to Kelly College, as per Jacqui's statement yesterday. They are from hairdressing or cookery.

Senator HANSON-YOUNG—And that is 34?

Miss Kaur—That is what she said.

Senator BILYK—To clarify, the 28-day period ended a couple of days ago?

Miss Kaur—Yes. They have already confirmed this thing. They said for community welfare students the Tuition Assurance Scheme was not going to be in place for these community welfare students. They will be re-placed through ESOS funds or they will be looked after by ESOS or DEEWR.

Mr Purdami—I might explain that a bit better. Out of these 600 students 300 were from community welfare. None of the colleges available in the Sydney area, in the Sydney CBD, was able to replace Sterling College because of the lower standards of education. There was only one college, which was not certified at the moment. So the only option these students are left with is TAFE. The Tuition Assurance Scheme is declining to get them enrolled in TAFE. The worst affected people are these 300 students from community welfare courses, in hairdressing and cookery. It is a bit up and down and it might take some time but they will get enrolled in some of the other colleges. Their situation is bizarre because firstly they were given a COE and then that was withdrawn but now they are saying it is the same COE and you can go ahead with that. The situation is bizarre because people do not know what to do and what not to do.

ACTING CHAIR—Miss Kaur, what is your own situation? Have you been placed?

Miss Kaur—No. I am one of the students from community welfare. I was about to finish my course within two months. Now, because of the delay of ACPET and because of the closure of Sterling College, I will not be able to finish my course. My visa expired on 30 August. I cannot visit my own country or my family because of my visa situation. There is another issue as to the transcripts of the academic records of all the students, which were kept in Sterling College. The situation is that they have not been updated and validated. ACPET said they do not have any authority to change any of the information that is provided by Sterling College. They can provide you with transcripts but they cannot make any changes. These are inaccurate statements because if students are going to a new college they have to do their six months or one semester or one year again.

Senator HANSON-YOUNG—The ESOS Act specifically says that the department can go in and acquire the student records. But what you are saying is that, because they have not been updated, they are not actually accurate anyway.

Miss Kaur—Yes.

Senator BILYK—Miss Kaur, how long was the course that you were undertaking?

Miss Kaur—It was a two-year course.

Senator BILYK—So it was an associate diploma?

Miss Kaur—It was a community welfare diploma of two years.

Senator BILYK—I do not take any side in this argument and I just want to be clear on this. I would presume that from the TAFE point of view it is pretty hard to find teachers and to place 300 students straight off like that, but there should be something for them.

Miss Kaur—But the Sterling staff have already given this advice to ACPET that we can do Landcare work or if you can hire us then on the evidence, which is kept in Sterling College—the assignments, exams or field placement folders—they can make changes in the transcripts and they can ‘accurate’ or validate the transcripts or certificates. The students who already finish their diplomas do not have their certificates. They cannot sign because they do not have the authority of the RTO and they cannot sign their certification. They are still waiting for their certificates.

Senator HANSON-YOUNG—You are saying that the issue with going to the TAFEs is that the insurance does not carry over, which is what we heard from—

Senator BILYK—No, they said it did carry over.

Senator HANSON-YOUNG—No, they did not.

Senator BILYK—They said they could put people into public colleges, but there is obviously an issue with just picking up 300 students. I am absolutely sure they said that they could not. They could transfer people—

Miss Kaur—There is only one college in Sydney.

Senator BILYK—One TAFE college?

Miss Kaur—One private institution in Sydney. There are a lot of TAFEs. We already demand for the TAFE to replace all the students in TAFE, but they said our institution’s insurance scheme does not work for TAFE.

Senator BILYK—After the 28-day period, which has already expired, there are already 300 students still without a placement, but how many other students are still without a placement?

Mr Purdami—Only 34 students are replaced—

Senator BILYK—All the rest have not yet been replaced?

Mr Purdami—I would like to answer your question. Some of the students have gone through this trauma and they have started applying directly to TAFE. They are ready to pay the fees again and TAFE is taking their fees, so if TAFE cannot take their fees on their behalf, even ACPET or the other government bodies can also do that—

Senator BILYK—I am not from New South Wales, so I am not clear on when the semesters are. In regard to semesters across the year, where is the TAFE situation at?

Miss Kaur—The TAFE semester is going to start from September. The next semester will be from February.

Senator BILYK—This week, next week, end of September?

Miss Kaur—This week or next week. I am not sure about that. The next session will start in February and it will be too late. The problem is that with respect to the students who want to go by themselves and who are ready to pay their fees again, their transcripts are not accurate, not validated and they have to redo the semester again. As per my transcript, it is the same.

Senator HANSON-YOUNG—Have you been given somebody in particular to speak to in the federal education department?

Mr Purdami—No. We were not supposed to talk to the federal education department. We were only supposed to talk to Andrew Smith or his subordinate, Jackie. There was an email conversation going on. We had a couple of phone conversations as well.

Senator BILYK—They are from ACPET?

Mr Purdami—Yes, from ACPET, therefore from the federal government.

Senator BILYK—And they said to you—

Miss Kaur—Yesterday, in the afternoon conversation we had at four o'clock.

Senator BILYK—What time?

Miss Kaur—At four o'clock to 4.30.

Senator BILYK—I did ask ACPET some questions yesterday about Sterling College, so I think there might be a time issue there.

Miss Kaur—It was a teleconference from four o'clock to 4.30 with ACPET and they said they transferred community welfare students to the ESOS Act.

Senator HANSON-YOUNG—I want to make it very clear: no-one from the federal education department or the minister's office has contacted you?

Mr Purdami—No.

Miss Kaur—We did talk to Catherine Burrell just once at Parliament House and with the minister. They advised that you should talk to ACPET. They are the right person to advise you and they will look after you and they will replace you. They said they are doing their best. Yesterday, as they said, they said they cannot replace community welfare students.

Senator HANSON-YOUNG—They have now referred you back to the federal department?

Miss Kaur—Yes.

ACTING CHAIR—Are we able to canvass some other topics? One of the issues that was raised yesterday by your counterparts and was certainly raised in your submission is accommodation. Can I get you to run through what the issues are with accommodation and what do you see as the solutions?

Mr Purdami—For accommodation, when students arrive in Sydney, or whatever part of Australia, a lot of students are enrolled in universities—I was enrolled in a university—I have a provision that they can pick me up, they can place me—

ACTING CHAIR—Mr Purdami, can I get you to take us back to the information you were provided in your country of origin, which is India, and tell us what information you got there, from whom you got that information and then how it played out when you actually arrived in Australia?

Mr Shokeen—Can I just add that the practice varies across universities.

ACTING CHAIR—That is why I am interested in this particular situation and in being able to compare it to other situations we have been made aware of.

Mr Purdami—My university actually has a provision that I can call them up, they can arrange for a taxi service and for a couple of weeks they can arrange for my accommodation. That is a specification—a couple of universities do that. Private colleges do not have that facility. They cannot provide that facility to students. I did not take up that facility because my friends were here and they picked me up. I got all help from them initially but then I started looking for proper accommodation for myself. I was asked for a couple of things: a pay slip—

ACTING CHAIR—You do not have a job here?

Mr Purdami—I do not have a job here, I am not working. I have just arrived in this country. The only choice I got was to stay with a couple of friends. They warm-heartedly accommodated me. They already had six people living with them and I was the seventh one to join the single bedroom and the living areas. Seven people were living over there. Then I moved into a hotel, which cost \$600 a week—a ridiculous amount, just to pay for your accommodation while you are a student. These are the sorts of things we go through.

Senator BILYK—Did you say that your institution had a provision whereby it would arrange accommodation for you, but you chose not to take that up?

Mr Purdami—Initially, for 14 days they were about to give me accommodation service but my friends were there to pick me up. I was at their place for a couple of days, then I had to find new accommodation. I had to live near my university. The accommodation I was provided with by my friends was not happening, so I had to move over to some other place because they could not accommodate me for two years straight.

Mr Shokeen—We must differentiate between short- and long-term accommodation. What Mr Purdami is talking about is that the university was ready to provide short-term accommodation, but the big issue is how to find sustainable, hygienic, long-term accommodation. International students are really at the receiving end of not being able to secure long-term, affordable accommodation. The reasons are lack of references and pay slips, as he quite rightly pointed out. So there is a differentiation.

Mr Purdami—And not even enough space. Universities like UTS accommodate about 25,000 students every semester. They do not have accommodation for even 10 per cent of them. People would be ready to take it up if it were available—and, if you charge \$600, no-one will take it up. They do not even have the accommodation and it is very expensive.

Senator JACINTA COLLINS—Is there a difference between Australian education institutions and Indian institutions?

Mr Shokeen—It depends entirely on what Indian institutions we are talking about and how much you end up paying for what sort of institution. Consider paying for Australian education in Indian rupees: you are actually putting in all your parents savings, so you expect some better facilities.

Senator JACINTA COLLINS—The difference I am trying to flesh out is that, for instance, in China it is almost compulsory at some of the institutions that accommodation is a component of your studies.

Mr Shokeen—It is not at all compulsory in India. The government institutions offer hostel facilities and the majority of the government-run institutions provide this facility to all its students, but we cannot say for sure about private institutions. But they do have hostel facilities and it is a tradition to live in a hostel when you are in a college. So they do anticipate it.

Senator JACINTA COLLINS—Which is the difference I am trying to flesh out: for Australian students, the cultural expectation is not that accommodation is part of their education experience, unless they come from regional or remote locations?

Mr Shokeen—So when soliciting international students, the institutes and the government ensure that the institutes are capable of handling international students, because otherwise they will not do it on their own. There has to be a cost associated with not doing it.

ACTING CHAIR—In terms of steps in the right direction or potential solutions, what do you see those steps and solutions being?

Mr Shokeen—We think that the failure was with the auditing process of DEEWR. It is unlikely that DIAC and DEEWR knew nothing about what is happening. Institutions which were

authorised to carry only a few hundred students were carrying about a thousand or more than a thousand students, so how is it possible that those were issued visas and DEEWR did not check it out with the institution? There is a legislative framework but it has not been acted upon. There has to be a cost associated if some private institution is doing it just for the sake of money or providing migration outcomes. There have to be increased the costs associated with it, because failure to address the issues will impact broader society. International students are going to live in Australia for two years and if they have really bad experiences they are not going to share good experiences back home.

ACTING CHAIR—So you would agree that Australia does have a strong regulatory framework—

Mr Shokeen—On paper.

ACTING CHAIR—but it is the enforcement of the regulations or the regulatory framework that is potentially lacking.

Mr Shokeen—To answer specifically, I am not a lawyer—

ACTING CHAIR—I know that. We have laws in place.

Mr Shokeen—There are laws in place. I see there are some instances where some lawyers have asked DEEWR to respond. I am aware of one instance where Mr Karl Konrad tried to get in touch with DEEWR about the Aerospace Aviation institute issue in which 15 students are still unsure about what is going to happen after one year. So DEEWR has a responsibility which it has completely failed to fulfil.

Mr Purdani—You have got laws for even lifts working, even fans over here, so there would be rules and regulations about how an institution or a college has to work. Why is it not acted upon? You have got kitchens for five people and 1,200 people are engaged in a particular course. Obviously it is a failure of the regulation body.

Mr Shokeen—A systematic failure.

Mr Purdani—I can see systems in place even for people who are working on lifts and they have harnesses and a licence to work, and mechanics are not allowed to work outside. Everything is in place.

ACTING CHAIR—But the enforcement.

Mr Shokeen—Exactly, and that is where our point of racial prejudice comes in. There is complete disregard and insensitivity to cultural issues. A very basic example: there are more than one billion people in India and thankyou and sorry are not a usual part of our vocabulary, whereas in Australia it is un-Australian and it is quite rude not to use those words. It takes time to get accustomed to the culture, and the government has failed to bridge that gap. Private institutions are running solely with international students and there is not enough mixing and cultural exchanges between students so that they anticipate what is expected and what the culture is.

Mr Purdani—A very good example is at the University of Technology, UTS. They accommodate students in their hostels and they only allow them to live in the hostel to share the accommodation but all the different ethnic backgrounds. So a person from India has to live with in the accommodation, he has to share the apartment with one American, one Latin, one European. That is how they amalgamate things. In these institutions it would probably only be Indian or only Chinese, only a set ethnic background studying in a class. They are not able to explore other things and do not have people to meet. One Sterling College would be like 500 Indian students and 100 Chinese students and that it is it, the college ends.

ACTING CHAIR—Can I canvass a completely different topic with you, the issue of public transport concessions. Do you have any views on that?

Mr Purdani—You will believe that living in Sydney it is pretty expensive. All the things have been going up, people getting beaten up, and all sorts of things. One issue behind this is that people just skip paying for the bus and rather they prefer walking back home. It can be an hour's walk or 45 minutes walk. They can sit in a bus if the amount they have to pay is reasonable. If it is \$3.40 just to travel from Circular Quay to Central Station it is not good enough. A person would prefer to walk in this place. It is good in the city but it gets worse when it is somewhere near Parramatta, Auburn or Merrylands. It is not at all good. I have been to those places and I do not want to be there again.

Mr Shokeen—I am from Adelaide, and the state government does provide concession to tertiary students. I think that could be easily used by New South Wales.

ACTING CHAIR—So your experience in Adelaide, and I am from Western Australia, where we also provide concessions for tertiary students, is that that is obviously a positive thing.

Mr Shokeen—Yes.

ACTING CHAIR—Are there less issues associated with safety et cetera because you can travel wherever you want at a discounted rate?

Mr Purdani—The hardest thing to justify till now is that if they have started giving a concession to international students they are going to run losses. But the situation will be completely different because a lot more people would take up public transport. Buses are running empty. A lot more people would take up public transport rather than walking alone. If a bus pass would be like \$20 a week, I would be happy to pay for it. Otherwise I can probably walk or cycle to university.

Ms Kaur—If the students have to pay a large amount of money then they would not prefer to go by the public transport. They would be ready to walk along the way in Harris Park, Parramatta or the city. We know that the city is safer than other places like Parramatta or Harris Park and people cannot go alone. When they go alone then the government or the police say they are soft targets. Why are they soft targets? Because they have to walk because there are no public transport concessions for international students.

Senator HANSON-YOUNG—Would you support the idea of a national student concession card that is consistent across states?

Mr Shokeen—It is working in Adelaide, it is working in Wollongong.

Mr Purdani—This will address the issue of safety as well.

Senator HANSON-YOUNG—It seems like such a simple thing but the lack of access to it has so many deeper ramifications, whether it is people walking late at night when they could be on a bus or train, whether it is creating that very distinct separation between domestic students and international students at a time when we are trying to encourage integration and social inclusion. Obviously also there is the issue of how you pay for it when we know that international students are only allowed to work 20 hours a week. I think it is got so many ramifications.

Mr Shokeen—I would like to add that there is empirical evidence that there is some sort of prejudice against ethnic minorities. I would be happy to work only 20 hours. I have not but I would be happy to work only 20 hours if I am able to find a job, because this will help me understand the culture better working in a team situation.

Senator HANSON-YOUNG—Do you have any comments around the restrictions on international students volunteering?

Mr Shokeen—It should not be part of that 20 hours work. We think voluntary work should be separate, because the universities should involve students' voluntary work within the university framework so there will be a gradual change in the perspective of the local students and international students and that volunteer work will not count towards the 20-hour limit. It would be one solution, yes.

Senator HANSON-YOUNG—It seems counterproductive at a time when we want to encourage international students to learn more about the Australian community and work to find ways of social inclusion, volunteering for community organisations or departments within your own universities seems like a simple solution but it should not really eat into your 20-hour cap.

Ms Kaur—Whenever they go to find a job, even if the person landed one month before in Australia they ask them for experience in Australia. How can they get any particular experience regarding that field in Australia when the person has landed just a few months back or a few days back in Australia?

ACTING CHAIR—Plagiarism and academic exposure: what are the issues there?

Mr Purdani—Many times I have heard that the curriculum the college was about to take up, specifically in private colleges, the curriculum is not good at all. Students do not even have information when they are back in their country. When they come over here and the curriculum is not so good and they are not happy with the education standard that is provided, they are not allowed to change their college. For the first couple of months, six months or something, they have to stick with the college, whatever fees they have paid, which might be \$10,000 or whatever it is, no matter what the case is.

ACTING CHAIR—That is a visa restriction, isn't it, that they cannot change their course for a certain number of months?

Mr Purdami—That is a visa restriction, yes.

ACTING CHAIR—So what are you saying—that the representations that have been made in relation to the course in the country of origin are different to the reality when they get here?

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

ACTING CHAIR—And possibly it is not just India. I know you are talking about India, but it is certainly not just in India.

Mr Shokeen—Yes. We are talking about international students. The situation between China and India is quite similar.

ACTING CHAIR—So you would say that there is a lack of auditing and accounting measures regarding private colleges?

Mr Shokeen—Clearly, and who they employ. There is no database. Nobody has it—certainly we do not.

Mr Purdami—Everything would be in place if the government regulations would work around it. The regulations would be there and they would not be allowed to take too many students. They would be working within their limits. There will be a specific number of people coming in. They will be the top, the cream—the people who most deserve to study in that particular college. So all this situation would run smoothly once that regulatory body was around the college properly.

ACTING CHAIR—So in terms of a one-stop shop for international students to ask questions, a tertiary ombudsman, would you support the creation of such a body?

Mr Shokeen—Clearly, yes.

Miss Kaur—Of course.

Mr Purdami—And there should be one more thing. People should also be able to take some more issues to that one-stop shop. A person should be able to complain if the police are not helping, which is a major, major issue at the moment. If someone is beaten up or any other racial discrimination happens to him, or if there is any other sort of information he needs to give or he is not happy—all sorts of information should be taken up from there, because police are really not helping in these cases at all. So the one-stop shop should also take that up.

ACTING CHAIR—We can focus on the negative aspects of the international student experience. What are the positive things that we do in Australia that we can enhance and build upon?

Mr Shokeen—The Australian culture is completely different, for starters. I think that is one of the main reasons why international students choose to come to Australia to study. Facilities are

above par or at least better than what they would have in their home countries. I think that is the good part. Certainly they expect good things from Australia. That is why they choose Australia.

Mr Purdami—There are two things over here. Obviously the country is good—I love it. I love travelling, so that was the basic reason I came across. But when people are coming across from their country they have a set framework in their mind: ‘I’m going to this place—these are my expectations. I will be working on these things and these are the things I’ll be doing. I’ll be meeting these sorts of people. I’ll be going to a particular university and these are my subjects.’ When he or she arrives over here, it is a different situation. Colleges give them different information, the courses are a bit different from their expectations—a lot different many times—and the accommodation. When a person comes here, he loves the country. Friends have told him about it after they have travelled across or they say, ‘My father came here many years back. It is a beautiful country—I know that.’ But when he comes here the situation is completely turned over. It is on their head and then it is gone.

Mr Shokeen—Let me add to this. The Senate committee should address the issue of racial prejudice, because this is keeping international students from integrating. We need a program for them to integrate. Private institutions have failed miserably to do anything at all. The government must formulate a policy and enforce it so that the international students are integrated. That is the whole point. There is a complete cultural gap and misunderstanding between Australian citizens and international students.

Senator HANSON-YOUNG—You see that the government has a role in that, that it should not simply be left—

Mr Shokeen—Yes. International students come to Australia and the Australian government has a role in building that cultural transition bridge.

Mr Purdami—Yes, exactly. The government has a big, big role in this. My name is publicised on the website of the federation, so I get calls every day saying, ‘We’re going to kill you,’ and all sorts of things. The police have failed. A friend from the hotel where I live has tried calling the police.

It is a basic discrimination when you call up the police and they ask you, ‘Who are you? Where are you? Are you an international student?’ You have to give the answer: ‘Yes, I am an international student.’ And then there are delays. That is a lingering behaviour that we see; the police come hours and hours later. In some cases I have seen police come after more than 48 hours. That is the sort of time the police have taken. It is straight discrimination, against anything you can say.

Senator JACINTA COLLINS—Is that against any international student? Or do you think that is particularly racially focused by the police?

Mr Purdami—No. When the police came after two days, that was with a French lady. She was a good friend of mine. Now she is back in France. But in my case, I have called up the police a couple of times; they took almost six hours to come to the hotel when a person was banging on my door to scare me off—a 200-kilo person. These are the sorts of things the government has to play a role in. People have a set mentality. They have a set framework that the police are not

going to catch them, that over a period of time—maybe 10, 15 or 20 years—police visit them and, no matter what they do to anyone, they will not be caught. I get numbers of people calling me up saying they are going to kill me, because I have my name on the website. They are asking what happened to their friends back in Mumbai. They have my address; they have my telephone number. The only answer police give is to change my telephone number.

Mr Shokeen—The analogy they give is that there were many Australians killed in the Taj hotel in Mumbai, so they are going to kill him if he continues to raise this issue. So he is getting calls, and many of our representatives—

Mr Purdani—So they tell me, ‘Just try and change your telephone number.’ How many times am I going to change my telephone number?

Senator HANSON-YOUNG—I have one other question, going back to the Sterling College issue, particularly for Miss Kaur. You said that your visa has expired.

Miss Kaur—Yes.

Senator HANSON-YOUNG—So what happens now?

Miss Kaur—I talked to one of the people from the immigration department through the CRC, the Community Relations Commission. They are supporting us through this hard time. They assured us that our visas would not be impacted during this three-month period of time, but I cannot move from this country.

Mr Shokeen—So they have accepted that they will not follow-up for the next three months; one month has passed. But their actual status is ‘overstayers’.

Senator HANSON-YOUNG—So your status is that you are an overstayer at the moment?

Miss Kaur—Yes.

Mr Shokeen—Yes, but they will not act on it for three months. One month has passed but she cannot leave the country. There is no additional value to her education.

Miss Kaur—And to extend my visa they need my COE from the new provider.

Mr Shokeen—Another set of documentation, and the entire process starts again.

Miss Kaur—I do not have any new college. I have not enrolled in any other college or TAFE, so I cannot get my COE until I go to another provider.

Mr Purdani—Which that person was supposed to do.

Senator HANSON-YOUNG—But at this stage you have not been told that you will have to leave the country to reapply?

Miss Kaur—No.

Mr Purdani—But, eventually, after two months—

Mr Shokeen—She has to go after two months. You get pregnant ladies, who are about to deliver in a couple of months; and some girls have to go back and get married in January or February. They have to go back in any case, because their marriages are fixed and they cannot move them. Whatever happens to their courses, or whether they finish them or not, they have to go back to their country. So to me this is very strange.

Mr Shokeen—There is a huge cost associated with it. We need action as soon as possible.

Mr Purdani—And when you are talking about an Australian education, it is almost a lifetime's savings for some families of students who have come over here to study.

Mr Shokeen—Most families.

Senator HANSON-YOUNG—How much have you spent on your course?

Miss Kaur—I spent around \$25,000 for a two-year course. It was to finish within two months.

Mr Shokeen—That is just tuition.

Senator HANSON-YOUNG—And your academic transcript has not been updated since last year?

Miss Kaur—It has not been updated, and it is not very accurate according to my results. But at present they cannot change it. With the new provider they are going to send us to, on whose behalf are they going to change our transcripts? ACPET now have all the data from Sterling College in Adelaide. That is what they said yesterday—they have received all the documents from Sterling College.

Senator HANSON-YOUNG—Thank you.

ACTING CHAIR—Thank you very much for your appearance today before the committee.

Mr Shokeen—Thank you, senators.

Miss Kaur—Thank you.

Proceedings suspended from 12.04 pm to 1.27 pm

BANKS, Ms Karen, Project Officer, Service Skills Australia

BLANDTHORN, Mr Ian, Chairman, Service Skills Australia

McMAHON, Ms Catherine, General Manager and Acting Chief Executive Officer, Service Skills Australia

ACTING CHAIR—We are reconvening the Senate inquiry into the welfare of international students and I welcome witnesses from Service Skills Australia. We have received your submission to the Senate inquiry. Do you have any alterations or additions that you would like to make?

Ms McMahon—No, not at this stage.

ACTING CHAIR—I now invite you to make a brief opening statement before we ask questions.

Ms McMahon—We would like to thank the committee for providing us with the opportunity to meet with you today. The statement that we would like to make is reinforcing what we have said in our submission to the extent that the context of this inquiry of the committee is about the welfare of international students. The skills council's arguments and discussion here today will be about the quality of training and assessment in vocational education and training, and the key fact that a quality outcome and a quality process of delivery and assessment will necessarily better welfare outcomes for international students.

For us, quality is about job readiness achieving employment, it is about jobs, and it is about actual skill development. How this is currently acquired is through training packages where the skills required are articulated to the extent that the policy allows. The skills council develops support services and materials to further articulate what those needs are for quality outcomes and for industry to the extent that they can provide advice on the implementation of those training packages. Our arguments are that, systemically, more can be done to further and to secure those quality outcomes for industry, and there are a range of barriers to successful implementation of those training packages. There are opportunities to take steps to improve those quality outcomes, some of which are described in the submission.

ACTING CHAIR—I know this is in your written submission, but for the record could you give us an overview of who Service Skills Australia actually are?

Ms McMahon—Yes, sure. We are one of 11 industry skills councils. We are funded by the federal government under DEEWR. We represent what are called the service industries—that is, wholesale and retail, and personal services, including hairdressing, beauty therapy and funeral services, and the tourism and hospitality industries and the sport and recreation industries. You could summarise our roles as three. The first one is that we develop, maintain and continuously improve training packages. These are documents that consist of units of competency, qualification and assessment guidelines and that are used to roll out accredited training across the country. More and more, we try to take a role in the implementation and the quality

assurance of those, to the extent that we can. The second role that we have is to do with workforce development. At this stage, because of COAG discussions, we provide advice to the Productivity Places Program and how that effort should be spent. We also work with communities and industry sectors to address workforce development needs. The final role we have is a research role. Every year we produce a document called the Environmental Scan. We also conduct other research that is specifically to do with skills, labour and productivity for the service industry. That is very broadly what we do.

Senator JACINTA COLLINS—I have a question on one of the proposals that has been put to us about dealing with welfare and quality issues, which is that we should only offer programs that are a mix between domestic and international students. Do you have a view about that issue?

Ms McMahan—The proposal is that the program should be exclusively for international students—

Senator JACINTA COLLINS—No, the reverse—that we should not allow programs that are exclusively for international students.

Ms McMahan—Our view is that our chief interest is in achieving the quality outcomes and it is about workplace experience. Whether that comes from a combination of having domestic and international students in the same room or not, our chief contribution to that discussion will be: how are they being trained? What is the methodology for assessment? How is industry being engaged in the process? That is probably the overarching comment that we would make to that.

Senator JACINTA COLLINS—The suggestion seems to be that the risks of poorer quality outcomes are greater if the programs are exclusively for international students, possibly because there is a greater disconnection between workplaces?

Mr Blandthorn—I do not think it is a question of whether the students are international students or domestic students or a combination thereof. I think it is a deeper issue than that. To go back to the question the chair asked firstly, industry skills councils are comprised of industry representatives, both employers and unions. Their policies and directions are determined by the industry participants and then of course we obviously have a staff who carry out those policies. One of our key roles of course is to develop training packages. Training packages have a role in terms of setting out the standards and the requirements that need to be delivered to students, whatever the nature of the student is.

For a long time, governments have benefited and the economy has benefited from having a large number of international students. One of the problems I think is that, while we have benefited from having a lot of international students, I am not sure that governments—state or federal, whatever their political colours might be—have properly carried out their responsibilities and obligations that come from benefiting from participation in the international student market. I think that is the root of the problem.

To go further to the question you raised, Senator, one of the problems you have with training packages is that the requirements as to what you can have and not have in training packages are very closely circumscribed by government policy, and always have been. Industry has a view

that training packages should have more prescriptive content in terms of delivery and assessment requirements.

At the end of the day, one of the core obligations we have is that if in fact if we are going to benefit from the student market one of the things that flows from that is that we have to deliver a quality outcome, a meaningful qualification, to the student who is participating. It is very difficult to deliver a meaningful qualification if you cannot specify in the training packages what the delivery and assessment requirements of industry ought to be. If industry has requirements but is then told by government, 'You can't put them in the training package', then it seems to me that opens up an opportunity for substandard delivery. I think that is what we are seeing and I think we are seeing it more with international students than with national students because there are certain other dynamics in place for the domestic students that are not there for international students.

It seems to me that one of the ways of dealing with the issue is for there to be a capacity for training packages to more tightly prescribe industry requirements in what delivery and assessment ought to be so that at the end of the day a meaningful qualification is actually delivered. Of course, at the other end we have a huge problem in that a number of state training authorities do not, I think, properly police the delivery. It is a state responsibility by and large, but I think at least some states have abrogated their responsibilities partially or wholly in this area. To give you an example of this, Service Skills Australia, recognising that training packages are limited in what they can contain in delivery and assessment, developed documents called user guides to complement the training packages. These were developed with the support of Skills Australia and were launched by Skills Australia. Some of the states have enthusiastically supported them, but at least one state has made it very clear to the RTAs in that state that they do not have to take any notice of the user guide—again, encouraging colleges to, in my view, deliver substandard training by not delivering what industry requirements actually are.

ACTING CHAIR—Could you name the states? And we will grab a copy of those user guides, please.

Mr Blandthorn—A good example would be Victoria.

Senator BILYK—Can you expand on the comment that some of the requirements by industry are not able to be put into the training programs. Can you give us some examples of that, please?

Ms McMahon—An example of that from the hairdressing industry is that we developed units of competence to do with hairdressing in workplace experience. The initial industry requirement or expectation was that those units would apply across both the domestic and an international market across an apprenticeship model and what we call an institution-only model—that is not too jargonistic—a classroom based model, and because of nominal hours and funding issues at the state level the states advocated that those work placement units should be specifically only for institution-only models. That is example one.

Senator BILYK—Sorry—the institution-only ones are mainly the international students?

Ms McMahon—Yes.

Senator BILYK—So they would be placements out in the workplace?

Ms McMahon—I am probably not being very helpful in my description. In the hairdressing training package there are units that are commonly referred to as work placement units, WPU. The original industry intention was that they be both for an apprenticeship model and an institution model. The states said, ‘No, they’re only for the institutional model’ because if they applied to the apprenticeship model, the domestic model, it would blow out their funding model because of the nominal hours approach to it.

Senator BILYK—If people need to do workplace units obviously they need a host employer as well, don’t they? Would that be another issue?

Ms McMahon—The thing to keep in mind when I am talking about units is that I am not talking about curriculum. All I am talking about is a description of a standard of a work outcome. The translation that state training authorities made is the impact that it has on their nominal hours and funding. The beauty of a training package to an industry is that it is a description of work. It is a description of standards.

Senator BILYK—I have actually written a few in a previous life.

Ms McMahon—Of course. When that chunks through the state training industry, it is not industry based and it affects the things that they bring to that; they are different. Am I answering your question?

Senator BILYK—Yes, you are. So therefore some students are completely disadvantaged by not having access to those units.

Ms McMahon—Yes.

Senator BILYK—Do they receive the same qualification at the end?

Ms McMahon—At the end of the day, the argument from the state training authorities is that the outcome would still be the same.

Senator BILYK—So it would appear that even though the training package is there that some things become optional in delivery. Is that right?

Mr Blandthorn—The training package specifies what needs to be delivered.

ACTING CHAIR—Is this what you referred to as one of your training packages?

Ms McMahon—No, that is a user guide.

ACTING CHAIR—That is merely a user guide. Does it set out what the required training is within it?

Ms McMahon—It sets out industry expectations of what training should be.

ACTING CHAIR—But you are saying that some of these expectations are not—

Ms McMahon—That is exactly right.

ACTING CHAIR—I could still could a qualification, but my qualification is going to vary.

Mr Blandthorn—Yes, that is—

ACTING CHAIR—The quality of my qualification is going to vary.

Mr Blandthorn—Yes, the quality of your qualification is going to vary. Partly it will vary because of time. If you do an apprenticeship, for example, it might take three years. You might go to one private college and do 2,000 hours of training to be a hairdresser. You might go to another college and do 700 hours or 500 hours to be a hairdresser. You get the same qualification.

ACTING CHAIR—Is there that much of a discrepancy?

Senator BILYK—How many hours would an apprentice do?

Ms McMahon—It depends upon which state you are in. In some it is three years; in some it is four years. It is a nominal term; it is not actually based on hours.

Senator BILYK—And this is all because it is competency based, I presume.

Ms McMahon—Yes.

Mr Blandthorn—Yes.

Senator BILYK—If one person did a 700-hour hairdressing qualification and another person did a three-year apprenticeship and at the end of the day they go to a job interview, how does the employer know that one has only done 700 hours as opposed to a three-year apprenticeship?

Mr Blandthorn—It is not put on the certificate.

Senator BILYK—So the certificate says, ‘This person is qualified in hairdressing.’

Mr Blandthorn—Yes.

Senator BILYK—And there are no units of competence listed on the qualification or anything?

Ms McMahon—There is a requirement that they list those on the back.

Senator BILYK—So they do.

Mr Blandthorn—But even if they were, they would be the same units of qualification. An employer who knew anything about their industry would ask as their first question, ‘Where did you do your training?’ That would give the employer a pretty good idea.

Ms McMahon—One of the things that we are seeing is that employees are getting very savvy about the whole question of where people come from. They can work out whether people will be okay and a profitable employee or whether they will have to watch them like a hawk.

Senator BILYK—Or retrain them.

Ms McMahon—Or not even employ them.

ACTING CHAIR—Are these qualification discrepancies new? What was the experience that we had under ANTA? My understanding is that that has now been abolished.

Ms McMahon—Yes, that is right. I was not working for the skills councils at that time.

Mr Blandthorn—The discrepancies have always been there. This is nothing new. This has been there since the days of ANTA and subsequent to that across two different governments. It is not just the difference in the nominal hours of training; it is the difference in the nominal hours of training plus the level of auditing of the RTO which is delivered by the state training authority. You have to put the two things together. It may well be that you can have a wide variety in nominal hours and still get a good quality outcome. There is not necessarily an automatic relationship between a low number of hours and a poor quality outcome. It is whether state training authorities ensure that the deliverer is delivering quality training.

Senator BILYK—You mentioned in your submission that industry confidence is low at the moment. Can you expand on how that is relating within industries?

Ms McMahon—I will go to another industry that we work with, tourism and hospitality, and give you an example of what they wanted to put into the training package that they could not that contributed to their lack of confidence. Tourism and hospitality, in the submission for the hospitality training packages, raised an issue that came up in the last review of that training package. That was a concern with the quality of the trainers and assessors. They did not know what they were training in. They did not understand what it was like to work in a commercial kitchen et cetera. What they asked for—what they submitted and endorsed through to the state training authorities—was that there be a minimum level of experience for training and assessors of three years. That was knocked back—by Victoria, from memory—on the basis that by putting that line in about a three years minimum of experience, and we had some industry people who wanted 10 years, would have the consequence of knocking out a lot of the teachers in schools. We had a structure that said, ‘Let’s bring them on the journey.’ But, no, it was gone. That contributed to the low confidence. That is why that was produced: so they could say what they wanted to. That is one example of many of where what happened is that industry put a lot of feeling and effort into their training packages to develop but then it stops at implementation. They cannot do anything more.

Senator BILYK—They have no control.

Ms McMahon—They have no control. They will be able to tell you line, chapter and verse what needs to occur—the interventions and the strategies. This is not takeover stuff; this is partnership and working with the providers that they have always wanted to work with to improve the quality of outcomes. They can tell you what a good RTO and what a good RTO does not do that delivers employment. In terms of confidence, they have the sense that they are losing connection with their skills development system. They have the sense that their wishes and desires are being ignored; they have the sense that they are voiceless, so why should they even bother as it has become too difficult. Those are very broadly the kinds of things—

Senator BILYK—I realise that you come from a bit of a different view of things in regards to how students are treated, but do you have any input into that area at all?

Ms McMahon—How students are treated?

Senator BILYK—And how international students are treated. Do you hear concerns from people about those kinds of things?

Ms McMahon—To the extent that this is not in camera, I will make some comments. In New South Wales there is an initiative, on which we have paperwork that we can supply the committee with if need be, called the pink slip.

Senator BILYK—I have read about that.

Ms McMahon—It is one example of where industry is getting more involved in auditing and assisting to deliver quality outcomes for facilities and resource management. What I can report is that when we have been involved in those audits we have had had students come up to us and express their concerns confidentially to us.

Senator BILYK—So you have been doing audits for people to get their pink slip.

Ms McMahon—Yes, in partnership with operators. You have the Doyles going in to—

Senator BILYK—So you go out to the RTOs and check that they have got—

Ms McMahon—Yes. We walk through the kitchens.

Senator BILYK—the right facilities or the right whatever in terms of what they are advertising. I read about it. It sounded good.

Ms McMahon—It is what industry is trying to do. They are happy to do that.

Senator BILYK—And that would help solve some of those problems about policing—

Ms McMahon—Yes. It helps ensure that they get to first base.

Senator BILYK—It helps make sure that before students get to a place the RTOs are appropriate people to do the training and take people in.

Ms McMahon—We also get calls regularly at the skills council from concerned parents of students. This is not only international markets; this is other markets as well. This might be full fee paying domestic students. We advise those people to contact the state training authority. I have had sufficient numbers of returned phone calls from those conversations to note that some of those parents do not feel that they get anywhere. It occurs enough for me to make that observation.

Mr Blandthorn—A recent example that I saw was with an international student and was from earlier in the year when international students undertaking hairdressing could apply under the previous scheme before the government amended it provided that they had done a sufficient number of hours. This young student completed at one of these private colleges. He found a local hairdressing salon, was given work for a month and was then told by the employer, ‘Sorry, I can’t afford to keep you on, but you can stay on as a volunteer and work out your six months if you like.’ This person stayed on and worked out their six months as a volunteer. This is the sort of exploitation that has happening with international students.

ACTING CHAIR—Looking at part 3 of your submission, Impact on the tourism market, you recommended that education and migration agents be subject to a legal and industry code to ensure accountability in the transactions in relation to education and tourism. I note with interest that you say that there is a legal requirement and an industry code that applies to overseas tour wholesalers, travel agents and inbound tour operators et cetera. Could you expand on that, especially on the migration agents, because there has been a lot of evidence given that that is where a lot of the issues lie.

Ms McMahon—I can organise to have the code for tour operators sent through to the committee. Essentially it is an accreditation code for the agents that send tourists to our shores. Broadly, we have had reports to the skills council of concern over the efficacy and work of immigration agents. There appears, to our way of thinking, to be no kind of effective monitoring. There appears to be no effective engagement by the regulators to those agents to monitor effectively what they are doing. The measurement system—how they are being measured—their key criteria for success at the moment, appears to be a commercial based outcome as opposed to some sort of quality outcome. It matches with the immigration requirements, the skills and labour needs of the country et cetera. That is probably their comment. I can organise to have that sent through to you.

ACTING CHAIR—That would be greatly appreciated. Under section 2.5, headed ‘Permanent Residency’, you say:

We recommend that the auditing and quality processes be made more effective and effectual through a more active industry role including the use of industry advisors.

Could you expand on that.

Ms McMahon—Our thinking there is that often the right hand does not seem to know what the left hand is doing. For instance, there is the work that we do with Trades Recognition Australia. They ask the skills council to comment on the trade recognition process or test that they do. I would be very happy to report on this. We have a very positive relationship with TRA. We have done evaluation for them. The feedback that we have given to them is: ‘This

commercial cookery test actually does not map very well to the training package; this commercial test seems to be alienated from what this particular trade outcome needs to achieve; it is very hard for us to get information about the context of that test.' It is very different having a test in an isolated event as opposed to when you are working in a commercial kitchen on Saturday morning in Double Bay, with eggs going through and everything like that. That is what you want to test for. I guess what we are arguing for is: can the left hand talk to the right hand more? It is our experience is that, when you have conversations across different layers of department and different layers of the system, you get a far better outcome, a more holistic outcome. Industry is very happy to participate in that conversation.

ACTING CHAIR—One of the issues that was raised in yesterday's hearing was that we seem to have enough regulation. The regulations themselves within the international student area are not the problem—there is enough of that. A recommendation that we have more regulation would not be an answer to the problem. It is about the actual enforcement and monitoring of the current regulations. Whether that is at a federal or state level, that seems to be the problem. Do you have any response to that?

Ms McMahan—We are in agreement here. It is probably slightly nuanced. We would argue strongly what we have already said—that the states doing better regulation would be right. I agree that there is enough regulation but, from our perspective, we would say: is it measuring the right thing? When I talk to a really reputable international college about their experience of being audited across a number of states, regarding the priority order of regulation that is gone through, the training package is the last thing that is tested for on the list. There is the AQTF, the CRICOS, the ESOS and then, depending on the particular state jurisdiction interpretation of all that, way down the bottom is the industry requirements for the outcome. So, before they get to the industry outcome, they have to go through all that paper trail. What we would say is that there should be better regulation—actually measuring the outcomes—and the state training authorities should do the auditing and the job that they are required to do.

Mr Blandthorn—We would say that so much of the auditing is essentially desktop type auditing. That does not necessarily deliver anything in terms of quality outcomes.

ACTING CHAIR—Do you have any information about the levels of staffing in the state training authorities and whether they are adequate or not?

Mr Blandthorn—I am not sure that we are qualified to comment on whether the staffing levels or resources are adequate, but if they are not they should be.

ACTING CHAIR—In your own experience.

Mr Blandthorn—We find a wide variance. I am not sure that they are understaffed or underresourced. I think it is more to do with their commitment or willingness to audit rigorously. Too often we are concerned that the audit is something that you just do and move on from without a whole lot of rigour to it. That is the perception that we often have.

Senator BILYK—Do the people who do the audits need to have an industry background?

Ms McMahon—The reason the models that we propose in the submission about the pink slip work is because, like all best-practice quality checking, it is a partnership approach. Industry have experience of actually being a partner, whether they be regulatory environments for RTOs or parallel regulatory environments for other industry accreditation. It is that live experience of actually engaging with a person who is being tested for their effectiveness.

Mr Blandthorn—Also, different states have different approaches on this issue. I think most states would say that they seek to have people who understand the industry, but that does not necessarily mean that they are industry practitioners or that they have had any recent involvement in the industry. Some of them may have had a distant involvement in the industry and are now effectively full-time auditors and have been for some period of time. So it is almost an industry in itself. That is where the industry practitioners often have a concern. Their feeling is that the people doing the auditing are often out of touch with what is really happening in the workplace.

ACTING CHAIR—One of the other things you say in your submission under ‘Impact on tourism market’ is:

Should these numbers drop off due to a perception of low quality training and education programs, there will be a significant economic impact for Australia in the tourism market.

More generally, what is the perception of the quality of training in the international student market? What do they see that they are going to get in Australia? Is there poor confidence?

Ms McMahon—I could not report accurately on whether there is poor confidence because all I hear is secondary information. The industry operators are communicating to me—so this is secondary—that the media in India is having an effect on the perception of the market. But that is probably the extent to which I can comment on it at the moment.

ACTING CHAIR—Has there been a noticeable drop-off in numbers in these courses? Is that something that you have statistics on?

Ms McMahon—We have not had that reported to us as yet, no.

Mr Blandthorn—I think it varies. If you look at some of these areas, like cookery and hairdressing, traditionally they have been listed as skills shortage areas. So that has been attracting some international agents because of the possibility of visas flowing from them. The perceptions and intents of students sometimes vary according to how it is marketed in that respect.

ACTING CHAIR—Thank you very much for appearing before the committee today. The evidence provided was greatly appreciated.

[1.59 pm]

HEALEY, Mr William John, Chief Executive Officer, Australian Hotels Association

ACTING CHAIR—We have received your submission. Are there any alterations or additions that you wish to make to it?

Mr Healey—No.

ACTING CHAIR—I now invite you to make a brief opening statement before we embark on questions.

Mr Healey—I should add from the outset that the AHA are members of Service Skills Australia. I sit on the industry reference group for tourism and hospitality. A number of years ago Ian Blandthorn and I were co-chairs of Service Skills predecessor in the retail area, RAPS. During that time we developed eight training packages in the late 1990s and the early part of the 2000s, including the funeral training package, which, you might be aware, Senator Parry was quite actively involved in.

ACTING CHAIR—Yes.

Mr Healey—In some ways this is very much for me a matter of every dog having his day. I want to focus on several issues: first, the implications at the moment for this particular problem for tourism and hospitality generally; second, the implication of why I think that this is a problem; and, third, how I think it can be fixed.

I make four observations there. If we are going to be a service economy—we are located on the edge of what will be the fastest growing region of the world—the potential for service based industries is going to go through the roof. We have seen that through education over the last couple of decades; it has gone from virtually zero to \$15 or \$16 billion. If we do not maintain the perception of quality of those courses it will destroy not only that market but our perception more broadly in services. The second point is that, like the Colombo Plan, if people study here and have a good experience they go home and they have a legacy dividend back to Australia. The third area for us is that these students are in many cases a major part of our paid workforce. We complement their learning because I am a big believer in complementing formal on-the-job training with workplace learning. They are a major supply of paid labour.

Finally, if you look at the 5.4-odd million people who come to Australia every year as visitors or as what we perceive as tourists, a lot of them come for educational purposes or are, more importantly, linked to people with educational purposes. So from an industry perspective we are very concerned that if this market is damaged in any way, two things will happen: one, we will lose what we have got now but, more importantly, we will fail to realise the potential of what we have got in the future.

There are two streams to it: one is the immigration side and the other is the education side. I am not sure whether Service Skills Australia tabled this report I have. The AHA developed—and

it was subsequently endorsed by our industry advisory group within Service Skills—a workforce development strategy—

ACTING CHAIR—I do not believe that it has been tabled, so we would appreciate a copy.

Mr Healey—I will table it. It looks at a series of focus areas to address what we considered to be—and still consider to be—long-term skill and labour force needs in our community. It looks at the whole issue of accessing overseas labour. We note that the new minister—he is not so new now—had identified the whole issue of a population based approach to immigration and overseas workers. There are political dimensions when we talk about immigration and overseas workers.

Senator JACINTA COLLINS—Are you talking about Mr Evans?

Mr Healey—Yes. We have been approached by the minister and the department to look at an industry based approach to this issue because there are a range of current arrangements, be they student visas or 457 labour agreements. Prior to the world financial crisis I think the government was looking at far more of a partnership type arrangement where we could look at all of these things on a far more holistic and integrated way. I still believe that that is something we should be exploring, particularly in relation to the work side of immigration—leave refugees and perhaps family reunions to the side. But we really need to look at that in the context of the various categories that we access and, as I said, we access skilled labour, 457s, students and holiday workers. We were asked to look at the Pacific solution and while we consider that we put up a very sensible proposition, it was all too hard and they went off and only picked people who picked fruit. So there is an immigration dimension to this, which I think the long-term solution will need to include because there needs to be a clear link between industry and education and training if these people are to have education and training visas.

My final point is that this primarily boils down to the failure of the system to give industry control over its credential system. The training packages that were developed in the late 1990s were built around a series of modules of competence and they were recognition statements that people were competent. They were not traditional curriculum based documents. The tourism and hospitality industry had control of its credential system through a link to the industrial relations reforms, which meant that a registered training organisation could not give out a credential unless it satisfied the requirements of the tourism industry—what was then called Tourism Training Australia. In the first training packages we put up for the retail sector, we wanted a similar thing. In effect, we see training packages as the industry's credential. A training organisation should be licensed to give out that industry's credential, and it should be up to the industry to determine whether that training organisation satisfies the requirements to endorse that that individual has the competence linked to that credential.

We were told around 2000 that that was not appropriate, that the states would come up with their own RTO regulatory processes and that they would bring in quality control arrangements. This has been a constant bugbear for me. I left and went and did a few other things, but it has been evident that the quality control both in tourism and hospitality and in retail has not been sufficient. The growth of private provider markets and paid funding has undermined the integrity of the credential systems we have built, to the point where funding has been withdrawn for our lower-level certificates in some states. And as I say in my paper, you have the emergence of a

whole host of players out there who are certified training, but no-one is looking over their shoulders.

We are trying to shut the gate after the horse has bolted with things like assessors, auditing processes and things like that. But it is the industry that has to maintain the integrity of its training system, not TAFE and not a state jurisdiction. I am particularly annoyed about this. The problems we were having were pointed out to a senior DEEWR official 18 months ago, and I was told that there was no evidence of that. But we had a whole host of RTOs bringing in students who were not, in our view, getting the necessary education that (1) justified their expenditure and (2) met our standards.

ACTING CHAIR—Are these new colleges?

Mr Healey—Some were new, some were just basically ones that had always been shonky. Let us not think that this is a new arrangement; there are a whole lot of shonky colleges. A lot of it was driven by the existing worker subsidy—

ACTING CHAIR—Can I get you to explain that?

Mr Healey—Yes. With traineeships during the previous government you could sign a casual worker to a traineeship and you got an employer subsidy of anything up to \$4,000. Training providers were taking a percentage of that and giving some of the money back to the employer. And you may have seen that there was a whole growth—a major fast food chain signed up school kids on that arrangement. So if you go back and have a look at some of your traineeship numbers, you will see they are not very robust. That was pointed out at the time. I am just saying there has been a lot of people out there for a long time who have not been producing quality outcomes. That has meant that our certificate has been undermined. The position we took with our credential was that an apprenticeship was a certificate III, which notionally was a three- to four-year period of learning.

Senator BILYK—Sorry, can I just clarify that: a certificate III was a three- to four-year—

Mr Healey—No, an apprenticeship. A certificate III equated to an apprenticeship in the old world. We were moving from a time served system to a competency based system. But you cannot be competent unless you do something over time, so competence has to have a time dimension to it. We recognise that our certificate II, which came through a 12-month traineeship, was probably the right mark. What we have had through education—

Senator BILYK—Sorry to interrupt again, Mr Healy, but I want to sort this out in my own mind: a cert II was 12 months. Was that all on the job?

Mr Healey—Sorry, I should have explained. When we brought in the new system, the benchmark was a traditional apprenticeship, which was the equivalent to a cert III. So we came in through that period with Laurie Carmichael and reform and we said, 'Let's introduce Australian traineeships,' and they were coming in at certificate II. At that point they were a one-year work and off-the-job training.

Senator BILYK—And what was the breakdown?

Mr Healey—It used to be one day a week and four days in the workplace. Then there was a problem in the back half of the nineties, when employment was a problem, so we moved to on-the-job. Some of our problems emerged with the on-the-job side because it became discounted employment.

Senator BILYK—Can you clarify that? Does that mean that people who were on-the-job trainees were not counted as full-time staff—is that right?

Mr Healey—No, they were counted as staff, but I am saying that in many cases if you look at what people say is learning on the job—if you have a learning program, it has to be a structured program that has a formal component. Whether that component is delivered in a classroom setting or in a workplace setting, it has to be done in a structured way and then complemented by doing work in the workplace and honing your skills. What we were seeing in a lot of these workplace things is that they were giving the kids a manual and saying: ‘Tick and flick. Read the manual.’ There was no structuring and formalisation of that learning, in my opinion.

Senator BILYK—So who was giving them the manuals? The RTOs?

Mr Healey—Yes. And in the cases where the RTO was doing this on the back of existing worker traineeships, and the total employer subsidy was around \$4,000 based on an upfront and an end payment, a percentage of that payment went back to the employer.

Senator BILYK—In all cases?

Mr Healey—Not in all, no.

Senator BILYK—Any idea of how many?

Mr Healey—It would be worth looking at. Normally when you take on a trainee, the employer subsidy goes to the employer and the RTO is paid by the state training authorities. In these cases, the state training authorities smelled a rat and withdrew funding for the training. Instead of having what I consider a logical certificate process of certificate III sitting there and a certificate II having some recognition and credibility in that sector, you now have certificate IV, and people are saying you have to have higher level credentials. But they are not higher level credentials; they are just giving people pieces of paper with a different number on them.

Senator BILYK—What is the cert IV equivalent to?

Mr Healey—In the old days, a cert IV should be the equivalent—there is a diploma underneath that. We did have a thing called the Australian Qualifications Framework, which was the spine around which the three of our systems were built. Given the shift of vocational education into schools, and the VET system going into higher ed, it was the one point of reference that we could benchmark against. I understand there is an attempt now by the education people to move away from the Australian quality framework because basically it means they are accountable to some sort of common point of reference. Sorry, these are still my opening remarks, but I am happy—

ACTING CHAIR—Sorry, did you want to continue with your opening remarks?

Mr Healey—No, I'm happy; I'm on a roll!

Senator BILYK—I have another clarification question: is the AHA registered as an RTO at all?

Mr Healey—We are in New South Wales. We are in several states, I think, but we do not tend to run accredited courses. We tend to do it because of things like responsible service of alcohol and OHS programs and things like that. In my past life, at the Australian Retailers Association, we ran a group training company and we were an RTO. I was chair of the ITAB, and I have to say that from time to time there was the odd conflict or perceived conflict.

Senator BILYK—Are many of the individual members RTOs?

Mr Healey—I do not think many of them are RTOs. I think a number of them may have affiliations. For example, we sit on a number of group training bodies. While we are not RTOs, we have links with hospitality group training in South Australia, and we have links with some of the group training companies. Coles own 90 hotels outright; the ALH Group is 70 per cent owned by Woolworths, but they do their training through William Angliss. So I would be very surprised if we have any RTOS. Sorry, that is not true—Accor is a member of ours, and I think they are an RTO. We represent the four- and five-star market plus pubs as well.

ACTING CHAIR—From an international perspective, what is your understanding of the perception of the quality of our education and training programs that you have been referring to?

Mr Healey—I think you have to break them into several categories. We do have a number of high-profile Australian hotel schools. They attract roughly 3½ thousand to 4,000 students a year, and the students are paying anything from \$40,000 to \$60,000 for a three-year course.

ACTING CHAIR—That is right. And in terms of international students?

Mr Healey—Yes, that is about 4,000 international students. I have mentioned that those students tend to stay on campus. There are facilities in Adelaide. There is a network around the country. One of the members is over at Manly, here in Sydney. In Canberra they have the one at the Kurrajong.

ACTING CHAIR—What about in Melbourne?

Mr Healey—I am not sure if they have one linked in Melbourne. But that is seen as a high-end, internationally recognised credential. We had an arrangement where graduates from there could remain in Australia. We were having problems fitting into full-time jobs, and as a result of an approach to Amanda Vanstone, who was the minister at the time, there was the introduction of what was called the 18-month student visa, where students could remain after a certain level for 18 months upon completion of a degree. Our strategy then—because we were losing out in the international market for students to France and America because they were offering permanency after graduation—meant that students could continue to work in the industry, predominantly casually. Our view was that if, after 18 months post graduation, they could not get a formal job—get a 457—then so be it: they should go offshore.

The other issue we have, of course, is the issue of cooks and chefs being on the MODL. By being on the MODL, they were given automatic entry. This is something I put on the table without specific knowledge, but there has been a shift. There used to be a situation where, when you completed a course, you had to go offshore and reapply. My understanding is that over the last 12 to 18 months there has been far greater focus on onshore applications, particularly for 457s. I am wondering whether one of the reasons we have had this problem—and I show them the figures of the dramatic growth in hospitality students—is that they have come out here, they have done a chefs course and then they have applied immediately for permanent residency, based on the fact that they are a skilled migrant under the MODL. I think that might be one of the rationales behind it.

But I think the genesis of this is quite interesting, when you look at the history of it. The reality was that we had what were considered to be a few nasty incidents with a few Indian students in Melbourne. They were assaults. That really is not the issue here. The issue is that we have had this incredible growth—and training organisations. The question I pose to this committee is: how did the regulatory bodies let these organisations grow to the point where they recruited these people? You were outside, Senator Collins, but if it was our credential that we were holding out we would make sure that that body was growing at a controlled rate. The regulators constantly told us, ‘Oh, we don’t need you because we’re regulating okay.’

Just to let you know how bad things are, when our training package went up for renewal last year and quality assurance was an issue—and I am not sure whether Kit and Ian Blandthorn mentioned it—the industry was adamant that one of the assessment requirements was that anyone who did assessment had to have three years relevant experience.

Senator BILYK—No, they did not, actually.

Mr Healey—We got rolled. I did say at the time that we would not fight but our day would come—so today has come. They would not let us—

Senator JACINTA COLLINS—But you were rolled because the schools—

Mr Healey—Basically because of the schools, yes. One of our problems—and I ran an education foundation that was supposed to bring vocational education, a thing called ECEF, the Enterprise and Career Education Foundation—was that, when vocational education went to schools, it was supposed to go with parity with the VET system, not to be crafted in the image of the schools. What we should be doing is that kids in years 11 and 12 should be walking out of schools with a partially completed credential, similar to a pre-employment program, but what schools have done is that we now have a situation where the pieces of paper have no relevance to the industry because they are not judged by the people who the industry values.

My personal view has always been that I was very comfortable with the platform that the federal government took to the election. We hear a lot of rhetoric about demand driven systems. We have just had a review undertaken of tourism and hospitality—I keep saying that; it is not just tourism—by a committee chaired by Margaret Jackson. The skills issue, or the people issue, is one of the major outcomes of that. We have sought to have established an independent tourism and hospitality skills council, not because we are not happy with service skills but because the reality is that service skills represent 30 per cent of the workforce—it is just too big a job for that

group. But, more importantly, we want ownership of who gives out our credential. This is not regulating and training. We should be licensing someone to certify that people are competent.

Senator BILYK—When you say ‘we want control’, are you talking about—

Mr Healey—I am talking about the industry, so that is everything from the casinos to caravans to travel agents; they are all there—and the union, by the way.

ACTING CHAIR—Can I just take you back. You said you had approximately 4,000 international students—

Mr Healey—They are in the hotel schools.

ACTING CHAIR—in the hotel schools, and you said you had a great network around the country.

Mr Healey—Yes.

ACTING CHAIR—In terms of accommodation for those international students, can I ask what you actually do with them?

Mr Healey—Yes. Just before I answer that: there are a number of excellent TAFE colleges, such as William Angliss, in Melbourne. The sad thing for me is that we have been delivering quality hospitality courses for a large number of people now for a number of years. When you have places like Accor opening a hundred hotels a year—a hotel a month in China—the demand is astronomical. In the majority of these cases, the accommodation is on site.

ACTING CHAIR—On site in—

Mr Healey—Yes, and part of the \$60,000—

Senator BILYK—Part of the hotel?

Mr Healey—No, on site at the training college. They use a lot of that as part of their training, but then they will also go and do 50 per cent of their time working in paid employment in a five-star hotel.

ACTING CHAIR—And where will they stay? They will stay in the hotel? Or they will still stay at the training college?

Mr Healey—No, they stay at the training college. If you go to the one at the Kurrajong in Canberra, those kids live on site there. There is one at the Blue Mountains, in Sydney, and one at Manly. They tend to stay on site.

ACTING CHAIR—So if I am looking to apply for one of those courses from India or from China and I go and make the appropriate inquiries, I will find that accommodation is—

Mr Healey—part of your package.

ACTING CHAIR—part of my package. And I pay for that through my annual fee. Why do you provide accommodation?

Mr Healey—Why do they provide it?

ACTING CHAIR—Why do they provide accommodation?

Mr Healey—Well, I just think it is all part of it—I mean, that is a very high-end model, based on the traditional Swiss hotel-school model. But I think they feel that it means (1) pastoral care; (2) improved educational outcomes, because the kids are on site and they can monitor them; and (3) a framework for applied learning. The kids can actually work in the restaurant where people eat every day at breakfast. They do a tiered thing—they might work in the restaurant in the college first before they go out. It is primarily that they have got the accommodation. It is seen as an integrated learning process.

ACTING CHAIR—You also state in your submission at point 4, on community responsibility to overseas students:

The members of the Australian Association of Hotels School provide an excellent example of how to support an overseas student who comes to Australia to gain an educational qualification.

What do you do?

Mr Healey—Well, not me—the Association of Australian Hotel Schools.

ACTING CHAIR—What do they do?

Mr Healey—Well, as I said, they provide accommodation. They provide a lot of pastoral care.

ACTING CHAIR—And, when you say ‘pastoral care’, can I ask you to develop that.

Mr Healey—I have not sat down and observed everything they do. But they tend to have mentoring groups. They make sure that the work experience component—I mean, for starters, they offer very good courses. The courses are internationally recognised, have very good lecturers and are academically robust. So that is the first thing. Secondly, they offer the student pre-enrolment support. When the student is in the college, as I said, there is the ongoing accommodation. My understanding is that they have counselling and they have careers advice; they have strong post-educational support, like IT experts—all of those things. It is just a total learning environment.

ACTING CHAIR—Do you know what the pre-enrolment support entails?

Mr Healey—No, I do not. My understanding is that it is about how they market in these markets. I am not sure whether they have agents, but what they do have is a large number of alumni over there. But I would think that the current problems are primarily—and I do not know why the numbers blew out like they did—to do with this nexus between us managing

immigration agents and overseas people coming here to work, and the inability of training organisations to be quality assured. It has been like acetylene with firewood—they have come together and just exploded. Both of them, of themselves, are problematic. I make the point that, if we are going to go down the path of overseas workers—and we do believe we will need, with labour shortages, some mechanism for overseas workers—we would rather do that than have a labour agreement here and a holiday worker policy there. We would rather do it in a holistic, industry based way. If those two things had been in sync, these problems would have emerged much earlier. The question is: how did these RTOs get to be certified, to offer these courses? And what I am hearing—

Senator JACINTA COLLINS—Is it ‘offer these courses’ or ‘offer these courses to such large numbers of people’?

Mr Healey—No. Perhaps I should be saying, ‘How do these people get the right to run programs that enable them to issue a credential that said they were competent in the areas that my industry believes you need to be competent in?’

ACTING CHAIR—When they are not?

Mr Healey—Yes. I think that is the question, and I think the numbers issue is a secondary issue. Once you let them in the gate, well, so be it.

But I was talking to a good friend of mine, a senior person in the Salvation Army, David Eldridge, recently. I do not know if any of you know David. He is involved with the homeless in Melbourne. He was telling me that they had opened a support centre for Indian students in Melbourne. They had thought that they might have three or four people coming in every night but at one point they were getting 70 students. These people have come here without any support whatsoever, and I just do not know how that has been allowed to happen.

ACTING CHAIR—So social inclusion is an area that we need to work on for our international students?

Mr Healey—I do not know. I think these kids have been sold a pup: I do not think they have enough money.

ACTING CHAIR—Back in their country of origin—

Mr Healey—Yes.

ACTING CHAIR—they are told that \$22,000 is all they will need to live in Australia.

Mr Healey—Yes. But \$22,000 as a course, if you come out here and if we guarantee you 20 hours a week work and if we manage the relationship with the employer. I make the observation there that I do not believe that you should be able to work more than 22 hours a week in the semester. Some of the people in the industry believe that you should. I believe that, if you are here to do a course, you should be studying and it should not be de facto work.

ACTING CHAIR—During session times.

Mr Healey—During session times.

ACTING CHAIR—But during off-session times—

Mr Healey—During the off-session times, you should work. But it should not just be good luck. You asked me about the hotel schools. It is an integrated package of support. If you are going to bring someone out here to William Angliss—as I said, it is not just the hotel schools; it is a lot of TAFEs—they take that person, they interview them and they find them accommodation. It might be through the uni or the TAFE accommodation provider; they might have crisis accommodation. My personal view, in terms of inclusiveness and all that stuff, is, if they have got some friends here, they will do that themselves. We have an overseas college in our New South Wales office, and we talk to kids all the time. They are happy. They do not need their hands held. Kids have been coming here for years. Where I see a problem is that, over the last couple of years, there has been an abuse at the overseas end and that has been exacerbated by the RTOs. We have had situations where VETAB in New South Wales have been advised of RTOs that have been abusing the system and VETAB have not taken action.

Senator JACINTA COLLINS—Do you have a view about the proposal that has been put to us that we should preclude international-student-only programs?

Mr Healey—My proposition goes back to the first principle of what the program is and who owns the program. If it is a VET program, my personal view is that a training package is an industry credential, where the industry has said, ‘These are the skills and competencies that you require to be competent.’ Notwithstanding that the courses are developed with funding from government, the industry should license an RTO to have the right to deliver those sorts of courses. In some cases that is the only way. Someone might walk in and you would say: ‘You’re competent. I don’t need you to work in this kitchen for five years. I know you’re competent.’ But the only way you can trust people like that is to know that they know. If you can control that, there is a market there.

One side of me says, if that market can be met without detriment to the Australian students and without subsidisation from the Australian taxpayer to that group, why wouldn’t you grab it? As an educator—I was a teacher for nine years—I think that they lose a key part of their learning experience in Australia by not cross-pollinating, by not working with us. The question is: how often do they mix? I would like to think that they do, but in a lot of cases they do not.

So I wouldn’t say no. But it should not be merely a charade to pump kids out with a piece of paper that has no value. You have got to remember that, if kids go overseas and work in a hotel in Delhi or Burma or somewhere else with an Australian qualification—and I have been in the development of that qualification—and they cannot do what they are supposed to do, it makes us look bad. We should be the pre-eminent qualification system. The problem we have is about learning and competence; it is not about teaching and training. This is where the training system has got it all wrong. Does that answer your question?

Senator JACINTA COLLINS—It does.

Senator BILYK—I just need some clarification. Who exactly are the Association of Australian Hotel Schools?

Mr Healey—They are a group of hotel schools. I can send you their list.

Senator BILYK—Just explain it to me.

Mr Healey—It is a loosely aligned group of independent hotel schools that provide vocational or tertiary qualifications. It includes bodies such as the International College of Hotel Management in Adelaide, the Australian International Hotel School attached to the Hotel Kurrajong in Canberra, Sarina Russo and Billy Blue, who have got a new name. It includes about 12 private providers of hospitality and training courses.

Senator BILYK—How many students do you think they might train?

Mr Healey—About 4,500 overseas students. That would represent maybe 25 per cent of their total enrolments.

Senator BILYK—So this group of about 12 hotel schools—

Mr Healey—This is only in hospitality, by the way. Some do other courses as well.

Senator BILYK—They have got together and created this peak body, the association.

Mr Healey—They share information.

Senator BILYK—You mentioned the international management courses. What are the links with universities with regard to training? We are obviously speaking above certificate III level here.

Mr Healey—A lot of the hotel schools have links with Southern Cross University, or I know the one at Manly has a link with Macquarie, so they are offering degrees as part of their initial course. A lot of the VET courses, like the University of Victoria, a lot of the TAFE colleges there go on to degrees. My personal view in terms of the industry and workers is that people are better to do a VET course where they get some practical experience and workplace experience and then do their tertiary study. I am less supportive of courses where people come out here and do theoretical tourism courses.

Senator BILYK—You might need to take this on notice. How many international students would come and do that sort of degree level course, the university level course?

Mr Healey—I would have to take that on notice. I know that, for example, Kenvale College, which is attached to the University of New South Wales, has a tourism and hospitality stream in the bachelor of commerce which students come and do and then they do the chef's, so they get their degree and then they get permanent residency.

Senator BILYK—So they come and do a bachelor of commerce.

Mr Healey—And with a certificate in hospitality, which then enables them to satisfy their chef's requirement.

Senator BILYK—Do they do them concurrently, in parallel?

Mr Healey—I think they do; I am not sure of the detail.

Senator BILYK—My next questions are in regard to the areas to do with international students and how you thought the universities work with international students, whether you think there are any concerns about the training. We have heard a lot about the VET courses and private RTOs in that area. How do you think the universities are?

Mr Healey—I will declare an interest: my wife is a university lecturer.

Senator BILYK—In hospitality?

Mr Healey—No; in law, actually. I think it varies and you only have to look at the growth. You can go around any city in this country where large numbers of overseas people are coming here to get degrees. My sense is that the quality of education they are getting is no better or no worse than Australian students are getting. Having had four children go through the tertiary sector, I have views on that. It comes back to my initial point. I think this is an enormous potential growth area for the Australian economy. I do not believe that the bar is high enough for us, and I think we have been lucky to date and the bar is moving both in terms of what China and India—

Senator BILYK—You mean in regard to qualifications.

Mr Healey—In regards to what people expect and where our qualifications sit in the world. The second thing, wearing my tourism hat—and this links very much back to what Simon Crean announced the other day, about a broader view of what Australia is—is that I do not believe we drive enough cross-promotion between overseas students and tourism, to the point where we know that Tourism Australia's relationship with Education International has been virtually non-existent. So we should be looking at much greater work there.

Senator BILYK—In what way?

Mr Healey—I think promotional activity where, instead of the kids going home, mum and dad come over and spend time here or joint information and promotional fairs and delegations to cities. It is unfortunate that the announcement the week before last about a new approach to seeing Australia was written off as a new slogan. It is not that; it is selling Australia as something of quality in a broad range of areas. I think education is a wonderful doorway into this country. It is hurting us. You only have to see the reports with the Deputy Prime Minister which is a shame. I was at an event 18 months ago where the Indian tourism minister spoke, and the affection for Australia in India, particularly now that they are beating us at cricket, is unbelievable. The market is just enormous.

Senator BILYK—We did hear evidence earlier in the day that other people, although they accepted that there had been bad media in India and that it might have had a slight impact, did not think that it was as dramatic as it was made out to be. I take from your comments that there were other areas around the world that were very keen because we do have such a high standard of education.

Mr Healey—It is a wake-up call, not about whether we are damaged, but whether we are prepared to take advantage of the opportunity that will emerge as 700 million people become middle-class and who, for the first time, are equidistant from Sydney as they are from New York, London and Paris. These people will be seeking not only educational opportunities but also health and financial opportunities. I actually think that—and I know the Bradley report raised this—this is not about whether what we are doing now is okay, it is about whether we are ready not only to continue to reap the benefit but to see how much better can we get. So the wake-up call for me is not whether we are doing okay; it is whether, firstly, are we prepared for the changes and, secondly, is there a new market out there that we can capture. I cannot see these kids going away. And at what expense is it to Australian kids?

ACTING CHAIR—Mr Healey, we are out of time. Thank you very much for your evidence before committee today; it was greatly appreciated.

[2.43 pm]

FORWARD, Ms Patricia, Federal TAFE Secretary, Australian Education Union

GAVRIELATOS, Mr Angelo, Federal President, Australian Education Union

ACTING CHAIR—I welcome our witnesses from the Australian Education Union. Thank you for your submission. Are there any alterations that you would like to make to it?

Mr Gavrielatos—No.

ACTING CHAIR—I now invite you to make a brief opening statement before we commence with questions.

Mr Gavrielatos—Thank you, Senator. Obviously it is a great opportunity to be able to give evidence before this inquiry given the import of the issue before us. On a number of occasions thus far in the course of the last six months the Prime Minister has offered speeches and written opinion pieces repudiating market fundamentalism and the failures of the market as evidenced in the collapse of the global market and the global financial crisis. We welcome that analysis, but what we now seek from the Australian government is to move beyond that analysis and to take some strong action in the area of education where neoliberalism and the market have been allowed to run unchecked over the course of a decade. What is at stake if the root causes of the current crisis in international education are not addressed is further damage to Australia's reputation as a quality provider of education, the decline of our third largest export industry and poor outcomes for thousands of students who choose to study here.

Our primary focus in this inquiry is the quality of vocational education and training being delivered to international students but we are also cognisant of the impact on domestic students if this phenomenon is not dealt with. It is clear that many of the problems that are currently affecting us in this sector have emerged due to the rush, primarily ideologically driven, to establish a competitive market in the vocational education and training sector and the wholesale privatisation of training and education. Just on that, I am sure senators would have read with interest a piece by Adele Horin last Saturday in the *Sydney Morning Herald* in which she described that phenomena as a blind rush, an ideologically driven rush to privatise the vocational education and training market.

We believe that vocational education training has been corrupted by shonky private operators using the lure of permanent residency to pursue profits. They have been allowed to prey on vulnerable students who have sought skills and a better life in Australia. Unfortunately, governments have failed to maintain educational quality and to ensure that international students have a rich and diverse learning experience. Worse still, it has become increasingly obvious that the failure to address these problems in the international education sector has led to international students enduring poverty and physical attack whilst in Australia, with little guarantee of a genuine educational experience. That the existing so-called regulatory regime framework has failed is self-evident. Of greatest concern is that the fact that neither the states and territories nor

the federal government appear willing to accept responsibility for the failure or to take the sort of action required to rid the industry of the shonky operators who continue to plague it.

A critical step in ending the current crisis must be to lift the standard of international vocational education and training. We believe that the response from governments cannot just be more auditing and more standards. It has to be more substantial than that. The focus at this crucial time has to be about getting the standards right, about being sure that what we measure is not just outcomes and outputs but rather the educational ethos within the providers and the educational social focus on students. No amount of auditing in itself will focus on and address the issues without asking the right questions addressing the fundamental problems. We want to highlight a few of the questions that you would want to ask in any auditing or assessment.

We believe that lifting educational quality means imposing tougher standards. Those standards must be seen in the area, first and foremost, of the staffing of these institutions. We believe that teachers who work in the vocational education sector, both domestic and international, should have teaching qualifications. They must be properly trained. It is unacceptable that a vocational education system which delivers qualifications and establishes standards across the country and internationally sets such low standards of its own workforce. Additionally, consistent with that rationale of teachers being qualified—as novel as that may sound!—managers of training colleges should also be required to hold appropriate educational qualifications to be able to exhibit necessary educational leadership in the delivery of programs.

Another platform will be training together. Any auditing needs to look at the issue of training together. I will explain what that means. We have to end the situation where colleges are able to deliver training only to international students. A requirement of registration must be that an organisation has a track record in delivering programs both to local students and to international students. After all, this is an Australian qualification that we are talking about, and one sure measure of testing the veracity and rigour of any Australian qualification is having it apply and operate within an Australian context. This ensures a much greater knowledge and understanding of the Australian vocational education sector and a genuinely culturally rich and diverse experience for international and local students. It also minimises against the ‘ghettoisation’ of education that has become apparent in some of these private, shonky providers by way of targeting international students and international students only. We say that the days of students arriving in Australia to find the college campus they were promised is no more than a two-room operation in the city must come to an end. One sure way of doing so is ensuring that the provision is available to local students and international students.

Another platform or plank in any auditing process must be to look at the issue of student services. We believe that all registered organisations should be required to provide students with support services commensurate with the scale of their operation. This includes welfare and also educational support—language and literacy support, career guidance and access to libraries, study areas and appropriate technologies. They must be genuine operations offering genuine services. Consistent with our views about a real and rigorous assessment and auditing process, we believe that there should be a tiered system of registration which recognises quality outcomes and achievements and which would recognise the quality outcomes and achievements and the superior services provided by our TAFE colleges. We are comfortable and confident that our TAFE colleges nationwide can stand the scrutiny of public examination of the quality of provision of service.

Regarding public scrutiny, which I have just alluded to, we believe that the culture of secrecy surrounding the performance of colleges delivering training and education to international students must come to an end. For too long they have been operating clearly away from the spotlight of any transparency or scrutiny, and all reports of such should be made public. We also believe in a single regulator. The buck-passing, the blame shifting, that continues to plague us in Australia's federalism, where states shift the blame to the feds and the feds shift the blame to the states, must come to an end. We have seen what has occurred as a result of it all. We need to end the lack of effective regulatory control and ensure tougher standards are established and enforced. That is why we would support a single national regulatory authority, and of course that authority should devise a new national code which aims to guarantee educational quality.

It has to end. What we have seen before and what has become so pronounced and prominent before our eyes in the last little while has diminished us all as a nation in our capacity to deliver high-quality education and training, and it is not only our international students in our international market who are suffering as a result of it; we are diminished in our domestic product and our domestic market. That is why we believe in strong regulation and appropriate quality assurance and control mechanisms.

ACTING CHAIR—Thank you very much. Ms Forward, do you have any opening comments that you wish to make?

Ms Forward—No.

ACTING CHAIR—Mr Gavrielatos, I want to turn quickly to the issue of accommodation. It has been raised with us by most of the witnesses who have appeared before the committee and it appears to be an issue in terms of its lack and quality. It also goes to the information that has been provided to the students in their country of origin by so-called agents. What are your experiences as an education union with the issue of accommodation and international students?

Mr Gavrielatos—One of the planks that we have described as being fundamental to any auditing process or quality assurance mechanism should go to the issue of student services—what student services are provided. It is within that framework or that platform, if you like, that we would measure the whole raft of student services. I mentioned but a few in my opening remarks. There is counselling, careers advice, language advice and the like. As part of that there also need to be questions relating to accommodation, transport and the like. These companies have been making significant profit on the back of students without any adequate concern for the services provided or the wellbeing of students in their care. Accommodation is but one of a list, a smorgasbord of areas, that we would consider to be appropriate in any regulatory framework when considering the registration of an operator. You cannot simply send an agent overseas to enlist and enrol students and then wash your hands of any responsibility during their period of stay in Australia. People are making money out of this, apart from the fact that it is also contributing to the Australian economy.

ACTING CHAIR—In terms of the accommodation, we have had a series of options put forward for our consideration. One of the options put forward was that the provider in Australia should have to provide accommodation as part of their service. Another option is that, at least, the information given about the accommodation in the country of origin is correct information. Do you have any ideas as to what type of service should be offered by providers in Australia?

Ms Forward—The second issue that you have raised is the issue of the provision of adequate and correct information. I think it goes without saying that there is no question at all that there should be a requirement on providers to provide students with proper and truthful information about what is available to them when they come to Australia.

As to your first question, there are a number of models already in existence, as I understand it, across the country, including in TAFEs. TAFE institutes are building and have established accommodation for international students. The approach that many TAFE colleges have taken is that it is a long-term investment in the colleges themselves, in terms of the huge wealth of knowledge and experience that international students bring to the college, and the students should be appropriately catered for. So there are a number of models that exist. I think governments both state and federal should be taking seriously the idea that, when you are establishing a market like this, or when you are encouraging the sector to grow this area for both international students and Australian students, then they need to partner with TAFE institutes in particular and look at the provision of good housing for the students who are brought in. There are also a number of models you could look at in terms of an interim measure while those sorts of facilities are being looked into. Again, I think it is beholden on the government to look at ways of supporting the TAFE and VET institutions in developing appropriate housing and accommodation for international students.

Mr Gavrielatos—A condition of registration would be that you are able to offer certain minimum services.

Ms Forward—Minimum services across a wide range.

Mr Gavrielatos—We certainly believe that all operators should be registered. That is why we talked about a tiered registration process. There are certain fundamentals. In the TAFE sector—and Pat has given examples of a response to accommodation—we are comfortable about withstanding any scrutiny in terms of the provision of quality education to international students and domestic students. Any private providers would have them meet certain minima, in the absence of which they should not be registered. It is as simple as that.

ACTING CHAIR—And one of the issues that was raised yesterday was the lack of auditing and accountability measures for the private colleges. It is something that needs to be addressed.

Senator JACINTA COLLINS—I will go firstly to your earlier comment where you said it was not more auditing that you wanted but more competent auditing—something that is related more directly to outcomes and the other services that should be applied along with registration and those sorts of factors that you have raised.

Mr Gavrielatos—We want it to be competent, thorough and dealing with the fundamental issues at hand—the educational issues, rather than just the quantity and outputs in terms of the industry. Whatever you want to call it, we certainly know that the types of questions that are currently being asked within a regulatory framework are not delivering the answers that are required.

Ms Forward—The other really significant issue—and it has been a huge issue for years now—is the level of resourcing of auditing. From our perspective, we need to be very clear

about what the standards are, and we need to get that right. That goes to the question of outputs, but it also goes to the question of inputs in terms of the sorts of facilities that are being offered to students—libraries and other things. So it is both inputs and outputs. But once we have established with the sector a clarity about what the standards are, then the auditing process must be adequately resourced.

Senator JACINTA COLLINS—And not solely desk top.

Senator BILYK—So you are talking about people?

Ms Forward—Yes, we are mostly talking about people—the capacity to get people out there to into the providers. The notion of light-touch auditing and self-regulation in this sector has demonstrably failed.

Mr Gavrielatos—It is just not on.

Ms Forward—The shame in this environment is that there has been a knowledge of the failure for some time. People know that there have been issues. The shame for all of us, I think, is that it takes the sorts of examples that we have had recently to make people focus their attention seriously on the problems with the auditing regime.

ACTING CHAIR—What are the current staffing levels for the auditing regime?

Ms Forward—I could not tell you that. As you are probably aware, by and large auditing is a combined national thing but it falls to the states to implement it. Our anecdotal information around that is that the state authorities are incredibly under-resourced. For example, you may be aware that in Victoria, one of the first actions as a result of this current crisis, if you like, has been a push to do a rapid audit on 17 colleges immediately. I think the Victorian department is trying to get 17 additional rapid audits by the end of the year. That has required the department to increase its staffing immediately to try to get through that by the end of the year. It is a serious crisis in the states around the resourcing of the auditing process.

Mr Gavrielatos—Similarly, any registration or auditing process should not be one that is conducted in the context of assessing a crisis. It is a bit too late. There have to be front-end quality assurance and registration mechanisms and constant proactive and ongoing procedures and processes to ensure the maintenance of a particular standard. It is not good enough to react after the event. Similarly, it is not good enough to engage in some front-end stuff and forget all about it as well. So we are on about some serious and rigorous registration and auditing. The establishment of some form of registration process within a national framework—we believe it should be a national code within a national regulatory framework—has got to establish certain minima for the purposes of registration and some ongoing processes for the purposes of being able to attest that they are being continually met whilst operating. It is not good enough to back-end stuff in terms of managing crises.

Senator JACINTA COLLINS—Can I move on to a different issue that arises in part out of your comments about ACPET. We were discussing earlier today the experience of community welfare students from Sterling College. The concern seems to be that there are about 300 students who were in a community welfare course and the ACPET insurance arrangements do

not allow for them to move into a TAFE program. That is what we seem to be being told. Firstly, I am a bit surprised that if they have an insurance arrangement for these students it does not accommodate a shift between private to public provider.

Senator HANSON-YOUNG—It is done between the members.

Senator JACINTA COLLINS—That is what I am trying to get the detail on.

Ms Forward—As I understand it, the insurance processes are that members of ACPET who are private providers have some arrangement between themselves around covering each other in terms of this sort of failure. What has happened—again, this is as I understand it—is that the call on that insurance fund has been so extraordinary that now there is no capacity for other private providers to pick up the students. As I understand it the insurance company is basically saying, ‘We just cannot fund this.’ There has been such a large call on the company itself. It seems to me that the government should address this really seriously because what we are looking at is the reputation of the sector. The question here is that, I think in the eyes of the world, the distinction between public and private will be quite blurred. In terms of the eyes of the world, they will be seeing this as a failure of the Australian VET system and not of particular private providers.

Mr Gavrielatos—Whilst we would not want private providers and profiteers to be rewarded for their shonky business, the wellbeing of students is of a higher order and the wellbeing of their reputations in the national market is of a higher order. That being said, the private providers need to be taken to task.

Ms Forward—Absolutely, but we need to get those students into TAFE colleges.

ACTING CHAIR—Sooner rather than later.

Ms Forward—The clearest and most obvious solution is for the government to find a way of getting those students as soon as possible into a TAFE college where they can be properly looked after. I absolutely agree. There is no question that they should be let off the hook, but the urgency of the problem means that the government has to look very seriously at looking after the students that are most currently in crisis over these sorts of providers.

Senator JACINTA COLLINS—The astounding thing about this particular insurance product, as to this community welfare course, is that Sterling is the only private provider in Sydney that has been providing this community welfare course. So there are no other private providers that could fill the gap.

Ms Forward—Is this is the college where the students were—

Senator JACINTA COLLINS—Sterling College.

Ms Forward—Yes—is this the one where students were being sent to fundamentalist Christian organisations for their work placement?

Senator JACINTA COLLINS—I do not know.

Senator HANSON-YOUNG—No.

ACTING CHAIR—This is the one that has closed shop.

Senator HANSON-YOUNG—Maybe.

Senator BILYK—But I suppose the question really is: obviously there seems to be willingness, from what you are saying, from TAFE to take these students?

Mr Gavrielatos—It is not for us to speak on behalf of TAFE, but what we would say, as the union that represents teachers in TAFE and as a stakeholder, is that we would strongly and loudly advance the proposition that governments must fill the breach, if you like, in order to look after these innocent victims, these students. We would certainly advocate and support such a proposition.

Senator HANSON-YOUNG—What astounds me, though, is that it is a requirement under the ESOS Act to have insurance. So, if the government has allowed this insurance arrangement to exist between private operators, that is not adequate. Surely there is a responsibility there to ensure that that gap is filled?

Mr Gavrielatos—We are saying that the government should fill the breach. We are clear about that. When it comes to ethics and morality and private providers and profiteers, I think that, as a society, we are long past any hope for any of that.

Ms Forward—This truly is a situation of chickens coming home to roost. This has been going on for a number of years, and, as I say, people who work in and know the sector have been fearful of the sorts of events that have happened in recent times. The whole notion of light-touch regulation, of self-regulation, in an area which has the potential to give private providers such great profits, I think has left the sector open to unscrupulous behaviour, and this is what has happened.

Mr Gavrielatos—And of course, whilst we are focusing on the wellbeing of international students in this crisis, we are not too far removed from, I believe and we believe, similar concerns about providers to domestic students. If there is a lesson to be learned here, it is that we should not be waiting to see what the outcome is of a current set of policy constructs. When the government announced its productivity places, we welcomed the additional places being announced for the purposes of addressing skill shortages. What we do not welcome and are very concerned about is the fact that over 90 per cent of those places have gone to private providers in Australia. We would hope that the current disastrous set of circumstances would focus the attention of legislators, policymakers, the government, on where the current set of policy constructs is taking us with the domestic market, let alone the international market.

Senator HANSON-YOUNG—I have two follow-up questions. I am interested to know the AEU's perspective—because you cover teachers across a variety of different sectors—on the differences between the VET sector and the way that is being managed, and the school sector, in terms of international students. Obviously there are extra requirements if you are dealing with people under the age of 18, and there are a number of students who get sent to Australia in their final years of high school with a view to them going on to further education here in Australia.

Have you got some reflections on how the school sector is managed, or are we dealing with the same issues?

Mr Gavrielatos—No, there are problems emerging there as well, because the international students who are enrolled in our schools do not have attached to them the necessary resourcing to address many of their issues. For example, when students come at a younger age to learn in a high school setting, whether on their own or with a guardian, there are welfare issues associated with that. Similarly, a school is not resourced in the same way to meet the educational needs of those students, because they are international students, as they would be with other students from overseas with respect to English-language programs. So there are issues that have always existed at the school level with international students, and the greatest concern is the level of funding and direct funding to address welfare issues and English-as-a-second-language issues for those students.

Senator HANSON-YOUNG—Extra support.

Mr Gavrielatos—Extra support. It is assumed that all of it can be addressed through the fee being paid by the students. Also, it is a very significantly growing market, if I can put it in those terms, for secondary schools.

Senator HANSON-YOUNG—We need to be careful that that does not turn into—

Mr Gavrielatos—I think there should be some attention given to that as well. A lot of schools are rushing to enrol these students because of what may be considered as windfalls in terms of fees. But this inquiry, in addition to what its remit is, can raise some questions or offer directions for further inquiry into areas such as that which you have just raised.

Senator HANSON-YOUNG—To jump topics, what experience do you have in relation to some of these private colleges that have been set up as income streams for the more traditional universities? Also, are you aware of the complexities around that? The reason I am asking is that we seem to keep talking about the university sector and then we talk about the private college sector but there is quite a lot of crossover in terms of universities setting up private colleges that are targeted directly at international students while offering a different type of course and operating under different standards as well.

Ms Forward—Our area of expertise is in the VET sector. I think we would share the concerns of some of our higher education colleagues in terms of the general funding issues around higher education, where there has been enormous pressure on the sector. I know that there are concerns that universities have rushed to supplement their reduced domestic funding through their international efforts. So we would share the concerns of our colleagues in the sector around those issues. But my understanding broadly is that with a few notable exceptions the university sector has managed its provision of international education reasonably well.

Senator HANSON-YOUNG—In comparison.

Mr Gavrielatos—Because they have had the infrastructure to fall back on. It is where these shonky providers appear in the form of two rooms in the CBD without any infrastructure or anything.

Senator HANSON-YOUNG—This goes back to your point originally; if we allow colleges to simply target and provide for international students only, you are not going to get the broad investment in infrastructure that is needed.

Mr Gavrielatos—There was an ideological obsession in this country a number of years ago aimed at competition, competition and more competition, competitive tendering and the like within the VET sector, which allowed all of this to flourish without any concern about the consequences of such. Education is too important a commodity and the wellbeing of our international and domestic students is too important for us to just allow that blind ideological obsession to take root, as it has.

CHAIR—One of the witnesses raised with us that it is timely to review now the links between education and migration. Do you have any comments on that in terms of the education system needing to act more closely with the immigration sphere?

Mr Gavrielatos—I suppose we would welcome any effort for all levels and all arms of government to talk to each other a bit more so that the left hand knows what the right hand is doing. We would agree with that given the silo effect of government at both the federal and state levels. At all levels, we understand the silo effect. Clearly, it would be better to have a more integrated approach to all facets of social policy. That said, migration policy is much broader than simply education because of all the different classifications of migration programs et cetera. But given that there is interconnectedness between migration, education and skills delivery in Australia, yes, it might be good to have a closer understanding of the interrelatedness of some of those areas. But migration is not driven simply by education.

Ms Forward—It also serves to emphasise how important it is to have a really holistic view of vocational education and higher education so that we actually understand that what we are doing is not just a narrow endeavour of imparting very narrow skills to overseas students in return for money. Rather the role of education and the role it can serve in the international community is crucially important because it has such overlapping dimensions in terms of our capacity as a country to work internationally with other countries. That is a crucial interface. There is the question of being able to narrowly exchange money for permanent residency, but, clearly, some of the levers and drivers in the system at the moment are causing abhorrent behaviour, but they should not detract from the crucial way in which international education can be such an important way for Australia to interact on the international stage.

Mr Gavrielatos—It is about not losing sight of both the social and economic benefits of education whether in international or domestic markets. Whenever you try to compartmentalise or separate that is when you start getting into problems.

Senator BILYK—Do you have any views on how Australia is seen now internationally? Is it still a preferred destination for students to come and study?

Mr Gavrielatos—I certainly cannot speak from any firsthand experience because I have not travelled recently to those large markets. What we understand—and I assume most of us do—is through public reporting of issues. It is a fickle market and it is fragile. The international consumer is very tuned in and will be looking very closely at what happens over the next little while. With the lid having been taken off this issue, it now makes it imperative to act and act

decisively if there is not going to be a longer term consequence with respect to what is known to have been occurring for many a year.

Ms Forward—I think it is clear—and logic tells you—that the international scrutiny of what are perceived to be quite violent, racist attacks on students will have an impact on what is a very important economic and social area for Australia.

ACTING CHAIR—Other areas that have been canvassed in evidence before us include concessions for public transport and the 20-hour working week. Do you have any comments on those two issues?

Mr Gavrielatos—That is why we talk about issues around student services being one of the criteria for the purpose of registration. It is a whole package. There are young people coming to learn and live in Australia. It just does not happen in isolation from a reality in which we all exist. It requires accommodation, travel and a whole series of social services if it is going to be a successful, deep and meaningful experience. Ignoring issues such as transport, accommodation, et cetera just lends itself to social ramifications.

Ms Forward—I think domestic students would argue that they have a difficult enough time in education in contemporary society, but I think the huge disparity around the issue of transport concessions just beggars belief really.

ACTING CHAIR—Especially as it differs from state to state.

Ms Forward—It is just crazy. Similarly, consigning people to poverty by forcing them to work in the black market in terms of employment arrangements, where they are obviously open to extraordinary exploitation because of the restrictions on their capacity to work, is just not right. It really is not right because it further isolates people and locks them into poverty.

ACTING CHAIR—In relation to the 20-hour work week we have had two propositions raised with us: increasing it to 24 hours a week to at least accommodate three 8-hour shifts; or alternatively a complete lifting altogether of the number of hours a week that you can work.

Mr Gavrielatos—Is the 8-hour day still alive though?

ACTING CHAIR—Apparently so.

Mr Gavrielatos—I am intrigued.

ACTING CHAIR—That was the justification put forward. Do you have any comments on what a recommendation should be, and why?

Ms Forward—It is an area that clearly needs better scrutiny than we are able to give it. I just do not know enough about that area to make a guesstimate about the number of hours. It is clear that that area deserves proper investigation. Something has to be done. These people are being forced into black-market employment because they simply cannot live on 20 hours of work a week.

Mr Gavrielatos—It is not about whether it is 20 hours or 28 hours; it is about what their take-home pay is. That is what it comes down to.

Senator BILYK—It is interesting. Both yesterday and today we heard from the Federation of Indian Students. They said in their submission that, in many cases, it is people from their own culture who are exploiting the students.

Mr Gavrielatos—No culture is free from exploitation and those vices.

Senator BILYK—I agree with that. I am just surprised that they have put it in their submission. They say that, in many cases, it is Indian landlords, bosses, immigration agents and Indian owned education institutions who are ripping off the Indian students. If they do not look after their own people it is a bit of a concern.

Mr Gavrielatos—Unethical behaviour transcends cultural and linguistic ties.

Senator BILYK—That is true. We need to make sure that, across the board, everybody is responsible for the pastoral care of all students, whether domestic or international.

Ms Forward—As Angelo said, it raises the question of having a limit on the number of hours students can work and also the hourly rate that people are getting. In many cases I am sure it is not more work that they want, but a decent wage.

Mr Gavrielatos—I think there is a House of Representatives inquiry at the moment looking at the relationship between school and work. There have been some studies done that show high-school students reach a tipping point where it impacts on their education and wellbeing. But it is not simply about the number of hours worked; it is also about when those hours are worked. If you are working between midnight and 8 am, it has a different impacts on your quality of life. So it is not as simple as whether it is 20 hours or 28 hours. There is a whole range of factors at play.

Ms Forward—And I think it deserves to be looked at.

ACTING CHAIR—It is certainly an issue that has been raised by several witnesses. Do you wish to make any final comments before we close?

Mr Gavrielatos—No. I think we have been pretty clear about our view on the ideologically driven privatisation of the sector.

ACTING CHAIR—I think you have! It has been noted on the record. Thank you very much for your participation in today's hearing. I thank all of the witnesses who have appeared before the hearing for their evidence. I also thank the senators, Hansard and the committee secretariat. On behalf of the senators, I would like to make special mention of our secretary, John Carter, for all the hard work that he has done. I understand that this is Mr Carter's last appearance in an away-committee capacity. John, on behalf of all the senators, thank you very much.

Committee adjourned at 3.23 pm