

Review of the *Education Services for Overseas Students (ESOS) Act 2000*

Issues Paper - September 2009

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This issues paper can be accessed via the Australian Education International website at:

www.aei.gov.au

Foreword by the Hon Bruce Baird

The Deputy Prime Minister and Minister for Education, the Hon Julia Gillard MP, has asked me to review the *Education Services for Overseas Students Act 2000* and its associated legislation and regulations (referred to collectively as ESOS). The terms of reference for the review are provided at Appendix A.

ESOS regulates Australia's world class education and training sector's involvement with international students studying in Australia on student visas. It has helped to put Australia at the forefront of international education provision.

This review is an opportunity for the sector to take stock, look at what is working, what could be improved, and consider what changes may be appropriate to support a high quality, sustainable and student focused international education sector into the future.

It is occurring in parallel with other work relating both to international students and education quality. Through the Council of Australian Governments (COAG), a comprehensive National International Student Strategy is being developed to improve the experience of international students in Australia. A number of state governments are considering, or have recently considered, how they will support international students in their respective jurisdictions. Work is also underway to establish a national tertiary regulator, Tertiary Education Quality Standards Agency (TEQSA) and the development, through COAG, of further reforms to vocational education and training (VET), including models for a national regulatory body.

This issues paper has been developed to facilitate discussion with all those interested in the future of international education in Australia. The paper provides background information and identifies key issues grouped according to the four broad terms of reference: supporting the interests of students; delivering quality as the cornerstone of Australian education; effective regulation; and sustainability of the international education sector.

Submissions on the issues paper can be provided using the template available in Appendix B. Responses can be submitted via email to the review secretariat at esosreview@deewr.gov.au or via an online forum accessible at www.aei.gov.au. Please provide your submissions by **Friday 30 October 2009**.

I look forward to contributions about how ESOS can support a sustainable, high quality, more student focused international education sector in Australia.

The Hon Bruce Baird
23 September 2009

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Discussion questions

Supporting the interests of students

- i. How can the quality and accessibility of reliable information be improved? What role can ESOS have in ensuring providers and their agents are held to account for supplying prospective and current international students with accurate and timely information?
- ii. How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?
- iii. Are different mechanisms needed to support international students to resolve complaints effectively? Are additional complaint mechanisms needed?
- iv. Should an international student's ability to change their education provider be limited, if so in what way?

Delivering quality as the cornerstone of Australian education

- v. How can the intersection between ESOS and the underpinning education quality assurance frameworks be improved?
- vi. Where do international students' needs differ to other students, such that additional or different regulation is required?

Effective regulation

- vii. Is ESOS compliance and enforcement adequate?
- viii. Can risk be better addressed through strengthening registration requirements and/or better targeting of compliance and enforcement action? How else can risk be managed?
- ix. What should be the balance between a focus on inputs and prescription versus outcomes?
- x. How can ESOS better support Australia's student visa program?

Sustainability of the international education sector

- xi. What role should ESOS have in supporting the ongoing sustainability of the international education sector given the challenges it faces into the future?

1 Background

1.1 Legislative framework

ESOS governs the provision of education and training services to international students in Australia to study through the:

- *Education Services for Overseas Students (ESOS) Act 2000*
- ESOS Regulations 2001
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code)

These are supplemented by the *ESOS (Registration Charges) Act 1997* and *ESOS (Assurance Fund Contributions) Act 2000* which prescribe charges and contributions.

The principal objectives of ESOS are:

- a) to provide financial and tuition assurance to overseas students for courses for which they have paid
- b) to protect and enhance Australia's reputation for quality education and training services
- c) to complement Australia's migration laws by ensuring providers collect and report information relevant to the administration of the law relating to student visas.

The ESOS Act requires registration of all providers and their courses for delivery to international students. In addition to meeting the requirements of the ESOS Act, registration requires that a provider meet the standards set out in the National Code. These standards address: marketing, recruitment and enrolment; student support including orientation, complaints and appeals and transfers; monitoring and reporting relating to educational progress and migration requirements; and administration. Registration under ESOS also requires a recommendation from the relevant state or territory authority confirming the provider meets the relevant quality standards for their education sector.

ESOS is administered by the Department of Education, Employment and Workplace Relations (DEEWR) in cooperation with state and territory registration bodies. The respective agency responsibilities are detailed in a Shared Responsibility Framework agreed by Australian education departments in 2007.

DEEWR is responsible for registration, monitoring, compliance and enforcement activities under the ESOS Act and supporting the provision of consumer protection mechanisms. Under ESOS, state and territory registration bodies are responsible for assessing applications for registering and re-registering providers on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). States and territories may also undertake monitoring, compliance and enforcement activities under their own state legislation relating to education services to international students (where applicable). Educating providers about their ESOS obligations is undertaken by both DEEWR and state and territory agencies.

ESOS was last reviewed in 2004–05. That review recommended a range of improvements to ensure nationally consistent provider registrations and to strengthen standards under the framework. In response, the Australian Government substantially revised the National Code to provide greater clarity and a greater focus on student needs and welfare through more detailed and extensive requirements.

ESOS helps protect the integrity of the student visa system. It ensures that study is the main purpose of the student's stay in Australia by stipulating course attendance, progress and completion requirements, and by requiring providers to report certain information to the Australian Government to support the administration of the student visa program.

Further information about ESOS is available at www.aei.gov.au/esos.

1.2 An evolving international education sector

The history of full fee paying international students in Australia is not particularly long. Between the 1950s and the 1980s almost all international students were either fully or partially funded by the Australian Government through aid programs, including scholarships. In the late 1980s and early 1990s the Australian Government took steps to increase Australia's participation in tertiary education and enabled user-pays education for international students. These changes coincided with the growth and development of many countries in our region and international students came to Australia in large numbers for a quality education. Between 2002 and 2008 total numbers of international students have grown by 14 per cent per annum, with growth in recent years above this average (18.5 per cent in 2007, peaking at 20.3 per cent in July 2009). There were approximately 547 700 international student enrolments in Australia as of July 2009.

In recent years there have been significant changes in the composition of the international student body, as well as the sectors and fields of education being undertaken by students. Traditionally higher education enrolments have dominated international education. In contrast, both the VET and English language sectors experienced very strong enrolment growth in 2008 (45.7 per cent and 23.6 per cent respectively on 2007 figures). For the first time this year enrolments in VET have been about on par with enrolments in higher education, challenging the dominance of higher education. In contrast, the growth in public providers has declined slightly from 115 providers in 2002 to 107 in 2008, while private providers have increased from 914 in 2002 to 1066 in 2008. Further details about enrolment numbers and the changing nature of the sector are included in Appendix C.

2 Supporting the interests of students

International students are potentially a vulnerable group. ESOS recognises this by putting in place special legislative provisions for their protection, mainly with regard to: obligations on providers to give students information and to manage the education agents they use; consumer protection in the case that they do not receive the course for which they have paid; and detailed complaints handling procedures.

However, international students often choose a provider based on word-of-mouth, the internet or an education agent and then travel far from their family and support networks. There is also the additional pressure of meeting the expectations of families and communities who have often made sacrifices to fund a student's international study. In comparison, most Australian students go to an institution that they know by community reputation, which is likely to be in the same region as they went to high school, and are likely to remain connected to their friends and family networks.

Consequently, the information available to international students to make informed choices is a key aspect of setting up a positive experience that meets both students' and families' expectations. As complaints to DEEWR and media reports attest, one of the main issues involves students being misled, particularly by education agents, about critical aspects of their proposed studies. This may include deception about the quality of a course or a provider, the cost of living, opportunities for part-time work and employment, further study or migration outcomes.

A key function of ESOS is consumer protection. Where a provider cannot provide a refund, the ESOS Act specifies that eligible students must be placed in a comparable course by that provider's Tuition Assurance Scheme (TAS). If that is not successful, the ESOS Assurance Fund must endeavour to place the student and failing that, may make a refund payment to the student.

A provider closure is a stressful situation for students. The current consumer protection mechanisms' ability to support students' interests is questionable, given the changing risk profile of the sector. For example, the four colleges that closed in July and August 2009 were offering a narrow range of courses. These institutions did not fulfil their refund obligations to their students and accordingly the applicable TAS and the ESOS Assurance Fund were required to assist these students. Arranging alternative placements for all displaced students can be complicated by a range of factors including the standard of available academic and financial records, poor student contact information, involvement of agents, and the availability of sufficient suitable alternative course placements. Any delays arising from these issues may cause some level of uncertainty and frustration for students awaiting assistance.

It is not difficult to envisage that further pressures—such as the global downturn, changes to migration rules and increased government scrutiny—will place more providers under pressure. As the capacity of TASs to absorb displaced students diminishes, more students will need to be placed or refunded by the ESOS Assurance Fund. If the ESOS Assurance Fund has to provide refunds to a larger number of students, eligible providers may need to pay additional levies to raise the revenue for those refunds. This raises the issue of whether the risk associated with any given provider has been adequately reflected in contributions to the TAS or the ESOS Assurance Fund. Although the TASs are established under ESOS, they are independent and there are minimal legislative mechanisms to ensure their effectiveness.

The ESOS Act does not establish an advocacy or conciliator role (for DEEWR or any other organisation) to address student complaints. As a consequence, DEEWR's role has been limited to providing information to an affected student and considering whether the complaint indicates that there is a compliance issue with a particular provider. A range of stakeholders have suggested that other mechanisms for investigating and resolving students' complaints and supporting students through this process may be needed in addition to the regulatory work and current mechanisms available.

A large number of student enquiries to the International Students Hotline relate to issues associated with students wanting to change providers. For the period June to August 2009, for example, around 40 per cent of the calls from students or their relatives/friends related to this issue. The ESOS Act imposes a restriction on changing to another education provider. No such restriction applies to Australian students. International students often cite dissatisfaction with a course or provider as a reason for wanting to transfer. Providers often query whether students wishing to transfer are motivated by a search for cheaper or less rigorous courses or incentives offered by education agents. Providers also raise concerns about the impact of large numbers of transfers on their costs and business planning.

Discussion questions

- i. How can the quality and accessibility of reliable information be improved? What role can ESOS have in ensuring providers and their agents are held to account for supplying prospective and current international students with accurate and timely information?
- ii. How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?
- iii. Are different mechanisms needed to support international students to resolve complaints effectively? Are additional complaint mechanisms needed?
- iv. Should an international student's ability to change their education provider be limited, if so in what way?

3 Delivering quality as the cornerstone of Australian education

As the Minister for Education noted in her address to Parliament on 26 May 2009:

Australia needs a highly regarded, high quality and internationally relevant education and training system, one which provides students, both Australian and international, with the skills and knowledge they need to participate fully in our globally engaged economy and society.

The future of Australia's education system and Australia's continuing prosperity rests on ensuring its education and training quality and reputation. Student expectations and the market do not stand still. The competitiveness of Australian international education and the high demand for Australian trained graduates in the global labour market will be adversely impacted if the Australian education system, its courses and qualifications, are not regarded as being of sufficient quality now and in the future. In this highly competitive environment, quality and perceptions of quality are crucial.

The quality of Australian education is supported by the assurance frameworks in place for the provision of education and training services in Australia. These standards and requirements apply regardless of whether the recipient of that education and training is an Australian or international student. They consist of:

- National Protocols for Higher Education Approval Processes (National Protocols) for higher education courses, underpinned by state and territory legislation establishing universities and their self-accrediting status; currently monitored by the Australian Universities Quality Agency
- Australian Quality Training Framework (AQTF) for VET courses; monitored by state and territory governments
- school curricula developed and monitored by state and territory governments, noting that a national curriculum is currently being developed.

In addition, industry standards may apply to specific courses such as English language and foundation programs.

Governments in Australia are currently considering how to strengthen regulation and quality assurance in tertiary education (i.e. both higher education and VET). Following the 2008 Review of Australian Higher Education led by Emeritus Professor Denise Bradley (the Bradley Review), the Australian Government announced the establishment of the Tertiary Education Quality Standards Agency (TEQSA). TEQSA will bring together the regulatory and quality assurance functions across both universities and private providers of higher education. It is expected that TEQSA will begin to accredit, monitor and enforce compliance of higher education providers against the National Protocols and elements of ESOS in early 2011. COAG agreed on 2 July 2009 to develop models for a national VET regulatory body. One model could be TEQSA.

Key considerations in the development of both TEQSA and models of national VET regulation are a greater focus on managing risk in the sectors, strengthening compliance and enforcement capabilities and providing more information to students and the community on sanctions and quality.

ESOS relies on the existing education quality assurance frameworks to assure the quality of the education delivered to international students. In doing so, ESOS recognises the pivotal role of state and territory governments in the delivery of education services to Australian students and minimises the regulatory burden on providers by leveraging existing registration, accreditation and compliance systems. For example, as described in section **1.1 Legislative framework**, providers must first meet the quality requirements for delivery of education services to domestic students to be registered on CRICOS.

However, the intersection of ESOS with these underpinning quality assurance frameworks can be complex, cause confusion about roles and responsibilities and raise concerns about consistency and duplication. For example, a VET provider may be audited twice in close succession: by DEEWR for its ESOS Act obligations and certain standards of the National Code, then by the state regulator for the AQTF, state legislation and the National Code as well. The provider can also be audited by the Australian Government Department of Immigration and Citizenship and other agencies. Does this division of responsibilities work?

There are some mixed signals about quality in the international education sector. Setting inadequate English language entry standards for courses is one example. When providers have inadequate English language entrance standards this can give misleading information to students about whether they have the necessary skills to complete the course they enrol in, and can also detract from the quality of teaching and learning for other students.

The quality of an international education lies not only in formal education, but also in the informal learning that comes from fellow students about different cultures, backgrounds and the opportunities to practice language skills. Providers with a heavy concentration of international students, particularly from a single country, may undermine students' opportunity to benefit from a diverse student body and enhanced education experience. Consequently, this review is an opportunity to consider whether a regulatory mechanism for ensuring diversity would be desirable.

Discussion question

- v. How can the intersection between ESOS and the underpinning education quality assurance frameworks be improved?
- vi. Where do international students' needs differ to other students, such that additional or different regulation is required?

4 Effective regulation

ESOS aims to manage risk across three different areas: the risk of provider collapse, the risk of disreputable providers to the sector's reputation and the risk of non-genuine students to the migration program. In this context, it is essential that each point on the regulatory continuum—entry (registration), compliance monitoring and enforcement—supports the management of that risk, but without imposing a regulatory burden that outweighs the benefits.

Registration under ESOS confers the ability to recruit international students. Registration for providers to offer courses to international students has historically relied on the processes employed by state and territory governments to register providers to deliver courses to Australians. Assessment by the relevant state or territory agency that the domestic quality frameworks have been met may include the provider's intended operational facilities. Auditing of these facilities may not occur for up to one year once the education provider has begun operations. At the Commonwealth level there is very limited scope for excluding poor quality providers from entering international education once they have passed through state or territory processes. For example, there is currently no ESOS requirement on registration relating to the financial capacity of the education provider nor is there ongoing monitoring of financial viability.

The application of ESOS regulation usually involves compliance monitoring, which may be applied differentially on the basis of risk. Low risk providers may be given a 'light touch', perhaps one that focuses more on educative approaches and less frequent on-site checks. High risk providers tend to be subject to more frequent monitoring. Adopting a risk management approach enables regulators to target resources to problem areas. This is not the only way to address risk. Risk can also be managed through the standards applied, with stricter standards applying for those deemed to be of high risk.

The strength of a risk management approach is dependent on identifying the right risk factors at the right time and having access to solid data and evidence to guide the assessment process. Currently the primary source for risk-assessment data is the Provider Registration and International Student Management System (PRISMS). This system records a range of information relating to providers including number of student against total approved capacity, reporting of changes to students' enrolments and source countries. Cross-checking and complementing this data with other sources, such as education quality and financial assessments, as well as formalising the use of other data, such as complaints, may assist to better identify risk.

Many of the reported concerns with the current compliance regime relate to the capacity of regulators to appropriately police the sector or the efficacy of actions taken. In 2007–08, DEEWR undertook 48 compliance monitoring visits, issued 55 enforcement notices, placed conditions of registration on six providers and cancelled one provider's registration. Aggregate data is not usually widely publicised and information about specific compliance actions against a provider are generally not made public. This approach may contribute to students feeling that complaints about compliance matters are not heard and disenchant the good providers who feel not enough is being done about unsatisfactory providers. There is also some confusion about the purpose of regulation under ESOS and the state legislation covering education quality which effectively provides the gateway into education provision.

There are various ways of modelling regulation to achieve its objectives. The National Code establishes minimum procedural standards that have the benefit of clarity, ease of interpretation and offer certainty for providers and regulators. However, a focus on inputs and prescriptive standards can introduce unnecessary complexity, reduce flexibility and longevity and result in less optimal outcomes for students (e.g. inflexible attendance requirements, limitations on new teaching methods). On the other hand, outcomes-based regulation (e.g. AQTF) gives providers the flexibility to decide how best to align their processes with the regulatory outcomes required. Given that there are concerns that not enough is being done to police the sector would a move to an outcomes focus make it more difficult to establish non-compliance and to take corrective action?

The current National Code's prescriptive approach may also impose unintended difficulties on a provider and student when it comes to the student's visa. For example, if a provider makes an educational decision that a student has made unsatisfactory course progress, in academic terms this may lead to an academic suspension of one semester. Under ESOS, it must also be reported to the Australian Government. Such a report can lead to the student's visa being cancelled and possibly subjected to a three year exclusion period before the grant of a further student visa. Some providers have reported that they are uncomfortable with such educational decision making being the basis for visa decisions.

The capacity of providers to report students for failing to comply with their visa conditions can also be used as a lever over students. There have been allegations that some providers have used the power to report students or cancel a student's enrolment in order to coerce students into paying additional money or trapping them in a course that is not what they wanted.

Discussion questions

- vii. Is ESOS compliance and enforcement adequate?
- viii. Can risk be better addressed through strengthening registration requirements and/or better targeting of compliance and enforcement action? How else can risk be managed?
- ix. What should be the balance between a focus on inputs and prescription versus outcomes?
- x. How can ESOS better support Australia's student visa program?

5 Sustainability of the international education sector

The long-term sustainability of the international education sector is dependent on meeting students' expectations of a quality education and a positive student experience and producing international graduates with highly sought after qualifications and skills. Commentators have questioned the sector's long-term prospects if governments do not recognise the changing environment and look to improve the sector's reputation, including through improved regulation.

International education has grown around the globe in recent years. However, some of our major source countries are now heavily investing in developing their own higher education providers. There are also challenges to international education in the growth of off-shore education and online learning. If Australia is to remain a destination of choice we will need to provide not just high quality education outcomes but other benefits such as language immersion, cultural experiences and an opportunity to build international networks.

The benefits of international education accrue to both international students and Australia more broadly. Good educational experiences not only sustain Australian international education, they support long-lasting business, diplomatic, research and cultural ties and contribute to research and innovation goals. International students also enrich our society by contributing to a diverse education experience for all Australians; they provide opportunities for a wider range of courses to be offered and they promote cross cultural experiences generating greater understanding and acceptance of others. Prospective, current and past students have a very significant influence on the future of Australian international education, as well as Australia's broader prosperity and international standing.

Questions have been raised about whether unsatisfactory providers focusing on qualifications linked to migration outcomes have eroded Australia's reputation for quality and diminished its attractiveness as a study destination in the eyes of the world's best and brightest. It is argued that some such providers are more interested in short-term financial gains rather than building a long-term education focused business. For example, under current arrangements, a VET provider may meet the AQTF minimum standards for registration, yet may not have a demonstrated record in education and training. The provider may then recruit all its international students from one or two source countries and focus its business on a narrow range of courses. As previously noted, a lack of diversity can impact the quality of the education experience, including falling English language standards and limited support services. At the same time, the viability of these providers is more tenuous—an economic shock in one of their source countries or changes in course demand may well see their income stream falter resulting in provider collapse. This would leave their students to seek refunds or be supported by the ESOS consumer protection mechanisms.

One of the key objectives of ESOS is to enhance and protect the reputation of Australian education. This review is an opportunity to examine how current approaches support and regulate the sector to maximise long-term benefits for international students, education providers, our education and training system, and Australia.

Discussion question

xi. What role should ESOS have in supporting the ongoing sustainability of the international education sector given the challenges it faces into the future?

6 Conclusion

To make study in Australia the best experience, everyone with an interest in international education will need to make a concerted effort to work together to build on the foundations already in place, put the student at the centre and achieve a more sustainable future for Australian international education.

The ESOS framework is a key foundation for international education in Australia. It has helped to put Australia at the forefront of international education provision and provided a solid foundation for the sector. But regulation is not always the entire or best answer.

The review of the ESOS Act provides an opportunity to further enhance the education quality and protection of international students. It will ensure our regulatory framework delivers the best consumer protection and maintains rigorous standards for education providers wishing to enter and deliver courses in the international education sector.



Australian Government

Department of Education, Employment and Workplace Relations

Terms of Reference for the review of the *Education Services for Overseas Students (ESOS) Act 2000* and associated regulatory and legislative frameworks

The Australian Government has brought forward the planned 2010-11 review of the legal framework for the provision of education services to international students in the context of significant growth in the number of overseas students, the changing composition of the international student body and emerging issues in the sector.

This Review will examine the operation of the *Education Services for Overseas Students (ESOS) Act 2000* and associated regulatory and legislative frameworks, including the National Code. It will look at the adequacy of the current ESOS legal framework to identify and address any areas for improvement to ensure Australia offers a world-class, quality international education in this changing environment.

The Review will be conducted in parallel with a number of related processes, notably the development of a National International Student Strategy under the Council of Australian Governments (COAG) and the establishment of the Tertiary Education Quality and Standards Agency (TEQSA).

The key objectives of the current ESOS Act (see s.4A) are:

- a. to provide financial and tuition assurance to overseas students for courses for which they have paid
- b. to protect and enhance Australia's reputation for quality education and training services
- c. to complement Australia's migration laws by ensuring providers collect and report information relevant to the administration of the law relating to student visas.

The Review will consider the need for enhancements to the ESOS legal framework in the following four key areas:

1) Supporting the interests of students

This will include a focus on:

- the adequacy and accuracy of information for students
- protection of students as consumers
- consistent treatment of students regardless of location or provider
- provider accountability
- broader support for students.

2) Delivering quality as the cornerstone of Australian education

This will include a focus on:

- nationally consistent quality
- quality of providers entering the market
- mechanisms for ongoing monitoring, quality assurance and quality improvement of registered providers.

3) Effective regulation

This will include a focus on:

- clarity of roles and responsibilities under the framework
- identification and management of risks
- efficient and streamlined regulatory arrangements which minimise the regulatory burden on providers
- timely and effective enforcement of compliance.

4) Sustainability of the international education sector

This will include a focus on:

- provider sustainable business strategies
- preparing for the transfer of the ESOS regulatory functions to TEQSA by 2013
- transition arrangements for any industry adjustments required in response to this Review.

Process and timeframe for the Review

The Deputy Prime Minister, the Hon Julia Gillard MP, has appointed the Hon Bruce Baird to undertake the ESOS Review under the agreed Terms of Reference, with secretariat support provided by the Australian Government Department of Education, Employment and Workplace Relations (DEEWR).

An issues paper will be released on the Australian Education International website in September 2009, outlining the key issues for the international education sector and inviting written submissions from interested stakeholders on specific consultation questions by the end of November 2009.

At the same time, the Reviewer will hold targeted forums with key stakeholders, including state and territory government officials, regulatory bodies, education providers, student bodies and diplomatic missions.

Feedback from the scheduled roundtable with international student representatives in Canberra in early September 2009 will also inform the Review.

An interim report from the Review will be available for consideration by COAG in November 2009 with a final report expected in early 2010.

Submission template

Please note that the Department usually publishes and reserves the right to publish any written submission received and the names of persons making written submissions in the course of this consultation process.

If you consider that information in your submission should be treated as confidential, or if you wish to remain anonymous please clearly indicate this in your submission or in a cover note and provide reasons for your request.

The Australian Government reserves the right to accept or refuse a request to treat information as confidential and will use the criteria set out in the Department of Finance and Deregulation's Financial Management Guidance No. 3 on confidentiality in procurement, July 2007, as a guide when determining whether to accept a claim for confidentiality. Information relating to individuals will be protected under the *Privacy Act 1988*. Requests for access to such information will be dealt with under the provisions of the *Freedom of Information Act 1982*.

The template reflects the terms of reference for the review and the issues identified in the issues paper. Please refer to the issues paper and terms of reference for more information.

A field for general comments has been included below for you to raise additional issues.

Written submissions are to be received by 30 October 2009 and sent by email to: esosreview@deewr.gov.au.

About you:

Institution / organisation

Name:

Sector:

Prepared by:

Contact details:

Student / individual

Name:

Institution / organisation:

Course / role:

Home Country:

Contact details:

Supporting the interests of students

i. How can the quality and accessibility of reliable information be improved? What role can ESOS have in ensuring providers and their agents are held to account for supplying prospective and current international students with accurate and timely information?

Comments

Recommendation/s

ii. How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?

Comments

Recommendation/s

iii. Are different mechanisms needed to support international students to resolve complaints effectively? Are additional complaint mechanisms needed?

Comments

Recommendation/s

iv. Should an international student's ability to change their education provider be limited, if so in what way?

Comments

Recommendation/s

Delivering quality as the cornerstone of Australian education

v. How can the intersection between ESOS and the underpinning education quality assurance frameworks be improved?

Comments

Recommendation/s

vi. Where do international students' needs differ to other students, such that additional or different regulation is required?

Comments

Recommendation/s

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

Recommendation/s

viii. Can risk be better addressed through strengthening registration requirements and/or better targeting of compliance and enforcement action? How else can risk be managed?

Comments

Recommendation/s

ix. What should be the balance between a focus on inputs and prescription versus outcomes?

Comments

Recommendation/s

x. How can ESOS better support Australia's student visa program?

Comments

Recommendation/s

Sustainability of the international education sector

xi. What role should ESOS have in supporting the ongoing sustainability of the international education sector given the challenges it faces into the future?

Comments

Recommendation/s

General Comments

Thank you.

Australian international education data

(tables have been included in this format for accessibility)

International student enrolments by sector, YTD July 2002–09

Sector	2002	2003	2004	2005	2006	2007	2008	2009
Higher Education	110,445	129,488	145,852	157,248	163,973	169,701	174,835	199,401
VET	45,904	48,931	49,837	55,558	68,621	98,874	141,488	197,183
Schools	21,016	24,860	25,647	23,508	22,608	24,652	26,637	26,465
Other	21,472	23,370	23,201	23,166	23,468	24,499	27,165	29,045
ELICOS	40,678	43,183	43,863	43,504	51,569	68,713	84,984	95,569
Grand Total	239,515	269,832	288,400	302,984	330,239	386,439	455,109	547,663

Enrolments in higher education by broad field of education (top five and others), YTD July 2002–09

Broad Field Of Education	2002	2003	2004	2005	2006	2007	2008	2009
Management and Commerce	42,075	51,344	60,270	68,797	76,246	81,044	83,604	97,243
Information Technology	22,584	23,409	23,760	22,477	19,167	16,838	15,618	17,447
Engineering and Related Technologies	8,806	10,613	12,198	12,575	12,543	13,047	13,676	16,152
Health	4,059	5,050	6,318	7,966	9,997	12,073	13,541	15,473
Society and Culture	10,833	12,550	13,358	13,613	13,685	13,664	13,717	15,089
Others	22,088	26,522	29,948	31,820	32,335	33,035	34,679	37,997
Grand Total	110,445	129,488	145,852	157,248	163,973	169,701	174,835	199,401

Enrolments in VET by detailed field of education , YTD July 2002–09

Detailed Field Of Education	2002	2003	2004	2005	2006	2007	2008	2009
Hospitality Management	2,516	3,357	4,603	7,501	14,065	24,834	36,928	36,825
Business and Management	7,544	8,580	9,674	10,516	11,504	15,279	22,724	31,919
Cookery	670	1,083	1,210	1,723	3,105	6,064	8,804	13,942
Hospitality	753	615	562	623	703	916	4,191	13,926
Hairdressing	139	319	568	1,215	2,315	4,294	7,108	11,360
Accounting	1,256	1,487	2,176	4,342	5,950	7,362	8,503	10,431
Welfare Studies	8	21	77	261	662	2,196	6,203	9,031
Management and Commerce	3,528	4,851	5,556	4,582	3,851	3,838	4,320	6,591
Baking and Pastry making	25	84	119	386	860	1,706	1,858	4,090
Graphic Arts and Design Studies	732	808	743	765	655	969	1,446	3,380
Others	28,733	27,726	24,549	23,644	24,951	31,416	39,403	55,688
Grand Total	45,904	48,931	49,837	55,558	68,621	98,874	141,488	197,183

Count of providers by provider type, YTD July 2002-2009

Provider type	2002	2003	2004	2005	2006	2007	2008	2009
Private	914	938	975	1,000	1,014	1,053	1,066	1,058
Public	115	118	116	112	112	110	107	102
Total	914	938	975	1,000	1,014	1,053	1,066	1,058

Acronyms or abbreviations of titles

AQTF	Australian Quality Training Framework
Bradley Review	Review of Australian Higher Education
COAG	Council of Australian Governments
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DEEWR	Department of Education, Employment and Workplace Relations
ESOS	<i>Education Services for Overseas Students Act 2000</i> and its associated legislation and regulations
National Code	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
National Protocols	National Protocols for the Higher Education Approval Processes
PRISMS	Provider Registration and International Student Management System
TAS	Tuition Assurance Scheme
TEQSA	Tertiary Education Quality Standards Agency
VET	vocational education and training
YTD	year to date

Resources

For further information, please refer to the following resources:

- International Students Taskforce and ESOS Review
www.aei.gov.au/AEI/GovernmentActivities/InternationalStudentsTaskforce/Default.htm
- Education Services for Overseas Students (ESOS) regulatory framework
www.aei.gov.au/esos
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
www.cricos.deewr.gov.au/
- International students data
www.aei.gov.au/AEI/MIP/Statistics/Default.htm
- Council of Australian Governments 2 July 2009 Communiqué announcing development of the National International Student Strategy
www.coag.gov.au/
- Review of Australian Higher Education (the Bradley Review)
www.deewr.gov.au/HigherEducation/Review/Pages/default.aspx
- Tertiary Education Quality and Standards Agency
www.deewr.gov.au/HigherEducation/Documents/TransformingAustraliasHigherEducation.pdf
- Migration Occupations in Demand List Review
www.immi.gov.au/skilled/general-skilled-migration/modl-review/
- Australian Universities Quality Agency
www.auqa.com.au/