

TAFE Directors Australia

Submission to the Strategic Review of the Student Visa Program (Knight Review)

April 2011

The Hon Michael Knight AO
Student Visa Program Review

Ph: 02 9217 3180
Fax: 02 9281 7335
Web: www.tda.edu.au

studentvisaprogramreview@immi.gov.au

15 April 2011

Dear Mr Knight,

On behalf of TAFE Directors Australia (TDA), I have much pleasure in submitting this response to the Strategic Review of the Student Visa Program.

TDA is the peak national body incorporated to represent Australia's 58 government owned TAFE Institutes and university TAFE divisions, and the Australia-Pacific Technical College (APTC).

Australia's TAFE Institute network is the largest and most diverse tertiary education sector in Australia with more than 1300 locations across Central Business Districts (CBD), suburban, regional and remote locations, with many Institutes offering further services through the Asia-Pacific and other offshore regions.

The core business of TDA is supporting our member Institutes and leading the advocacy for quality skills in Australia.

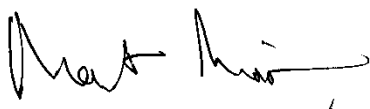
TAFE Directors Australia was established by TAFE Institute directors in 1998, and incorporated as a not-for-profit educational organisation.

Our purpose is to:

- advance vocational education and training policy in Australia
- support policy development for improved outcomes for students – domestic and international
- lead the advocacy on funding
- provide member services for Tuition Assurance to facilitate Institutes' Vocational Education and Training (VET) FEE-HELP registration
- position TAFE Institutes as the major training brand delivering skills in Australia
- develop and support international networks, partnerships and exchanges.

We thank you and the Review Secretariat for the opportunity to provide this submission and to provide individual briefings during the course of your deliberations.

Yours sincerely



MARTIN RIORDAN
Chief Executive Officer

SUMMARY OF RECOMMENDATIONS

Based on the Review's Terms of Reference, TDA makes the following recommendations:

Effective partnership Framework

Recommendation 1 TDA recommends the establishment by DIAC of a Student Visa Advisory Group

Student visa applicants threshold

Recommendation 2 TDA recommends that English language proficiency and education qualifications be removed as threshold criteria for the student visa program

Recommendation 3 TDA recommends that DIAC release the alternative financial model developed by a 2010 Working Party and confirm the next steps

Recommendation 4 TDA recommends the Points Test currently used to assess applicants for permanent residency under the General Skilled Migration Program be reviewed as a matter of urgency

Immigration risk/prevention of program misuse/separate visas suitability

Recommendation 5 TDA recommends replacing the current Assessment Level regime with Provider Assessment levels

Additional recommendations

Recommendation 6 TDA recommends the removal of student visa statistics from migration statistics

Recommendation 7 TDA recommends a reduction in student visa fees and a transparent account of where the funds are spent

Recommendation 8 TDA recommends a reduction in student visa processing times

Recommendation 9 TDA recommends a period of 12 months before international students can change providers

Context of the Student Visa Program Review

TDA wishes to place on record a number of key issues and events leading to the 2011 Strategic Review of the Student Visa Program.

1. Inadequate Regulation

The Australian VET Regulatory system failed to adequately regulate private VET providers as evidenced by the following:

1.1 Enrolments growth

International student enrolments have grown significantly due to exceptional increases in private sector VET provider enrolments:

- International VET enrolments by private providers increased from 50,022 students in 2005 to 196,740 students in 2010 (85% of all international VET enrolments). Indian student enrolments in private VET providers grew by 1724% between 2005 and 2008 (AEI data 2008)
- Public VET provider enrolments grew from 23,253 students in 2007 to 34,059 students in 2010

1.2 Above capacity enrolments

Registration as a provider of education for international students includes a restriction on the number of students a provider can enroll in approved courses. This restriction was blatantly abused by many private providers and both Commonwealth and State regulators failed to enforce this restriction, as evidenced by:

- On 1st September 2009:
 - four NSW private providers were more than 200% over capacity, including one with an approved capacity of 124 and confirmed enrolments of 1,293 (1,042% over capacity).
 - Fifteen NSW private providers were more than 30% over capacity at this time
- In November 2009:
 - DEEWR provided, to each of the state and territory regulators, data on over capacity enrolments
 - Following provision of this data, the PRISMS database approval process was adjusted to prevent providers enrolling students above their approved capacity.

1.3 Regulator Capacity

Compounding the failure to effectively regulate over capacity enrolments in the international education sector, some State & Territory regulators demonstrated lack of regulatory capacity:

- An audit summary of the Victorian Registration and Qualifications Authority (VRQA) by the Victorian Auditor-General (tabled in Parliament 7 October 2010) concluded:

VRQA cannot reliably assure that it has effectively regulated VET providers.

The summary identified that VRQA could not reliably demonstrate it had been registering and monitoring VET providers in line with the Act and had been slow to address shortcomings with VRQA's regulatory practices. (TDA notes the findings of this Report were challenged by the VRQA)

- The NSW Vocational Education & Training Accreditation Board (VETAB) March 2011 Newsletter describes the outcomes of its Flying Squad auditing in 2010:

The Flying Squad audited 89 Registered Training Organisations (RTO's) in 2010. At the initial audit 42 (47%) were compliant while 47 (53%) were found to be non-compliant. Of the non-compliant RTOs, 24 (27%) had serious non-compliances.

By December 2010 ... the number of serious non-compliance had reduced to 7 (8%).

... the audits found that those with serious non-compliances were more likely to have Business and/or Finance qualifications on scope; have 100% overseas students; have more than 300 overseas students and be above 80% of their approved capacity.

TDA acknowledges the improved monitoring and compliance efforts of VETAB, but raises the following questions regarding regulatory practice:

**Are RTOs still operating with approved student visas 80% above their approved capacity?
If yes, why?**

Are the seven NSW RTOs, found to still be seriously non-compliant after a second audit in 12 months, still able to recruit and enrol international students?

1.4 Reporting regulatory issues

When serious doubts about the integrity of Australia's International Education program became front page news, in late 2008 and throughout 2009, the Commonwealth government and its State and Territory regulatory bodies decried the actions of the 'dodgy providers', and blamed them for exploiting the link between education and migration.

What they didn't make nearly so clear was that Federal and State governments were responsible for regulating the providers and 'dodgy providers' existed because they weren't being effectively regulated. These providers also enjoyed the protection and a certain level of legitimacy as members of private Tuition Assurance Schemes.

1.5 ESOS Fund Pressures

The ESOS Assurance Fund was established under section 46 of the ESOS Act 2000 to protect the interests of current and intending overseas students of registered providers. The Fund does this by ensuring students will be provided with suitable alternative courses, or have their course monies refunded where a suitable alternative course, for which the student had already paid for, cannot be identified.

The following data indicates the impact of private provider closures on the ESOS Fund viability:

ESOS Fund Finance Data, 2007-09

Year	Surplus/Loss	Management fees	Call costs	C 'wealth Equity injection	Reinsurance claim
2007	\$421,200	\$320,327	\$40,408	\$1m	
2008	-\$1.3m	\$1.2m	\$8.4m	\$1.8m	\$5.3m
2009	-\$9.7m	\$568,000	\$9.4m	\$5m + \$25m	No reinsurance coverage

Source: ESOS Fund Financial Reports, 2007-09

These figures demonstrate:

- over a two year period, approximately \$17.8 million had been paid out to students or providers
- a failure of existing private provider Tuition Assurance Schemes to place students in alternative courses. TDA notes that it has made a separate submission to DEEWR, on the 2010 Baird Review's recommendation, for the establishment of a single Tuition Protection Service.
- further evidence of regulatory failure.

2. Previous Commonwealth Government Policy on migration and international students

What was also not made clear during the public debate over the role and future of international education was that the education/migration nexus was Federal government policy.

In 2001, the Howard government enabled international students to complete their studies in Australia and then apply for permanent residency without returning to their home country. Thus the nexus was enshrined in government policy as further evidenced by the introduction of the Migration Occupations in Demand List and its successor the Skilled Occupations List.

Combined with the General Skilled Migration points test, international students were encouraged to study courses where Australia faced skill shortages, on the expectation that they could help meet these skills gaps as permanent residents, once they successfully completed their studies.

There is now much confusion among existing and prospective students, as well as providers, as to just what Australia wants out of its Student Visa program.

The raft of reviews, policy adjustments and procedural changes initiated throughout 2010 and into 2011 have done little to settle this confusion.

Throughout all of this, TAFE institutes have been unfairly branded as equal in risk to all VET providers. The collateral damage has been significant and there appears to be little appetite among senior Federal government ministers and officials to protect and promote government owned providers.

Both Canada and the UK clearly differentiate between public and private providers by providing fast track visa processing for students applying to study with their government owned providers.

3. Commonwealth government policy changes

The Commonwealth Government responses to concerns raised regarding the reputation and quality of Australian international education have often been counter-productive and have done little to instill confidence in the international VET sector.

Following are Commonwealth Government initiated changes impacting on international education in 2010:

Commonwealth Government International Education Policy changes, 2010

Government Agency	International Education policy changes in 2010	Date
DIAC	Subjective assessment of visa applications by DIAC officials confirmed	2010
DEEWR	Re-registration of all providers of international education	2010
DIAC	Removal of 290 agents from the e-visa registration facility	2010
DIAC	Increase in financial guarantees from \$12,000 to \$18,000	1 st Jan
DIAC/DEEWR	Revocation of the Migration Occupations in Demand List	8 th Feb
DIAC/DEEWR	Release of the new Skilled Occupations List	17 th May
DIAC	Packaged courses assessed at the highest level of any one component	26 th March
DIAC	Reduction in visa approval rates by 8%	as at 19 May
DIAC	Increase in visa processing times	May
DIAC	Ministerial discretionary powers to cap 485 visas	26 th May
DIAC	Increase in student visa fees from \$540 to \$550	9 th June
DIAC	Health cover now required for duration of course, not first year	21 st June
DEEWR	Government Response to Baird Review and ESOS Amendments flagged	23 rd June
DEEWR/DFAT	Transfer of marketing & promoting international education from DEEWR to Austrade	1 st July
DEEWR	Release of the COAG International Student Strategy for Australia	29 th October
DIAC	New points test for Skilled Migration which clearly discriminates against VET graduates	11 th November
DIAC	Definition of Diploma and Advanced Diploma courses revised to distinguish between Higher Education and VET	26 th November
DIAC	Reduction in Assessment Levels for Higher Education (26 countries including India and China), compared with VET (8 countries with only one in Top 20 source countries)	16 th December

Source: TDA data collection, 2010

These policy changes occurred in an environment where the safety of international students was brought into question, the Australian dollar continued to rise in value against major competitors, publicity associated with closures of some private providers raised concerns over provider quality and financial stability, and international students were drawn into a public debate over migration policies leading to Commonwealth initiated changes to Student Visa policies.

However, despite the volume of Commonwealth Government initiated actions to date, two critical international sector issues remain unresolved:

- Department of Immigration and Citizenship (DIAC), Review of Student Financial Requirements, 2010
- DIAC Call for Submissions: to provide alternative English language testing regimes for student visa applicants, 2009.

4. Impact of Commonwealth Government Policy changes

The public VET providers include TAFE institutes and other government owned RTOs including those managed by public universities.

The previously identified regulatory issues are largely attributed to the private sector, not public sector VET providers. Additionally, public VET providers represent only 14.8% of the VET student market share.

Despite this, public VET providers have experienced a significant negative impact on their business:

4.1 Decrease in public VET providers revenue

Due to the drop in international student numbers public VET sector providers, including TAFE institutes, have incurred a loss in income. This is likely to impact upon TAFE institutes provision for domestic students, including those seeking training in skill shortage areas.

For example, based on a nominal \$10,000 tuition fee and a 2010 cohort of 34,059 students, a 1% decline in student numbers will incur a \$3.4m loss in income.

NOTE: Tuition fees for international students vary according to the type of course and the level of qualification and can range from \$AUD6,000 for a Certificate IV to over \$AUD20,000 for an Advanced Diploma.

If the trends evident in the ELICOS market are used as a guide, where this sector has indicated a 21% decline in student commencements for 2011, a similar decline in commencements in the public VET sector would realize a nominal \$68m loss in income.

TDA emphasises that international student income is an important source of revenue for many of our members. None of this revenue is repatriated overseas or distributed to shareholders but is used to provide improved facilities and services for both domestic and international students.

At times, international student enrolments ensure particular courses can proceed where domestic student numbers are low.

4.2 Reputation damage to public VET providers

Australia's international education industry has suffered national and international reputation damage. This has contributed to the decline in international student enrolments, including those enrolled in public VET providers, despite the causes for reputation damage emerging largely from private sector VET provider practices.

The damage to the reputation of VET sector has impacted on TAFE institutes' ability to grow their international student market and hence to increase their capacity to meet domestic needs.

One of the most damaging impacts on TAFE providers and their reputation for quality occurred in December 2010 when DIAC re-classified Diploma level courses. By distinguishing between VET and Higher Education Diplomas, DIAC sent a clear message to all overseas markets that a Higher Education Diploma was of greater value and less risk than a VET Diploma.

While this may have not been the DIAC's primary intention, the collateral damage suffered by TAFE institutes as they struggle to retain the legitimacy and value of Diploma level courses is a major concern.

4.3 Economic and social impacts

Further impacts will be felt in local and regional communities where goods and services purchased by international students will decline. These goods and services include health cover, rental and homestay accommodation, transport, food and clothing, and entertainment.

The international student market provides additional employment opportunities for our part-time and casual teachers. At the same time, many international students provide an essential part time or casual workforce for local businesses and industry.

On a broader scale, our institutes aim to be internationally recognised and respected. This gives our domestic students and teachers a broader world view and creates opportunities for study abroad, teacher exchange programs and the export of education services. A multinational campus enhances social and cultural awareness and develops extended networks and friendships.

Finally, the importance of international alumni in supporting Australia's future development should not be underestimated.

Based on the Review's Terms of Reference, TDA makes the following recommendations:

Term of Reference 1:

An effective partnership framework that considers the respective roles and responsibilities of key stakeholders, including education providers, the Department of Immigration and Citizenship, the Department of Education, Employment and Workplace Relations, and state and territory education departments.

Recommendation 1: TDA recommends the establishment by DIAC of a Student Visa Advisory Group

TDA notes that the Department of Immigration and Community (DIAC) currently engages in formal Government Industry Stakeholder Consultations which occur approximately twice a year with DEEWR and peak body representation including TDA.

These consultations have had limited effectiveness. Many of the changes to the Student Visa Program in 2010 were not included in DIAC industry consultations, either formally or informally.

Refer to Appendix 1 for a TDA summary of current DIAC consultative mechanisms.

On this basis, TDA recommends the establishment of a Student Visa Advisory Group (SVAG) under the Formal Advisory Structure category, which subject to further consultation, would have the following features:

Aims:

- participants to discuss matters relating to student visas and broader immigration and education policies
- participants to discuss emerging issues and trends in the international education market
- participants to discuss developments in international education and immigration policy and operational initiatives
- the provision of information and keeping industry well informed.

Membership

Representatives from the following government and industry bodies:

- DIAC
- DEEWR
- DFAT (Austrade)
- Peak body representatives from the private and public education sectors including schools, English language providers, VET and higher education

Terms of Reference 2:

The appropriateness of existing threshold requirements for Student visa applicants including English language proficiency, financial capacity and educational qualifications.

Recommendation 2: TDA recommends that English language proficiency and educational qualifications be removed as threshold criteria for the student visa program.

By themselves, English language proficiency and educational qualifications are not indicators of risk. They may well be indicators of the student's ability to effectively engage in the course of study and to successfully complete their approved studies, but this is a judgment best left to the provider, not to immigration officials.

Providers should have the autonomy to make decisions regarding entry standards including language proficiency and educational qualifications. As argued in our recommendations under Reference 3, the ability of providers to accurately judge the threshold requirements for the nominated course should be reflected in their overall rating.

If the provider misjudges these thresholds and their student default rate rises because of this, then they must take responsibility for a possible increase in their provider assessment level.

Recommendation 3: TDA recommends that DIAC release the alternative financial model developed by a 2010 working party and confirm the next steps

A student financials workshop was conducted by DIAC on 22 June 2010 with representatives from most of the peak bodies. A summary of the points raised, papers presented and the draft alternative financial model that was developed on the day was sent by DIAC to all participants on 25 August 2010 with a request for feedback within two days.

The intention was to then distribute the draft alternative financial model to DIAC's service delivery network for their feedback.

As far as TDA is aware, nothing more has happened.

Recommendation 4: TDA recommends Points Test currently used to assess applicants for permanent residency under the General Skilled Migration Program be reviewed as a matter of urgency

While TDA recognises the Points Test for the General Skilled Migration Program is ostensibly outside the Terms of Reference of this Review, the thresholds of English language proficiency and educational qualifications currently used by DIAC in assessing Student Visa applications also have an impact on the way the Points Test is currently configured.

In its current form, the Points Test clearly discriminates against trade and para professional occupations by assuming the same thresholds of English language proficiency and qualifications apply regardless of the type and level of occupation. On this basis, TDA would welcome a reference in the final report of this Review indicating the current Points Test requires further analysis and review.

Terms of Reference 3:

Approaches to more effectively gauge and manage immigration risk in the Student visa caseload, including considering the suitability of the Assessment Level model.

Terms of Reference 4:

Approaches, including compliance measures, to prevent misuse of the program and deter breaches of visa conditions.

Terms of Reference 5:

The suitability of separate visas for Schools, Vocational Education and Training, Higher Education, Postgraduate Research, AusAid or Defence, Non-award and Student Guardians.

For the purposes of this submission, TDA has grouped the final three Terms of Reference. The following recommendations address immigration risk, the suitability of the current Assessment Level model, approaches and compliance measures to prevent misuse of the program and the suitability of the current visa sub categories.

Recommendation 5: TDA recommends replacing the current Assessment Level regime with Provider Assessment levels

The current approach to assessing student visa applicants is based on the student's country of origin and the education sector destination (ELICOS, VET, Higher Ed etc). DIAC currently uses the following data sets to establish the assessment level:

- a. Fraudulent document rate (28% of risk rating)
- b. Visa cancellation rate (28%)
- c. Unlawful student rate (28%)
- d. Applicants for residence, excluding skilled migration (8%)
- e. Visa application (offshore) refusal rate (8%)
- f. Applicants for protection - absolute value used

A Country Risk Index is then calculated and aligned to one of five levels. DIAC may also apply other factors such as security, economic or other influences in determining the final assessment level.

TDA argues the current situation significantly discriminates against public VET providers as the risk analysis does not distinguish between public and private providers. We have asked for an analysis of relevant risk to be carried out but DIAC has declined to do this. It must be acknowledged that public VET providers carry less risk than private providers due to their governance structures and compliance history.

TDA proposes replacing the current Assessment Level regime with Provider Assessment levels with a two stage process in developing provider assessment levels:

TDA Proposed Provider Assessment**Stage One: Change the current assessment levels for TAFE institutes to match those used for Higher Education**

This short term change more accurately reflects current risk, limits further collateral damage to the public VET sector and most importantly, recognises the additional quality assurance and regulatory requirements placed on TAFE institutes by their State and Territory government owners.

Stage Two: Create a new assessment regime based on provider compliance and risk

A provider based risk assessment is more accurate and equitable than the current approach. Providers will be given a risk rating which is aligned to one of the five existing assessment levels. The way in which such a risk rating will be calculated should be the subject of an industry-led working party.

The following elements *could* form the basis of calculating a provider risk rating:

- Fraudulent document rate
- Visa cancellation rate
- Unlawful student rate
- Applicants for residence, excluding skilled migration
- Visa application (offshore) refusal rate
- Protection visa application rate

In addition there should be several default levels, for example:

- If an RTO has been audited under the AQTF and is shown to be seriously non-compliant for any of the standards or conditions after two consecutive audits, that provider will automatically default to Level 4
- New providers will commence at Level 3 for the first year after which the risk rating process will commence

In regard to **country based assessment levels:**

- under TDA's proposed provider assessment levels, the individual provider and their agents will take full responsibility for the quality of the international students they recruit and for these students' compliance with their student visa conditions.

Therefore, there is little additional value in DIAC creating additional levels of assessment based on country of origin. If a provider chooses to recruit students from countries where non-compliance is potentially high, they do so at their own risk and knowing it may well affect their overall assessment level.

- Conversely, low assessment level providers will be able to more easily recruit genuine students from high risk countries, giving these students greater opportunities to study in Australia.

Implementation: the implementation of a provider-based risk assessment could be flagged for the beginning of 2013. All providers would be put on notice that their 2011 / 2012 track record in student visa compliance would form the basis of their 2013 provider assessment level.

Annual reviews of assessment levels would ensure a far more effective risk management approach to the student visa program. This approach would also remove subjective assessments of student visa applications where an outcomes based approach can currently be over-ridden by DIAC officials.

Provider assessment levels will also avoid the categorization of whole countries as low, medium or high risk and will support Australia's international engagement at all levels.

Additional recommendations

In response to input from TDA member institutes, TDA makes the following additional recommendations which will have a significant impact on the integrity and the quality of the Student Visa Program.

Recommendation 6: TDA recommends the removal of student visa statistics from migration statistics

The Federal government has made it clear that study in Australia should not be seen as a pathway to permanent migration. In keeping with this position, TDA therefore recommends that student visa statistics should not be included in migration statistics.

This simple measure will ensure that debate on migration policy and a sustainable population is not used to target international students. The only time student visa statistics will be relevant to migration policy is when these students become permanent residents and TDA will support such statistics being readily available.

It is of particular note that the DIAC *Report on the Migration Program, 2009-2010*, does not include international student statistics. This Report clearly indicates that Australia's migration program for the period July 2009 to June 2010 was **0.05 below the planning level**.

DIAC's student visa program report (November 2010 to 31 December 2011), also highlights the following statistics:

- VET sector student visa applications fell from 132,554 in 08/09 to 87,157 in 09/10
- The rate of VET sector student visa grants fell from 88.2% in 08/09 to 75% in 09/10; this compares with a Higher Education visa grant rate in 09/10 of 93.8%
- As at December 2010, there were 291,204 international student visa holders in Australia
- The Skilled Independent (subclass 885) visa was the most common permanent visa option for former students with 4,281 visas granted for former students in 10/11, up from 2,189 in 09/10

This data indicates that, despite the rapid growth in international student numbers between 2005 and 2008 and the heated debate over the impact of international students on our migration levels, our migration program did not meet its target in 09/10 and a very small percentage of international students actually gained permanent residency.

This is further supported by a TDA commissioned survey, with DEEWR financial support, *Tracking the international student experience at Australian TAFE institutes* (June 2010). In this survey of over 5,500 international students, 30% indicated the desire to gain permanent residency as one of their motivations for studying in Australia. However, when asked what they intended to do once they completed their studies, only 13% indicated permanent residency as a goal.

Recommendation 7: TDA recommends a reduction in student visa fees and a transparent account of where the funds are spent

Australian visa fees for off-shore student visa applicants are much greater than New Zealand, Canada, UK and the USA. TDA would like to see student visa fees become far more competitive.

Based on DIAC's figures, 116,690 student visas were granted in 2010, generating over \$64m in student visa fees. TDA would like to know how the income from these fees is disbursed, especially when the promoting and marketing of international education suffered a \$1.5m cut as responsibility for this vital service was transferred from DEEWR to Austrade.

Recommendation 8: TDA recommends a reduction in student visa processing times

TDA acknowledges the efforts of DIAC in reducing student visa processing times, although the median rate for VET has dropped only 0.5 days between 2009 (22 days) and 2010 (21.5 days).

However, we are now competing with a number of countries where their processing times are significantly lower.

TDA expects that with the proposed implementation of provider assessment levels, those providers at Assessment Level 1 will be able to fast track applicants through the e-visa facility and providers at Assessment Level 2 will have far less onerous conditions being applied than currently experienced by VET providers in many of our the key markets.

Recommendation 9: TDA recommends a period of 12 months before international students can change providers

Standard Seven in the National Code enables international students to transfer to another provider after six months in Australia.

Students arriving into a new country are faced with challenges settling into their new learning environment as well as adjusting to life in a new country. These challenges can often make these students vulnerable to making poor decisions and opting to move to another provider on the perception that their new program may be easier. Such providers often do not necessarily offer the required quality standards and support services.

Settling and adjusting to life in a new country takes time and often it would be up to 12 months before a student arriving in Australia for the first time settles.

In reviewing this standard it is proposed that students are able to apply to transfer to another registered provider no earlier than one year from commencing their main course in Australia, excluding any ELICOS period. Students applying to study in Australia are required under ESOS and National Code requirements to receive information of a high standard that is clear and unambiguous so that they can make informed decisions about their preferred provider and course.

Concluding Remarks

Nine years ago, at a time when there were 186,000 international students studying in Australia, TDA published *International Education: A TDA Position Paper*, 2003, which identified a range of issues still relevant and unresolved today:

- One third of international vocational education and training (VET) students (10,239) were studying at a government owned institution
- The approach to Student Visa risk assessment failed to distinguish between high and low risk providers within the VET sector
- Student Visa fees were the highest in the World
- Offshore visa processing was characterised by inordinate (sic) processing times
- There was inadequate data collection including off-shore activity
- There was a June 2003 commitment by the then ANTA Ministerial Council to request the Commonwealth to collect separate data for individual VET Registered Training Organisations (RTOs)
- There would be great value in forming a closer link between our skill needs and our educational export strategies
- The number of bankruptcies and other dysfunctional activities by some private providers has damaged Australia' international effort. It was deemed vital the ESOS Act requirements in relation to provider registration be properly administered and enforced. Failure to properly enforce provider registration qualifications will continue to damage Australia's educational export effort.

With very few alterations, this 2003 Policy Paper could have been written in 2011.

TDA commends this Review into the Student Visa Program, looks forward to the resolution of our concerns and remains committed to supporting a transparent and sustainable student visa program.

APPENDIX 1: TDA summary of current Department of Immigration and Community (DIAC) consultative mechanisms

Formal Advisory Structures:

[Australian Multicultural Advisory Council \(AMAC\)](#)

The Australian Multicultural Advisory Council advises the Minister for Immigration and Citizenship and the Parliamentary Secretary for Immigration and Multicultural Affairs on issues related to Australia's cultural diversity.

[College of Immigration Oversight Group](#)

Provides high level advice to the Minister and the Secretary in relation to the establishment and operation of the College of Immigration and the Learning and Development Strategy of the department.

[Detention Health Advisory Group \(DeHAG\)](#)

- The Detention Health Advisory Group (DeHAG) was convened in March 2006 in response to recommendations in the Palmer Report. The establishment of this committee represents a significant step forward in working in an open and accountable manner with our key stakeholders to improve the general and mental health of people under our care.
- DeHAG has a major role in providing the department with independent, expert advice regarding the design, implementation and monitoring of improvements in detention health care policy and procedures. DeHAG consists of key health and mental health professional and consumer group organisations.

[Council for Immigration Services and Status Resolution \(CISSR\)](#)

- The Council for Immigration Services and Status Resolution (CISSR) was formed in September 2009. CISSR succeeds the Immigration Detention Advisory Group (IDAG).
- CISSR will provide the minister with independent advice on the development of policies, processes, services and programs necessary to achieve the timely, fair and effective resolution of immigration status for people seeking asylum or other migration outcomes in Australia.

[Refugee Resettlement Advisory Council \(RRAC\)](#)

- The role of the Refugee Resettlement Advisory Council is to advise the Minister and the Parliamentary Secretary on matters relating to the settlement of migrants, refugees and humanitarian entrants.
- The council's sixth term is from 19 July 2010 to 30 June 2013.

[Tourist Visa Advisory Group \(TVAG\)](#)

The Tourist Visa Advisory Group is a forum for the department and the tourism industry to share information on visa initiatives, seek feedback and input on performance and policy developments and discuss emerging issues.

Other structures:

[DIAC-NGO Dialogue on Humanitarian Issues](#)

The aim of the DIAC-NGO Dialogue on Humanitarian Issues is to develop and further strengthen relationships between the department and peak NGOs who are stakeholders in the management of the Humanitarian Program.

[DIAC Industry Stakeholder Consultations \(DISC\)](#)

A forum for the department to update the international education industry on visa initiatives, seek feedback and input on performance and policy developments. The industry is able to alert the department to emerging issues.

[Government Industry Stakeholder Consultations \(GISC\)](#)

A forum jointly convened between the department and DEEWR to update the international education industry on whole-of-government issues.

[Education Services for Overseas Students \(ESOS\) Implementation Group \(IG\)](#)

A forum of Australian Government and State/Territory Government officers involved in the implementation of the Education Services for Overseas Students (ESOS) Act 2000 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the National Code). The forum ensures nationally consistent implementation of the National Code through multilateral discussions.

Government Structures:

[Passenger Card Steering Committee \(PCSC\)](#)

The Passenger Card Steering Committee is responsible for the strategic direction of the passenger card and passenger information collection at the border, consideration of card content, design and certain border management/processing issue