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12 April 2010

RE: International Students Strategy - Regulation Impact Statement

Dear Katrina,

Whilst TAFE Directors Australia (TDA) appreciates the opportunity to comment on the *International Students Strategy for Australia – Consultation Regulation Impact Statement*, TDA is concerned that the extraordinarily tight timeline of four working days for response is insufficient for the adequate canvassing of members' opinions, especially given this has occurred during the autumn break for many of our State and Territory institutes.


We received a formal response from TAFE SA this morning and this has been included as a separate section in each of the proposed strategies.

TDA is particularly concerned that strategies considered by the COAG National International Student Strategy Working Group have been omitted from this regulation impact statement. TDA is of the opinion that strategies aimed at expanding financial assurance arrangements, managing provider closures and accrediting education agents all have a regulatory impact at the Commonwealth level, particularly with the introduction of the national VET Regulator in 2011.

TDA wishes to reaffirm its strong belief that the most effective response from COAG would be to confirm their commitment to existing legislation and the National Code and to adequately resource the enforcement of current laws and regulations.

TDA looks forward to further, more timely consultations and input into the implementation of the Strategy.

Yours sincerely



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**TAFE DIRECTORS AUSTRALIA
SUBMISSION**

COAG SENIOR OFFICIALS WORKING GROUP

***INTERNATIONAL STUDENTS STRATEGY FOR AUSTRALIA – CONSULTATION
REGULATION IMPACT STATEMENT***

12 APRIL 2010

4.1 PROVIDER STUDENT SAFETY PLANS

Is there any other impact on international education providers not recognised in the above description of the initiative?

Does the 1 January 2011 start date provide adequate time to enable international education providers to have the safety plans in place?

TDA supports the concept of enhancing international student's safety while studying in Australia and endorses strategies to raise awareness of the importance of this issue.

TDA notes however that the broad intent and content of student safety plans could be covered under the current National Code of Practice (Standards 5 and 6). TDA also notes the impetus for such a strategy has come from students being primarily at risk off campus and the proposed safety plans may not address this issue. TDA is concerned that safety plans as proposed in the strategy may necessitate considerable additional costs to TAFE institutes for minimal improvement in the safety of students.

TDA recommends that COAG endeavors to ensure that State and Territory police departments with input from providers, local councils and other relevant bodies undertake additional work to provide for a higher level of general community safety.

TAFE SA believes this strategy duplicates existing public provider safety and legislative requirements. While there may not be a cost to the student, there is the potential for a significant cost impost to education and training providers, for no demonstrated value-add. TAFE SA already provides a comprehensive student safety and OHSW processes, including governance and reporting arrangements.

TAFE SA's preferred position is to seek exemption from this strategy as the government VET provider in South Australia.

If TAFE SA is required to complete a student safety plan then the Commonwealth must provide a nationally consistent template for all CRICOS registered providers. This template should be modeled on the CRICOS provider re-registration approach based on tiered risk level. TAFE SA being a low risk provider should have a streamlined application, providers with higher levels of risk, as well as new providers, would be expected to undergo a more extensive assessment process than those with lower risk.

The strategy should focus on addressing the timely reporting and statistical collation of critical incidents (e.g. incident type, nationality of the student, location where the incident occurred, on campus and off campus) as well as including employer's safety plans for international students. This strategy should be nationally consistent in its application, templates, risk-assessments and reporting.

4.2 ACCOMMODATION PROVIDERS ACCREDITATION SCHEME

Is there any other impact on international education providers not recognised in the above description of the initiative which should be considered in developing the pilot?

TDA recommends COAG identify existing legislation relating to the provision of accommodation services, in particular consumer protection laws which proscribe a range of penalties for individuals or organizations who offer accommodation services which do not meet basic health and safety requirements.

While in principle an accreditation system may be a worthwhile initiative, TDA is concerned that international students will still seek out cheaper options from providers who opt not to seek accreditation, and there should be stronger enforcement of existing regulations to protect those students.

TAFE SA International believes this is an appropriate response for under-18 year old students, where there is a legally mandated duty of care to be met by the provider.

TAFE SA actively markets and recruits to overseas students over the age of 18 years. Independent accommodation information in South Australia is provided in our TAFE SA's Orientation Guide and website as well as through Office of Consumer and Business Affairs (OCBA), the Residency Tenancies Tribunal and Education Adelaide (trading as Study Adelaide).

www.ocba.sa.gov.au/assets/files/Renttipsforinternationalstudents.pdf

<http://www.studyadelaide.com/living-in-adelaide/accommodation/renting.aspx#Rightsandresponsibilities>

Currently, if an international student complaint is related to their independent accommodation, the Commonwealth ombudsmen would refer to the matter to the relevant state and territory authority e.g. OCBA or their interstate equivalents. TAFE SA believes that we must not duplicate existing accommodation information and consumer protection mechanism for international students.

If the accommodation provider's accreditation scheme proceeds in SA it is already forecast that the supply of available (dedicated) student accommodation stock will not meet total projected demand in the short to medium term. Education Adelaide and the Adelaide City Council (ACC) have held several "Student Accommodation Forums." These forums included local and state government representatives, providers as well as property developers. Research presented at these forums indicated the difference between projected demand and forecast supply is currently being absorbed by the private rental market.

The ongoing accreditation obligations for the system and individual accommodation providers will create a significant administrative burden and unnecessary regulatory costs to providers such as TAFE SA. It is likely that the net effect of implementing this strategy will result in an increase in (dedicated) overseas student rental accommodation costs due to accommodation providers passing on their compliance costs to students. This may have the unintended impact of further constraining supply and/or future investment in additional student accommodation.

TAFE SA further recommends that the Commonwealth share the findings of the Victorian pilot accommodation study. The findings from this report are essential for TAFE SA to provide a considered response before the Commonwealth pursues national implementation.

4.3 STRENGTHEN HEALTH INSURANCE ARRANGEMENTS

Is there any other impact on providers not recognised in the above description of the initiative which should be considered?

If international education providers will be required to validate students' health insurance coverage, is there an existing administrative process that this could be added to?

TDA endorses this initiative and notes visa length health coverage is already a requirement by most if not all of our TAFE Institutes. TDA supports this requirement becoming mandatory.

TAFE SA endorses TDA's response.

4.4 STREAMLINE COMPLAINTS HANDLING AND DISPUTE RESOLUTION ARRANGEMENTS

Are there other methods for cost-recovery which should be explored?

Is there any other impact on providers not recognised in the above description of the initiative which should be considered?

An independent complaints handling body is already part of the National Code (Standard 8.2). For many of our members, especially in Victoria and South Australia, the use of the Ombudsman's Office or a similar equivalent is already part of their complaints process and this service is provided free of charge.

We see no justification to cost shift this service to government owned providers. For other providers, one option may be to set a lodgment fee to paid for by the student but recoverable from the provider if the complaint is upheld.

TDA would not support an annual registration fee for all providers.

An annual registration charge based on a provider's track record of complaints is very problematic as these providers may well exit from the system before full cost recovery of the system can be achieved.

TAFE SA supports this strategy on the basis that there is no duplication between the Commonwealth Ombudsman referring the matter to the relevant state or territory authority. TAFE SA supports the position taken in the Baird Report with particular reference to the case study of South Australia e.g. the Office the Training Advocate (OTA). Refer to the paragraph copied below from the Baird report, page 28

"All providers, not already within the remit of other statutorily independent complaints bodies, could be covered by extending the jurisdiction of the Commonwealth Ombudsman. By utilising the current structures domestic and international students of public providers will access the same complaints bodies minimising confusion. Parliaments will retain their oversight over public providers via the statutory bodies they have created for that purpose. In practice, this would result in government providers using their state or territory Ombudsman. Non-government providers would come within the remit of the Commonwealth Ombudsman. In South Australia, however, all providers already fall within the jurisdiction of the South Australian Training Advocate and that would continue."

4.5 GUIDE TO EXCELLENCE IN INTERNATIONAL STUDENT SUPPORT SERVICES

Is there any other impact on providers not recognised in the above description of the initiative which should be considered?

TDA supports this strategy but notes a further impost on providers through a foreshadowed registration fee.

TAFE SA further recommends that the Commonwealth share these research findings as there are currently multiple business excellence and related quality systems in the market place. For each education and training provider quality systems which can take several years and tens of thousands of dollars in registration fees before business excellence (or equivalent) certification is achieved. These quality systems require ongoing provider input and annual registration fees and if the design of these systems is ill conceived from the beginning, this strategy may not realize the intended benefit to consumers.

This issue is further complicated by the need to tailor 'student support services' to a local and regional context to be of any meaningful value to the current or prospective overseas student.

In South Australia, Education Adelaide and TAFE SA provides detailed student support guides that are tailored to the local environment and conditions. These are regularly reviewed and updated. TAFE SA would support Commonwealth Government funding to model the Education Adelaide strategy nationally.

<http://www.studyadelaide.com/Content.aspx?p=136>

<http://www.tafe.sa.edu.au/international/StudentSupport/tabid/1564/Default.aspx>

OTHER PROPOSED STRATEGIES AND POTENTIAL REGULATION IMPACTS

TDA has been an active participant in the consultations leading to the development and consideration by COAG of this International Student Strategy.

We note there are several strategies which have been discussed and refined by the COAG International Student Strategy Working Group which are not included in the Consultation Regulation Impact Statement:

- Community Engagement package
- International Student Consultative Committee
- Amendment of the AQTF
- Provider closure response taskforces
- Expanded financial assurance arrangements
- New Study in Australia portal
- Education agents accreditation scheme

We are particularly concerned there is no consideration of the regulatory impacts of the provider closure response taskforces, the expanded financial assurance arrangements and the education agents' accreditation scheme.

TDA notes the planned implementation of the VET regulator in 2011 which quite clearly places the regulatory responsibility for CRICOS providers on the Commonwealth.

TDA requests the COAG Senior Officials Working Group provide the reasons why there is no regulation impact statement for the three strategies which we consider essential in developing a comprehensive and coherent national approach to international education.