



Education Services for Overseas Students (ESOS) Review 2022

Submission form

Please use this form to provide your comment and return to ESOS-PolicyTeam@dese.gov.au by COB 29 April 2022

Title	Mr
Name	Paul Harris
Position	Executive Director
Organisation	Innovative Research Universities (IRU)
Email	paul.harris@iru.edu.au
Sector of delivery (eg VET, higher education)	Higher education
Are you a member of an industry body? If yes, please specify	Yes, IRU

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Questions are the same as those contained in the [Discussion Paper](#).

QUESTIONS	COMMENTS
Expansion and diversification	
<p>1. What are the barriers in the current ESOS framework to the sector's expansion and diversification into online and offshore delivery?</p>	<ul style="list-style-type: none"> The ESOS framework was designed to support international students studying onshore in Australia and to protect the quality of their education and experience. It is appropriate and effective for that purpose, and does not create barriers to expansion and diversification per se, but equally it should not be applied in a one-size-fits-all manner to offshore or online models of international education.
<p>2. What lessons have we learnt through flexible delivery, online modes of study and other changes in response to the pandemic that could be incorporated into the ESOS framework?</p>	<ul style="list-style-type: none"> The experience of the COVID-19 pandemic has shown that universities and students have been able to successfully pivot to new and flexible forms of delivery, while maintaining the quality of education. However there is significant variation across disciplines and student support is vital, especially for students with cultural and language differences. Student surveys show that international students who sign up for an on-campus experience in Australia still prefer to be on-campus. The ESOS framework is appropriate for international students coming to Australia to study. Fully online/offshore education requires different business models and different, fit-for-purpose regulation and quality assurance. Any framework should include flexibility to support quick pivoting in times of crisis.
<p>3. What percentage of a course should the ESOS framework allow to be studied online? How could the ESOS framework support delivery models such as mixed-mode study where students may move from ESOS non-regulated to a ESOS regulated environment (for example, a student studying part of their degree offshore, and part onshore)?</p>	<ul style="list-style-type: none"> The IRU recommends that a limit on the percentage of a course that can be studied online by an onshore international student be retained, to maintain an authentic and uniquely Australian student experience. Any change to rules governing the percentage of a course that can be studied online needs to be considered holistically, including with other parts of government, such as the Department of Home Affairs. If international students are able to work in parallel with their studies, then they should be given flexibility, including being able to take courses online. Any changes will need to be made in close consultation with professional and accrediting bodies as well – for example, limits on nursing students and the flexibility of their studies.

	<ul style="list-style-type: none"> • The percentage of a course studied online will necessarily be different between onshore and offshore education for international students, and distinct approaches to regulation are needed. • The IRU recommends that DESE undertake a separate piece of work to explore the opportunities for offshore, fully online delivery, and best-practice models for regulation, quality assurance and student protection for these. • Careful coordination is needed with TEQSA and the Department of Home Affairs on any changes that would affect students studying part of their degree offshore and part onshore. Negative impacts to post study work rights would negatively affect students.
<p>4. What safeguards could be used to increase visibility and assure the quality of courses delivered online and offshore in the future?</p>	<ul style="list-style-type: none"> • See comments above. Offshore/transnational education is governed by the Higher Education Standards, TEQSA and the relevant offshore jurisdiction. There is no role for ESOS.
Meeting skills needs and graduate workplace readiness	
<p>5. How could providers support international students to identify and undertake courses that align with Australia's priority employment fields?</p>	<ul style="list-style-type: none"> • This is outside the scope and intent of the ESOS framework, and should be addressed through other government policy and legislation. • International education is about more than addressing Australia's immediate labour and skills shortages. A focus on short-term labour market needs has the potential to diminish the student experience for all students (including domestic students) and could have long-term impacts on Australia's competitiveness as a provider of quality international education. • For universities to encourage international students to choose particular courses because of employment prospects (or to guarantee employment after studying) would contradict the National Code and also the government's Genuine Temporary Entrant (GTE) assessment. DESE should ensure that any changes to regulation do not cut across measures overseen by the Department of Home Affairs. • The IRU believes that there is a need to re-examine post study work rights for international students and the link to migration, in the context of the post-pandemic recovery, significant skills shortages in key sectors of the Australian economy, and the goals of growth and diversification in international education. The IRU recommends

	that this be done separately from the ESOS review, with a coordinated approach across relevant government portfolios and broad consultation.
6. What changes could be made to the ESOS framework to support providers offering a wider range of work integrated learning opportunities?	<ul style="list-style-type: none"> • The IRU recommends that the restriction on student visa holders working 40 hours per fortnight while undertaking active study should be retained, to preserve a primary focus on the quality of education for international students. • Work integrated learning (including non-compulsory WIL) should be de-coupled from the restriction on working hours for international students. • This would allow greater flexibility for universities to develop programs in partnership with industry (such as Canadian cooperative education courses) that are a blend of education and internship. • Universities are actively engaging with international students to ensure student welfare, for example to manage WIL on top of study and other commitments. • Separate to the ESOS review, government should engage with the business community to increase awareness of post study work rights for international students, which may in turn make them more willing to take on WIL students. • Any future changes to the rules governing work and WIL (in light of temporary changes made during the COVID-19 pandemic) should be communicated clearly and carefully to students to allow them time to plan and adjust.
7. What regulatory measures could be implemented to make study choices in occupations and areas of demand more attractive for overseas students?	<ul style="list-style-type: none"> • As discussed above, this is outside the scope of ESOS and should be dealt with through other policy/regulation.
Supporting the quality of third-party relationships	
8. What kinds of measures to increase the transparency of third-party arrangements could be effective in improving student and provider choice?	<ul style="list-style-type: none"> • It is already in the interests of providers to ensure transparency and good management of these arrangements, to ensure their reputation for quality international education.
9. What are the effects of increasing transparency of agent commissions? Would transparency measures improve student and provider choice? Would they	<ul style="list-style-type: none"> • It is unclear how declaring commission rates would support students, given that they are paid by institutions not students.

<p>drive down high remuneration rates over time? What are other potential outcomes from increasing agent transparency?</p>	<ul style="list-style-type: none"> • The end result could be more placements based on commission rates and even higher commission rates. • There could also be an unintended consequence of losing students to other countries that do not declare commission rates.
<p>10. What information, such as education agent performance outcomes, can the Government make available to providers to help them decide the agents with which to engage?</p>	<ul style="list-style-type: none"> • A national database of conversion rates, student outcomes and visa approvals/denials/cancellations/overstay could help providers make evidence-based decisions about which agents to engage. This should also include whether agents have current ESOS training and whether any complaints have been made about agents by either providers or students.
<p>11. Should providers be required to have written agreements with all agents from whom they accept students, it could result in more information for students and improve data reporting on provider and agent activity. Are there any other positive or negative outcomes for students in this change?</p>	<ul style="list-style-type: none"> • In general, yes written agreements are preferred for quality control.
<p>12. What information should written agreements between agents and providers contain to protect providers and better inform students and government?</p>	<ul style="list-style-type: none"> • The sharing of standardised best-practice examples would be useful. Written agreements should cover ethical practices/conflicts of interest/dealing with breaches/mechanisms for monitoring to ensure that agents are acting in the best interests of the student and provider.
<p>13. What is the potential impact on providers regarding increased administrative activity if they are required to monitor all agents?</p>	<ul style="list-style-type: none"> • It is unclear what is meant by increased administrative activity given that universities have already invested significantly in monitoring agents and the quality of agent services.
<p>Course transfers</p>	

<p>14. How can the ESOS framework enhance optimal student choice and safeguard the ability of providers to deliver a quality education experience?</p>	<ul style="list-style-type: none"> • The IRU recommends that the ESOS framework should retain the existing restriction on changes within an initial 6-month period. • Provide flexibility for providers to respond to student circumstances, ie. being wary of non-genuine students but not penalising students who have a genuine need to change. • Visa risk should switch to new provider following a change.
<p>15. How can the framework and providers ensure course packaging requirements are transparent to students and support student choice and wellbeing?</p>	<ul style="list-style-type: none"> • Students need to be suitably informed and length/appropriateness must be considered. Course packaging arrangements within an institution's approved pathway program are already transparent.
<p>16. What are the benefits to providers and students in restricting a student from changing providers within the first six months of their primary course, and what would be alternatives to support student choice?</p>	<ul style="list-style-type: none"> • Protects the reputation of the international education sector as a whole by not facilitating poaching strategies and protects students from being inappropriately targeted. Helps to protect from non-genuine students and unscrupulous providers shifting risk to genuine providers.
<p>17. Should 'concurrent study' as an option remain within PRISMS and if so, what provisions should be made to ensure it is not abused?</p>	<ul style="list-style-type: none"> • Opportunities for concurrent study shouldn't be removed but should be managed to ensure they are beneficial to the student and have conditions about the duration of study with the primary provider.
<p>18. What restrictions, if any, should there be on the transfer of adult international students where they wish to transfer between providers?</p>	<ul style="list-style-type: none"> • Retain existing (while recognising that not all providers have standard length semesters, so this diversity needs to be taken into account).
<p>Written agreements</p>	
<p>19. How effective are written agreements in consistently setting out and protecting the rights and obligations of students and providers?</p>	<ul style="list-style-type: none"> • Existing practices in line with the current ESOS framework are effective.

<p>20. What measures could be introduced to increase transparency of written agreements, for the benefit of students and providers?</p>	<ul style="list-style-type: none"> • The publication of standardised clauses/templates in plain English and in line with up-to-date regulation, would help with transparency and consistency.
<p>21. If model clauses or model written agreements are introduced, what would they look like and how can they best be leveraged to reduce regulatory compliance costs and promote best practice in the areas of refunds, deferrals and transfers?</p>	<ul style="list-style-type: none"> • Standard clauses, with flexibility for institutions to add their own details, would reduce burden for providers and increase understanding for students. Templates should be created in consultation with the sector.
<p>22. How could refund regulations be revised to ensure consistency between providers and better reflect the different circumstances in which they may be requested?</p>	<ul style="list-style-type: none"> • Refunds should be made to students, not agents, to avoid exploitation and provide transparency. • Greater flexibility for refunds under extreme circumstances. Model clause for consistency. • Clearer definition of non-tuition fees.
<p>English language</p>	
<p>23. How can the ESOS framework better support students' English language skills to match their course requirements on the start of enrolment and ensure an optimal student experience for all students?</p>	<ul style="list-style-type: none"> • This is outside the scope of ESOS and is already effectively managed by providers in line with the requirements of the Higher Education Standards Framework and TEQSA.
<p>24. Would it be beneficial to introduce an independent assessment of international students' English proficiency before they commence their first AQF course?</p>	<ul style="list-style-type: none"> • No – direct application through the individual university is preferred because otherwise students can spend time/effort/money focusing on studying for a third-party test instead of preparing for their actual course of study. University English language centres are already regulated with universities and provide high-quality, fit-for-purpose education. NEAS accreditation also plays an important role.

<p>25. How can PRISMS data entry requirements be adjusted to make it easier for providers to record evidence of a student’s English proficiency?</p>	<ul style="list-style-type: none"> • “Other forms of testing” to have subcategories, and should specify what form was used. Consolidate options within the exemption list.
<p>26. What additional guidance do providers need to ensure incoming students meet English language requirements?</p>	<ul style="list-style-type: none"> • See above. Outside the scope of the ESOS framework.
<p>27. How can providers of ELICOS and Foundation Programs ensure that students have reached the required level of English language proficiency to start their first AQF course?</p>	<ul style="list-style-type: none"> • See above – covered through existing university processes and adherence to existing guidelines, including the Higher Education Standards. Post-entrance testing and tracer studies are also used to ensure ongoing student success.
<p>General Questions</p>	
<p>28. How can the ESOS framework be strengthened and improved to deliver an optimal student experience?</p>	<ul style="list-style-type: none"> • See comments above. The ESOS framework should be focused on its core purpose and not be applied to other forms of education delivery for international students.
<p>29. How can the framework resolve any regulatory barriers that prevent sector innovation, diversification, and growth of Australian education offerings, including online and offshore?</p>	<ul style="list-style-type: none"> • This is not an issue for the ESOS framework alone, but there needs to be a holistic approach across government to ensure that the various policies and regulations covering international education are not overlapping or contradicting each other and that the overall regulatory framework allows flexibility for new approaches.
<p>30. How can the ESOS regulatory framework evolve to better support the sector to deliver a high-quality education experience?</p>	<ul style="list-style-type: none"> • See comments above.

Any additional comments you wish to make?	
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