

Education Services for Overseas Students (ESOS) Review 2022

29 April 2022

The Australian Technology Network of Universities (ATN) welcomes the opportunity to provide feedback to the review of Education Services for Overseas Students (ESOS).

Principles:

- The ESOS Framework needs to reflect the current operational environment of the sector, incorporating both flexibility and innovation of delivery of learning and teaching
- Further consideration needs to be given to more appropriate mechanisms for implementation of the proposed changes so that ESOS is not further complicated.
- Implementation of changes needs to be coupled with sectoral consultation to ensure minimisation of unintended consequences
- Student choice should be placed at the heart of any changes to the ESOS Framework

Broad Points

The ESOS Act was introduced at a time when there were few explicit protections for higher education international students. Its introduction was rightly lauded as a first in the world, particularly for student protections.

In the intervening years, significant regulatory arrangements have been introduced and bedded down that govern providers, ensure quality student outcomes, provide protections for domestic and international students and guide agencies to oversee this regulatory framework.

The issues of focus in the discussion paper (expansion and diversification, skills priorities and work-ready graduates) need to be considered via alternative purpose-built mechanisms that are more appropriate to the issues at hand.

To do otherwise risks undermining and over-complicating the ESOS Framework.

Expansion and diversification

The last two years during the COVID-19 pandemic have brought many challenges to Australia's universities and specifically to course delivery for international students.

Australian universities were encouraged to think creatively and provide innovative solutions for course delivery in both offshore and online modes of delivery for international students during this time.

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ATN Universities encourage the Government to keep and embrace the flexibility of these settings that allowed innovation to flourish. For example, we would encourage flexibility of student choice be reflected in changes made to the ESOS Framework, to allow for online or offshore study options as appropriate.

ATN Universities offer equivalent courses at many global campuses, including online campuses. With domestic students able to move between on-campus, online and offshore study, we should be offering international students the same variety of choices.

Skills needs and graduate workplace readiness

The ESOS Framework should reflect the operational reality faced by the sector.

There are no provisions, currently, within the ESOS Framework that account for Australia's skills needs and the workplace readiness of graduates.

It makes little sense to undermine the original intentions of the ESOS Act, when alternative mechanisms can be brought via changes to student visa settings and PRISMS reform.

International education straddles multiple Government portfolios, which means a whole of government approach to implementation is vitally important and should be coupled with robust sectoral inputs to ensure success of the changes proposed.

Again, student choice is paramount and should be placed at the centre of any changes in this area.

ATN recommends further consideration be given by the Department to the mechanism for implementation.

Third party relationships

University providers manage agent relationships (referred to in the discussion paper as third party relationships) successfully, utilising self-regulation mechanisms.

Ultimately, university providers should have carriage of decisions affecting their agent relationships. The case has not been made for the implementation of additional regulation for third party agreements that fall outside agent arrangements.

Course transfers

Course transfers have been a vexed issue for universities since their introduction via the National Code.

More effort needs to be expended in ensuring the regulation is adequately monitored by both the Department of Education, Skills and Employment and the Department of Home Affairs, sharing the burden for monitoring with providers on policing visa non-compliance for periods of study that are less than six months.

In the event of a student transferring to another institution, the risk and responsibility for the student should flow through to the new institution. The principal provider should not be penalised for course transfers / releases.

Written agreements

University providers have successfully self-governed matters associated with written agreements for many years.

The requirements for including transparent information in written agreements with students are already very comprehensive and robust and there is little need for increased regulation in this area.

English language

ELICOS Standards provide appropriate support for English language acquisition by students in preparation for study.

Best practice initiatives that target the entirety of the student's course of study should be encouraged, as there is currently a focus only on entry.

The suggested regulated requirements for students to undergo independent testing are unnecessary and costly and would gratuitously add to a university provider's administrative burden.

Conclusion

ATN appreciates the opportunity to provide feedback on changes to the ESOS framework. We reiterate that student choice needs to be placed at the centre of any changes enacted to the framework and that alternative more appropriate mechanisms (other legislative instruments) need to be considered for at least three of the issues raised in the discussion paper.

We look forward to further consultation with the Department as the changes to the ESOS Framework are considered further.

Further enquiries should be addressed to:

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