

| QUESTIONS                                                                                                                                                                                                                                                                                                                                    | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Expansion and diversification</b>                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>1. What are the barriers in the current ESOS framework to the sector’s expansion and diversification into online and offshore delivery?</p>                                                                                                                                                                                               | <p>The framework needs to assist and encourage off campus and off shore delivery. Our members report that greater flexibility is needed in the future given that most (if not all) have successfully transitioned to online learning. Under the current rules students need to do the majority of their studies face to face with the online learning capped at one third of the total course hours. In addition, students are required to complete 16 months of their studies in Australia (for post study visa) requirements this will need to be amended if students are studying offshore with an Australian provider.</p> <p>In addition, members reported they were keen to move online but were impeded by regulatory constraints. Prior to COVID-19, members who wished to deliver online offshore were required to put in a material change notification to TEQSA. Our understanding is that this was a slow process. We acknowledge that with the pandemic TEQSA relaxed its material change notification policy.</p> |
| <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>                                                                                                                                                     | <p>Our members report that some students wish to study online indefinitely. It would be prudent that there is more flexibility within the ESOS framework. The ESOS framework could incorporate further guidance regarding expectations for online delivery. Course progression rather than attendance could be considered a measure of student authenticity and genuineness.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <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> | <p>The response from members is varied. However, what is consistent from members is that students should not be precluded from studying online where the student is making genuine progression. A contemporary student may engage and learn well online.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| <p>4. What safeguards could be used to increase visibility and assure the quality of courses delivered online and offshore in the future?</p>           | <p>Ongoing monitoring is a must. The use of digital identification systems for online courses this is evidenced by the ongoing use of online exam proctoring tools. Content that is delivered offshore and online needs to be contextualised for the student cohort.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Meeting skills needs and graduate workplace readiness</b></p>                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>5. How could providers support international students to identify and undertake courses that align with Australia’s priority employment fields?</p>  | <p>A number of our members have reflected upon this question and considered the following measures for workplace readiness and employment fields:</p> <ul style="list-style-type: none"> <li>- Review of courses offered on CRICOS to rank them with respect to skills shortages;</li> <li>- Enhance the course approval processes to include input from business. For example, there is a shortage of cyber security graduates in Australia, yet members report TEQSA taking over one year to approve courses. This impedes the ability of educators to assist businesses;</li> <li>- Encourage work integrated learning so that graduates can obtain work experience that is useful to the market;</li> <li>- Allow providers to provide migration advice prior to course commencement.</li> </ul> |
| <p>6. What changes could be made to the ESOS framework to support providers offering a wider range of work integrated learning opportunities?</p>       | <p>Excluding work integrated learning hours from the maximum work hours would assist with international students being able to work more to support themselves. Currently WIL is overseen by TEQSA which is restrictive for members who are not self-accrediting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>7. What regulatory measures could be implemented to make study choices in occupations and areas of demand more attractive for overseas students?</p> | <p>Discount/remove visa application fees for priority areas.</p> <p>Simplify the requirements for post study work rights. This would negate the need for students to rely on third parties for assistance and interpretation of the requirements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Supporting the quality of third-party relationships</b></p>                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>8. What kinds of measures to increase the transparency of third-party arrangements</p>                                                               | <p>Ongoing monitoring needs be to at the forefront. IHE processes need to provide for diverse cohorts.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p>could be effective in improving student and provider choice?</p>                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                          |
| <p>9. What are the effects of increasing transparency of agent commissions? Would transparency measures improve student and provider choice? Would they drive down high remuneration rates over time? What are other potential outcomes from increasing agent transparency?</p>                               | <p>Commercial arrangements between an education provider and its agents are commercial arrangements. This should be left to the relevant aspects and elements of consumer law. Our members would require additional information about what is 'high remuneration'. It is our understanding that remuneration is market driven like any other commercial transaction.</p> |
| <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>                                                                                                                                | <p>IHEA members respectfully ask how the Government could collect such information and what measures would be in place to ensure that the data is current and accurate. We also require additional information on what performance measures are, how they are to be quantified, and to whom would such data be reported.</p>                                             |
| <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> | <p>This is already a requirement under the current regulatory framework.</p>                                                                                                                                                                                                                                                                                             |

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| <p>12. What information should written agreements between agents and providers contain to protect providers and better inform students and government?</p>                                                                 | <p>Agreements with agents are already required as per the current framework.</p> <p>Our members report that overwhelmingly all agreements contain standard commercial terms in accordance with Australian consumer and commercial law.</p>                                                                                                                                                                                                                                                              |
| <p>13. What is the potential impact on providers regarding increased administrative activity if they are required to monitor all agents?</p>                                                                               | <p>Any additional administration can reasonably be considered a burden and a cost to the provider. This reduces Australia's competitiveness in the international market. There needs to be demonstrable benefits in the public arena to justify increased administration.</p>                                                                                                                                                                                                                           |
| <p><b>Course transfers</b></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>                                                                     | <p>That the responsibility of regulators is clear with respect to managing complaints about provider behaviour, especially where the complaints relate to predatory poaching of students from other providers. For instance, currently students are referred to the Commonwealth Ombudsman for dispute resolution. Yet, the Commonwealth Ombudsman is limited in what can be investigated and the feedback from members is that the Commonwealth Ombudsman is slow in its resolution of complaints.</p> |
| <p>15. How can the framework and providers ensure course packaging requirements are transparent to students and support student choice and wellbeing?</p>                                                                  | <p>Course packaging needs to be clear and concise. In addition, any information provided must not be false and misleading and thus breaching Australian Consumer Law.</p>                                                                                                                                                                                                                                                                                                                               |
| <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> | <p>Our members report that the current regime of restricting a student for 6 months is sufficient. The current time period of 6 months allows students to test the suitability of a program with their provider.</p>                                                                                                                                                                                                                                                                                    |

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| <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>         | <p>Our members believe that concurrent study as an option to remain within PRISMS. We respectfully ask what evidence is available to demonstrate that provisions should remain in relation to concurrent study are being abused. Anecdotal evidence from the sector does not support this assertion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>18. What restrictions, if any, should there be on the transfer of adult international students where they wish to transfer between providers?</p> | <p>IHEA members believe that there should not be any restrictions on adult international students. We are confused as to why this is being considered. Such a measure may appear to be discriminatory.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Written agreements</b></p>                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>19. How effective are written agreements in consistently setting out and protecting the rights and obligations of students and providers?</p>     | <p>Our members believe that student agreements or written agreements are effective.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>20. What measures could be introduced to increase transparency of written agreements, for the benefit of students and providers?</p>              | <p>Written agreements need to be simple and easy to read. Experience from the sector reveals that some written agreements are very long and some are short. Providers have been required by the current National Code 2018 to have a thorough informative written agreement with students. However, in fact, anecdotal evidence is that students seldom read thoroughly before signing it. In addition, evidence from the sector is that some consultants (not legally trained) are advising providers to put the entire refund policy into a student agreement. Apparently, this will ensure that the student agreement is compliant with the National Code. Our members believe that the written agreement should be governed by principles of commercial law. There seems to be a lot of misinformation in the sector about what a good written agreement should contain.</p> |
| <p>21. If model clauses or model written agreements are introduced, what would they look like and</p>                                                | <p>Model clauses or agreements would have to be optional only, given the variety of providers in the sector and their various processes differing (while still remaining compliant with the regulatory requirements). It would be appropriate to have some standard 'good practice' wording around these areas, but able to be varied to suit the provider.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| <p>how can they best be leveraged to reduce regulatory compliance costs and promote best practice in the areas of refunds, deferrals and transfers?</p>                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <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>                                      | <p>IHEA members believe that the current refund regulations are adequate so long as they are compliant with the principles of Australian Consumer Law.</p>                                                                                                                                                                                                                                                                                                           |
| <p><b>English language</b></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> | <p>English language tests results should be current within 12 months of course commencement.</p> <p>Contextualised components could be included within tests for areas of study with complex and unique technical language - notably health and science.</p>                                                                                                                                                                                                         |
| <p>24. Would it be beneficial to introduce an independent assessment of international students' English proficiency before they commence their first AQF course?</p>                                           | <p>IHEA members do not support this requirement. It is believed that this would be a barrier to study for students. We note that other competitor countries - notably the UK and the US - do not have such a requirement. This would possibly make other countries more attractive. We also note that third party assessment of international English may also be subject to abuse not carefully monitored.</p>                                                      |
| <p>25. How can PRISMS data entry requirements be adjusted to make it easier for providers to</p>                                                                                                               | <p>Feedback from members is that PRISMS is extremely user unfriendly and clunky. We note that members report that PRISMS does not allow the running of detailed reports with pivot tables. It is hard to train staff in PRISMs. Members support the proposed digitisation of PRISMS which will allow PRISMS direct interface with providers own learning management systems. Another suggestion is to allow providers to assess a student's English proficiency.</p> |

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| record evidence of a student's English proficiency?                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 26. What additional guidance do providers need to ensure incoming students meet English language requirements?                                                                          | Additional training from the Department on suitability of English language and also what providers can do if a student is not meeting the English language requirements. This requires a multi-pronged approach that includes input from various stakeholders.                                                                                                                                                                                                                 |
| 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?           | The feedback from members is that one test is not sufficient. Instead, it is recommended that a series of tests be used before and during the students study period. Our members report that this already happens with quality providers and we believe that this expectation should become the norm.                                                                                                                                                                          |
| <b>General Questions</b>                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 28. How can the ESOS framework be strengthened and improved to deliver an optimal student experience?                                                                                   | The framework needs to take into account that student experience differs for various cohorts of students - for example the experience of an ELICOS student differs from that of a Masters' level student. The current framework treats students as an homogenous group. Yet this is not the reality. Only by the Framework taking account of, the unique differentials of each group can there be a delivery of an optimal student experience.                                 |
| 29. How can the framework resolve any regulatory barriers that prevent sector innovation, diversification, and growth of Australian education offerings, including online and offshore? | Our members report that they are impeded in growth by regulatory constraints. For example, TEQSA can be slow in approving changes. Anecdotal evidence reveals that TEQSA does not fully understand offshore delivery. In addition, TEQSA is currently highly prescriptive, which inhibits the ability of providers to innovate and adapt.                                                                                                                                      |
| 30. How can the ESOS regulatory framework evolve to better support the sector to deliver a high-quality education experience?                                                           | The ESOS regulatory framework can be better written in simple and easy to understand language. Our members would welcome any opportunity that the Department can assist in training providers on what is best practice and how to apply the National Code and the Act, complete with case studies. At the moment there is a gap in the sector that is being filled by a number of consultants - most of whom are not legally trained - providing advice on the ESOS Framework. |

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| Any additional comments you wish to make? | IHEA appreciates and welcomes the opportunity to respond.<br>As a suggestion, the terminology of 'overseas students' needs to be consistent. For example, the ESOS Act refers to 'overseas students' yet Study Australia and the market in general refers to students as 'international students'. |
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